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By: **Senators Baker, Hafer, and Stoltzfus**

Introduced and read first time: February 14, 2002

Assigned to: Rules

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A BILL ENTITLED

AN ACT concerning

**Wildlife and Inland Fisheries Commission - Establishment - Powers,  
Functions, and Duties**

FOR the purpose of establishing the Wildlife and Inland Fisheries Commission (WIFC) as an independent State agency; transferring certain powers, functions, and duties related to the management of wildlife, certain fisheries, and certain related funds from the Department of Natural Resources and the Department's Secretary to the WIFC by a certain date; specifying certain duties and functions for which the WIFC and the Department are jointly responsible; declaring certain intents of the General Assembly; requiring the Governor, with the approval of the General Assembly, to appoint certain individuals as members of the WIFC by a certain date; providing for certain terms of WIFC members; prohibiting compensation for the services of a WIFC member, but allowing for reimbursement of certain expenses; specifying the terms of the initial members of the WIFC; requiring certain meetings, officers, and functions of the WIFC; providing for certain duties and functions of the WIFC Chairman; requiring the appointment of a certain WIFC Executive Director; providing for certain duties and functions of the Executive Director; authorizing the creation or dissolution of certain advisory committees within the WIFC; providing for the administration of certain advisory committees; requiring the Attorney General to be the legal adviser to the WIFC; providing for the assignment of certain assistant Attorneys General to the WIFC; establishing the Wildlife and Inland Fisheries Commission Police Force within the WIFC; specifying certain powers, functions, and duties of the WIFC Police Force; providing for the administration of the WIFC Police Force in certain ways; providing for the transfer of certain Department employees to the WIFC by a certain date; providing that the WIFC, its Chairman, and its Executive Director are the successors of the Department and its Secretary for certain purposes; providing for the continuity of certain laws, regulations, contracts, permits, licenses, transactions, boards, commissions, committees, and terms of office; making provisions of this Act severable; requiring the publisher of the Annotated Code of Maryland to make certain corrections necessitated by this Act; defining certain terms; making certain technical corrections; providing for the effective dates of certain provisions of this Act; and generally relating to the establishment of the Wildlife and Inland Fisheries Commission and the transfer of certain powers, functions,

and duties related to the management of wildlife and certain fisheries from the Department of Natural Resources.

BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 1-101(b), 1-102(a) and (c), 1-103(a), 1-104(a), (h), and (j), 1-106, 1-202, 1-204(a), 1-702, 1-703, 1-705, 1-706(a), 4-202, 4-203, 4-204(b), 4-205, 4-207, 4-208, 4-210.1(b) through (e), (h), and (i), 4-211, 4-212, 4-214, 4-216(a) and (b), 4-2A-03 through 4-2A-07, 4-2A-08.1, 4-401 through 4-410, 4-502, 4-506.1(b) and (c), 4-509 through 4-511, 4-513, 4-602, 4-603, 4-604(d), (e), (g)(3), and (h), 4-606(a), (b), and (d), 4-607(a), 4-608 through 4-610, 4-611(a) and (b), 4-613(a), 4-614(a) and (d), 4-615, 4-616, 4-617(e), 4-620(a) and (b), 4-625 through 4-627, 4-11A-19(a) and (b), 4-11A-20(a), (b), and (c), 4-11A-21, 4-1201(c), 4-1203, 4-1204(a) and (b), 4-1205, 4-1206(a), 4-1208, 4-1209, 10-101, 10-202, 10-202.1(a), (b), and (c)(1), 10-203, 10-205 through 10-210, 10-211(a), 10-2A-03 through 10-2A-06, 10-2A-06.1(d)(1) and (2), (e)(3) and (5), and (f), 10-2A-07(b) and (c), 10-301(c), (g), (j) through (m), and (n)(1), (3), (7), and (8), 10-301.1(b), (c)(1) and (2), (d), (e), (f)(1), and (g), 10-301.2(b), 10-302(a) and (b)(3) and (4), 10-303(a), 10-304 through 10-307, 10-308(d)(1) and (3) and (e), 10-308.1(d) and (f)(2) and (4), 10-309(c), (d)(1) and (3), (e), (f), (i), and (k)(1) and (3), 10-312(a), 10-313, 10-401(b), 10-402(c), 10-404(b)(4), 10-405, 10-406(b)(1)(iv), (4), and (7), 10-407 through 10-409, 10-411(c), 10-412(d), 10-413(c), (d), and (e)(1), (3), and (4), 10-414(a), 10-415(b)(2), (c)(1) and (4), (d)(3)(i), (e), (f), and (i), 10-416(b)(1), (2), and (3)(ii) and (d), 10-417(a), 10-418(c), 10-420, 10-422, 10-423(b), 10-423.1(b)(1), (c), (d)(1), and (f), 10-424.1, 10-425(a), (b), and (e) through (h), 10-506(a), (d), (f), and (g), 10-507, 10-508, 10-509(b) and (c), 10-512, 10-602(b), 10-604(a), 10-605(a), 10-606(a), 10-607(c), (g), (h)(2), (i), (j), and (k)(1), 10-608(a) through (c), 10-610, 10-612, 10-614, 10-615(b), 10-701, 10-801 through 10-803, 10-804(a), (b)(1), (c), and (d), 10-805, 10-806, 10-807(a), (b)(2), and (c), 10-808, 10-902 through 10-904, 10-905(a)(1), (c), and (d), 10-906(a), (b), (c)(1), (2), (5), and (6), (d)(2), (3), and (5), and (f)(2), 10-907(a) through (c), 10-908, 10-909(a) through (c), 10-910(a), (f), and (i), 10-911(a), 10-1002, 10-1003(a) and (e), 10-1004, 10-1005(b), (c), (e), (f), and (h), 10-1006, 10-1101(d), 10-1103, 10-1104(a) and (b), 10-1105, 10-1106(a), and 10-1107(a), (b), and (c)(3)

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

BY adding to

Article - Natural Resources

Section 1A-101 through 1A-210, inclusive, to be under the new title "Title 1A.

Wildlife and Inland Fisheries Commission"

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

BY repealing

Article - Natural Resources  
 Section 4-204(c) and 10-204  
 Annotated Code of Maryland  
 (2000 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Natural Resources**

1-101.

(b) It is the intention of the General Assembly, in providing for a Department of Natural Resources, to establish a State department which, EXCEPT FOR MATTERS PERTAINING TO THE MANAGEMENT OF WILDLIFE AND INLAND FISHERIES UNDER TITLE 1A OF THIS ARTICLE AND in addition to [its] THE DEPARTMENT'S other functions, shall:

- (1) Review and evaluate [all] natural resources policies, plans, programs, and practices of State, county, regional, and federal agencies and institutions;
- (2) Coordinate natural resources activities within the State;
- (3) Be a center for collecting and organizing information on natural resources for the guidance of the Governor and the General Assembly; and
- (4) Otherwise unify, coordinate, and promulgate policies, plans, programs, and practices which insure the preservation, development, wise use, and enjoyment of [all the] natural resources for greatest benefits to the State and its citizens.

1-102.

(a) [The] EXCEPT FOR THE WILDLIFE AND INLAND FISHERIES COMMISSION (WIFC) ESTABLISHED UNDER TITLE 1A OF THIS ARTICLE AND THE AUTHORITY AND RESPONSIBILITIES SPECIFICALLY DELEGATED TO THE WIFC, THE Department shall include all units, programs, boards, commissions, and advisory boards and commissions referenced in this article.

(c) (1) Unless otherwise provided by this article, each advisory commission created by law consists of five members appointed by the Governor, with the advice of the Secretary, to serve at the pleasure of the Governor.

(2) (i) The Wildlife Advisory Commission is composed of 9 members appointed by the Governor.

(ii) 1. The Governor shall solicit nominations for vacancies on the Wildlife Advisory Commission from individuals or organizations that promote the future of hunting and individuals or organizations that promote the preservation of wildlife in the State, with geographical distribution being a prime consideration for filling vacancies.

2. There shall be representation from the farming community.

(iii) The term of a member is 4 years.

(iv) A member may not serve more than 2 terms on the Commission.

(v) The terms of members are staggered so that:

1. 3 shall end in 1987;

2. 3 shall end in 1988; and

3. 3 shall end in 1989.

(vi) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(vii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(3) A member shall be knowledgeable in the area of interest of the advisory commission on which he serves.

[(4)] (3) Each advisory commission shall advise the Secretary or the administration of the appropriate Department unit, pursuant to rules and regulations the Secretary adopts.

[(5)] (4) The members of each advisory commission annually shall elect a chairman of the commission and may adopt procedures to conduct its meetings.

[(6)] (5) An advisory commission member receives the compensation provided in the Department budget. Every member shall be reimbursed for necessary travel expenses incurred in performing any official duty, pursuant to rules and regulations the Secretary adopts.

1-103.

(a) [The] EXCEPT FOR THE RESPONSIBILITIES OF THE WIFC, THE Secretary is responsible for the coordination and direction of comprehensive planning in the area of natural resources. In addition, he shall be apprised in full of plans, proposals, projects, and programs of the units within the Department, and may approve, disapprove, or modify any plan, proposal, project, or program, if that action approving, disapproving, or modifying plans, proposals, projects, or programs is not inconsistent with law.

1-104.

(a) (1) (I) The Secretary [is] AND THE WIFC ARE JOINTLY responsible for the development of coordinated policies for the preservation, conservation, enhancement, wise use, and perpetuation of the natural resources of the State.

(II) [He is] THE SECRETARY AND THE WIFC ARE JOINTLY responsible for the efficient coordination of all the natural resources activities of the State [including the settlement of].

(2) (I) THE SECRETARY SHALL RESOLVE conflicts that may arise among units within the Department of Natural Resources.

(II) In the discharge of his responsibility, the Secretary shall:

[(1)] 1. Provide a forum of communication among natural resources units and a source of information for the Governor and General Assembly as to the preservation, conservation, development, and use of [all] the State's natural resources;

[(2)] 2. Study and evaluate any plan, program, or activity or any combination of plans, programs, or activities within one or more of the units of the Department, and recommend any legislative, budgetary, or administrative changes to provide more effective administration, clarify responsibilities, terminate obsolete programs, establish desirable programs, or alter or amend programs to meet changed or changing conditions;

[(3)] 3. Review federal statutes, policies, programs, and activities which affect or may affect natural resources in the State THAT ARE UNDER THE SUPERVISION OF THE DEPARTMENT and recommend to federal, State, and local agencies and institutions procedures for the coordination of these programs;

[(4)] 4. Study the natural resources activities of the subdivisions of the State IN THOSE AREAS THAT ARE UNDER THE SUPERVISION OF THE DEPARTMENT and recommend procedures for coordination of [the] THOSE natural resources activities of the State and its subdivisions;

[(5)] 5. Maintain a catalog classified by use, of public land acquired or used in the preservation, conservation, development, management, or enjoyment of the natural resources UNDER THE SUPERVISION OF THE DEPARTMENT; review and approve all plans and proposals of the units of the Department for the acquisition of additional land for such purposes, taking into account public land owned and managed for identical or similar purposes by federal agencies and by counties, municipalities, and other political subdivisions of the State;

[(6)] 6. Establish and maintain, for the use of the Department, a natural resources library, cataloged according to a recognized library system and containing legal, scientific, and administrative reports, books, documents, photographs, records, and other information on the natural resources UNDER THE

SUPERVISION OF THE DEPARTMENT and THE ADMINISTRATION OF THESE natural resources [administration]; and

[(7)] 7. Provide technical assistance to other State units, counties, municipalities, corporations, organizations, groups, and individuals in planning, organizing, and conducting leisure activities and recreation programs.

(h) [(1)] The authority, powers, duties, and functions granted to the Secretary or the Department shall be exercised and performed by the Secretary or by any unit or official within the Department designated by the Secretary.

[(2)] (i) The Secretary may delegate to a person the authority to issue licenses pertaining to fishing or hunting.

(ii) The Secretary may not delegate the authority to issue a fishing or hunting license to a clerk of a circuit court.]

(j) The Secretary may exercise or perform any power, duty, responsibility, or function which any of the following units, or their successors, may exercise or perform:

(1) [the] THE Maryland Geological Survey[, the Wildlife Administration,];

(2) EXCEPT FOR THOSE POWERS, DUTIES, RESPONSIBILITIES, AND FUNCTIONS SPECIFICALLY DELEGATED TO THE WIFC POLICE FORCE UNDER TITLE 1A, SUBTITLE 2 OF THIS ARTICLE, the Natural Resources Police [Force,] FORCE;

(3) [the] THE Forest and Park Service[, the Water Resource Administration,];

(4) [the] THE Energy [Administration,] ADMINISTRATION; and

(5) [the] THE Tidewater Administration.

1-106.

(a) In this article the following words have the meanings indicated.

(b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE WILDLIFE AND INLAND FISHERIES COMMISSION.

(C) "Informational meeting" means a meeting, open to the public, at which the applicant or the Department of Natural Resources presents information concerning a permit or certificate application. An informational meeting is not a contested case hearing nor an agency hearing under § 10-202(d) of the State Government Article.

[(c)] (D) "Public hearing" means a meeting, open to the public, at which the Department of Natural Resources receives oral and written comments concerning a decision to issue or deny a permit or certificate. A public hearing is not a contested

case hearing nor an agency hearing under § 10-202(d) of the State Government Article.

(E) "WIFC" MEANS THE WILDLIFE AND INLAND FISHERIES COMMISSION ESTABLISHED UNDER TITLE 1A OF THIS ARTICLE.

1-202.

[The] EXCEPT FOR THE RESPONSIBILITIES OF THE WIFC AND THE WIFC POLICE FORCE UNDER TITLE 1A OF THIS ARTICLE, THE Secretary is responsible for the enforcement of all natural resource laws of the State, including any rules and regulations adopted pursuant to this article.

1-204.

(a) (1) (I) In addition to any other powers conferred by this title, the Secretary and every Natural Resources police officer shall have all the powers conferred upon police officers of the State.

(II) These powers may be exercised anywhere within the State.

(2) [The] EXCEPT FOR THE ENFORCEMENT RESPONSIBILITIES OF THE WIFC AND THE WIFC POLICE FORCE, THE Natural Resources Police Force specifically is charged with enforcing the natural resource laws of the State.

1-702.

(a) There is a State Chesapeake Bay and Endangered Species Fund.

(b) (1) The net proceeds from contributions under the income tax checkoff system and any other donations to the Fund shall be credited to the Fund.

(2) The Secretary AND THE WIFC shall JOINTLY administer the Fund.

(3) The Fund shall be used only as provided in §§ 1-703 through 1-705 of this subtitle.

(c) The Fund shall be maintained for the purposes stated in this subtitle and unspent portions of the Fund shall remain in the Fund and may not revert to the General Fund of the State.

(d) Moneys expended from the Fund for the Chesapeake Bay Trust and Endangered Species Conservation Programs are supplemental and are not intended to take the place of funding that would otherwise be appropriated to the WIFC, TO THE Department of Natural Resources for the Trust [or], OR TO THE WIFC OR THE DEPARTMENT for those Programs.

1-703.

(a) The Secretary AND THE WIFC may JOINTLY distribute not more than 5% of the net proceeds of the Fund to a promotional account to be used to promote further donations to the Fund.

(b) After making the distribution allowed under subsection (a) of this section, the Secretary AND THE WIFC shall distribute the remainder of the net proceeds of the Fund JOINTLY as follows:

(1) 50% to the Chesapeake Bay Trust established under § 8-1901 of this article, to be used by the Trust only as provided in § 1-704 of this subtitle; and

(2) 50% to an endangered species account ADMINISTERED BY THE WIFC, to be used only to conserve nongame, threatened and endangered species as provided in § 1-705 of this subtitle.

1-705.

(a) The [Secretary] WIFC shall use the funds credited to the endangered species account under § 1-703 of this subtitle only to promote the conservation, propagation, and habitat protection of nongame, threatened or endangered species, including:

(1) The acquisition, through absolute purchase or the purchase of easements, of habitats necessary to conserve, protect, or propagate nongame, threatened or endangered species;

(2) The monitoring, surveying, and protection of nest sites of bald eagles, Delmarva fox squirrels, peregrine falcons, and piping plovers;

(3) The promotion of voluntary protection of habitat for threatened and endangered species by monitoring information and management assistance to private landowners;

(4) The initiation of surveys and recovery programs, including habitat restoration or protection, for other threatened or endangered species;

(5) The protection of threatened or endangered species in natural heritage areas identified under the Natural Heritage Program;

(6) The surveying of nongame birds, mammals, reptiles, and amphibians not currently receiving review, particularly those species whose population status is questionable, such as the bog turtle;

(7) The development and implementation of an urban wildlife program to provide individuals in urban and suburban areas the opportunity to observe wildlife; and



(8) The development and implementation of a public education and information program to educate the public and school children about wildlife and habitat conservation.

(b) (1) In developing the wildlife conservation programs under this section, the [Secretary] WIFC shall solicit the advice of the Threatened and Endangered Species Committee established in the Department.

(2) The [Secretary] WIFC shall obtain recommendations from the Natural Heritage Program in the Department as to implementation of threatened and endangered species conservation programs under this section.

1-706.

(a) On or before August 31 of each year, the Secretary AND THE WIFC shall submit a JOINT report to the General Assembly, pursuant to § 2-1246 of the State Government Article, on the administration of the Chesapeake Bay and Endangered Species Fund.

#### TITLE 1A. WILDLIFE AND INLAND FISHERIES COMMISSION.

##### SUBTITLE 1. GENERAL PROVISIONS.

1A-101.

(A) (1) IN ESTABLISHING THE WILDLIFE AND INLAND FISHERIES COMMISSION (WIFC), IT IS THE INTENTION OF THE GENERAL ASSEMBLY THAT THE WIFC SHALL:

(I) BE SOLELY RESPONSIBLE TO THE GENERAL ASSEMBLY FOR THE PRESERVATION, CONSERVATION, ENHANCEMENT, AND OVERALL MANAGEMENT OF MARYLAND'S BOUNTIFUL WILDLIFE AND INLAND FISHERIES RESOURCES;

(II) BALANCE THE RESPONSIBLE STEWARDSHIP OF THESE RESOURCES WITH THEIR ECONOMIC BENEFITS; AND

(III) PROMOTE RECREATIONAL ACTIVITIES ASSOCIATED WITH WILDLIFE AND INLAND FISHERIES FOR THE ENJOYMENT AND GENERAL WELFARE OF ALL CITIZENS OF THE STATE.

(2) THE WIFC MAY EXERCISE OR PERFORM ANY POWER, DUTY, RESPONSIBILITY, OR FUNCTION WHICH THE WILDLIFE ADMINISTRATION OR THE WATER RESOURCE ADMINISTRATION, OR THEIR SUCCESSORS, MAY EXERCISE OR PERFORM.

(B) IT IS ALSO THE INTENTION OF THE GENERAL ASSEMBLY THAT THE WIFC AND THE DEPARTMENT OF NATURAL RESOURCES SHALL COLLABORATE IN ALL AREAS OF MUTUAL CONCERN.

1A-102.

(A) (1) THERE IS A WILDLIFE AND INLAND FISHERIES COMMISSION.

(2) THE WIFC:

(I) IS AN INDEPENDENT AGENCY OF THE STATE GOVERNMENT;

AND

(II) MAY NOT BE PLACED BY THE GOVERNOR IN ANY PRINCIPAL DEPARTMENT.

(B) (1) THE GOVERNOR, WITH THE APPROVAL OF THE GENERAL ASSEMBLY, SHALL APPOINT THE MEMBERS OF THE WIFC AS FOLLOWS:

(I) ONE MEMBER AT LARGE; AND

(II) ONE MEMBER WHO RESIDES IN EACH OF THE FOLLOWING AREAS OF THE STATE:

1. ALLEGANY COUNTY, FREDERICK COUNTY, GARRETT COUNTY, OR WASHINGTON COUNTY;

2. HOWARD COUNTY, MONTGOMERY COUNTY, OR PRINCE GEORGE'S COUNTY;

3. BALTIMORE CITY, BALTIMORE COUNTY, CARROLL COUNTY, CECIL COUNTY, OR HARFORD COUNTY;

4. ANNE ARUNDEL COUNTY, CALVERT COUNTY, CHARLES COUNTY, OR ST. MARY'S COUNTY;

5. CAROLINE COUNTY, KENT COUNTY, TALBOT COUNTY, OR QUEEN ANNE'S COUNTY; AND

6. DORCHESTER COUNTY, SOMERSET COUNTY, WICOMICO COUNTY, OR WORCESTER COUNTY.

(2) THE GOVERNOR MAY DISCHARGE A MEMBER OF THE WIFC.

(3) (I) IF A MEMBER OF THE WIFC IS DISCHARGED OR IF A MEMBER RESIGNS OR DIES, THE GOVERNOR SHALL APPOINT A SUCCESSOR WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THE MEMBER'S DISCHARGE, RESIGNATION, OR DEATH.

(II) IN THE EVENT OF THE GOVERNOR'S APPOINTMENT OF A SUCCESSOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LEGISLATIVE POLICY COMMITTEE MAY ACT IN PLACE OF THE FULL GENERAL ASSEMBLY IN THE APPROVAL OR DISAPPROVAL OF THE APPOINTMENT.

(C) EACH MEMBER OF THE WIFC SHALL:

(1) BE A CITIZEN OF THE STATE;

(2) HAVE:

(I) GENERAL KNOWLEDGE OF THE STATE'S WILDLIFE OR FISHERIES RESOURCES; AND

(II) EXPERIENCE AS A COMMERCIAL GUIDE FOR WILDLIFE OR FISHING ACTIVITIES OR IN RECREATIONAL HUNTING OR FISHING; AND

(3) ABIDE BY PRINCIPLES OF RESOURCE CONSERVATION AND SOUND WILDLIFE AND FISHERY MANAGEMENT.

(D) (1) A MEMBER OF THE WIFC SHALL SERVE A TERM OF 4 YEARS, WHICH IS RENEWABLE FOR A SECOND TERM.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE WIFC ON JULY 1, 2002.

(3) AN INDIVIDUAL WHO IS APPOINTED TO SERVE THE UNEXPIRED TERM OF ANOTHER INDIVIDUAL SHALL REMAIN ELIGIBLE FOR TWO FULL 4-YEAR APPOINTMENTS.

(E) A MEMBER OF THE WIFC MAY NOT BE COMPENSATED FOR THE MEMBER'S SERVICE, BUT SHALL BE REIMBURSED FOR EXPENSES RELATED TO WIFC ACTIVITIES.

1A-103.

(A) (1) THE OFFICERS OF THE WIFC SHALL INCLUDE:

(I) THE CHAIRMAN;

(II) THE VICE CHAIRMAN; AND

(III) THE SECRETARY.

(2) OFFICERS SHALL:

(I) BE ELECTED BY THE MEMBERS OF THE WIFC AT THE FIRST MEETING OF EACH CALENDAR YEAR; AND

(II) SERVE A TERM OF 1 YEAR.

(B) (1) THE WIFC SHALL MEET AT LEAST ONCE EVERY 2 MONTHS AND AT ANY OTHER TIME DESIGNATED BY THE CHAIRMAN.

(2) THE PRESENCE OF FIVE MEMBERS, INCLUDING THE CHAIRMAN OR VICE CHAIRMAN, SHALL CONSTITUTE A MEETING QUORUM.

(C) (1) THE MEMBERS OF THE WIFC, ACTING THROUGH THE CHAIRMAN, ARE RESPONSIBLE FOR:

(I) THE FORMULATION AND ENFORCEMENT OF ALL POLICY RELATED TO THE OVERSIGHT, REGULATION, MANAGEMENT, AND STEWARDSHIP OF THE STATE'S WILDLIFE AND INLAND FISHERY RESOURCES; AND

(II) THE ADOPTION OF WIFC REGULATIONS AND ANY OTHER RULES PROMULGATED BY A UNIT WITHIN THE WIFC.

(2) THE CHAIRMAN, OR THE CHAIRMAN'S DESIGNEE, SHALL REPRESENT THE WIFC AT HEARINGS OR MEETINGS OF THE CONGRESS OF THE UNITED STATES AND THE GENERAL ASSEMBLY OF MARYLAND, STATE AND INTERSTATE CONFERENCES, AND AT LOCAL MEETINGS OR HEARINGS PERTAINING TO ANY MATTER OF CONCERN TO THE WIFC.

(D) IN ORDER TO INCREASE EFFICIENCY AND ECONOMY IN THE MANAGEMENT OF WILDLIFE AND INLAND FISHERY RESOURCES IN THE STATE, THE MEMBERS OF THE WIFC, ACTING THROUGH THE CHAIRMAN, MAY TRANSFER, ASSIGN, OR REASSIGN ANY FUNCTION OR ACTIVITY OF ANY UNIT WITHIN THE WIFC, TOGETHER WITH THE STAFF, FUNDS AND EQUIPMENT ASSOCIATED WITH THAT FUNCTION OR ACTIVITY, EITHER TO THE OFFICE OF THE EXECUTIVE DIRECTOR OR TO ANY OTHER UNIT WITHIN THE JURISDICTION OF THE WIFC.

1A-104.

(A) THE WIFC SHALL:

(1) BE ACCOUNTABLE FOR APPROPRIATE POLICIES, ACTIONS, AND PROCEEDINGS RELATED TO THE RESPONSIBLE AND COORDINATED PROTECTION, CONSERVATION, MANAGEMENT, USE, AND ENHANCEMENT OF THE STATE'S WILDLIFE AND INLAND FISHERIES RESOURCES;

(2) EMPLOY, DIRECT, AND SUPERVISE THE EXECUTIVE DIRECTOR OF THE WIFC AND ANY ADDITIONAL STAFF DEEMED NECESSARY BY THE WIFC;

(3) OVERSEE THE WIFC POLICE;

(4) UNDER § 1A-106 OF THIS SUBTITLE AND AS APPROPRIATE, APPOINT ADVISORY COMMITTEES TO ASSIST THE WIFC OR THE EXECUTIVE DIRECTOR;

(5) PREPARE AND SUBMIT ANNUAL AND SUPPLEMENTAL BUDGETS TO THE GENERAL ASSEMBLY FOR THE OPERATION OF THE WIFC;

(6) APPLY FOR, ACCEPT, AND ADMINISTER FOR THE STATE ANY GENERAL AND SPECIAL FUNDS, FEDERAL FUNDS, OR ANY OTHER REVENUES ASSOCIATED WITH WILDLIFE AND INLAND FISHERY LICENSE FEES, AND ANY OTHER FUNDS RELATED TO WIFC ACTIVITIES;

(7) ADOPT BYLAWS AND ADMINISTRATIVE PRACTICES FOR THE OPERATION OF THE WIFC AND ITS BUSINESS ACTIVITIES; AND

(8) WITH OVERSIGHT BY THE COMPTROLLER, ESTABLISH AND MANAGE:

(I) AN ENDOWMENT FUND FOR THE RECEIPT OF ASSETS, GIFTS, GRANTS, AND ANY OTHER CONTRIBUTIONS TO BE USED FOR WIFC PURPOSES; AND

(II) A CONSERVATION FUND:

1. FOR THE RECEIPT OF ASSETS, GIFTS, GRANTS, AND ANY OTHER CONTRIBUTIONS TO BE USED FOR THE PURPOSE OF CONSERVATION EDUCATION AND ANY OTHER CONSERVATION RELATED ACTIVITIES; AND

2. THAT IS AUTHORIZED TO ISSUE AND SELL WILDLIFE AND INLAND FISHERY EMBLEMS AND OTHER SIMILAR ITEMS.

(B) THE WIFC MAY DELEGATE THE AUTHORITY TO ISSUE A LICENSE OR A STAMP PERTAINING TO INLAND FISHING OR HUNTING TO ANY PERSON EXCEPT A CLERK OF THE CIRCUIT COURT.

1A-105.

(A) (1) THE ADMINISTRATIVE HEAD OF THE WIFC IS THE EXECUTIVE DIRECTOR, WHO SHALL BE APPOINTED BY THE CHAIRMAN WITH THE ADVICE AND CONSENT OF THE OTHER MEMBERS OF THE WIFC.

(2) THE EXECUTIVE DIRECTOR SHALL BE AN INDIVIDUAL WITH ADMINISTRATIVE ABILITY, WHOSE PROFESSIONAL EXPERIENCE AND PERSONAL REPUTATION DEMONSTRATE A COMMITMENT TO THE RESPONSIBLE MANAGEMENT OF WILDLIFE AND INLAND FISHERIES.

(B) (1) THE EXECUTIVE DIRECTOR SHALL COUNSEL AND ADVISE THE MEMBERS OF THE WIFC ON ALL MATTERS PERTINENT TO THE WIFC.

(2) THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR CARRYING OUT THE POLICIES OF THE WIFC IN ALL AREAS OF MANAGEMENT, RESEARCH AND DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT RELATED TO THE STEWARDSHIP OF WILDLIFE AND INLAND FISHERIES.

(C) THE EXECUTIVE DIRECTOR:

(1) SHALL RECEIVE THE SALARY AND HAVE THE ASSISTANTS, EMPLOYEES, AND PROFESSIONAL CONSULTANTS AUTHORIZED BY THE WIFC AND PROVIDED IN THE STATE BUDGET;

(2) IS RESPONSIBLE FOR:

(I) THE BUDGET OF THE EXECUTIVE DIRECTOR'S OFFICE AND, AS DETERMINED BY THE WIFC, FOR THE BUDGETS OF ANY OTHER UNITS WITHIN THE WIFC;

(II) OPERATION OF THE EXECUTIVE DIRECTOR'S OFFICE AND THE ESTABLISHMENT OF GUIDELINES AND PROCEDURES TO PROMOTE ITS ORDERLY AND EFFICIENT ADMINISTRATION; AND

(III) THE SETTLEMENT OF CONFLICTS THAT MAY ARISE AMONG WIFC UNITS FOR WHICH THE EXECUTIVE DIRECTOR IS RESPONSIBLE; AND

(3) MAY ESTABLISH AREAS OF RESPONSIBILITY WITHIN THE EXECUTIVE DIRECTOR'S OFFICE AND MAY REORGANIZE OR ABOLISH THESE AREAS AS NECESSARY.

(D) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE EXECUTIVE DIRECTOR SHALL APPOINT AND REMOVE ALL OTHER PERSONNEL IN ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(2) THE EXECUTIVE DIRECTOR MAY DELEGATE AUTHORITY TO APPOINT OR REMOVE PERSONNEL OF ANY UNIT TO THE ADMINISTRATOR OF THE UNIT.

(E) THE EXECUTIVE DIRECTOR SHALL:

(1) PROVIDE A FORUM OF COMMUNICATION AMONG NATURAL RESOURCES UNITS AND A SOURCE OF INFORMATION FOR THE GOVERNOR AND GENERAL ASSEMBLY AS TO THE PRESERVATION, CONSERVATION, DEVELOPMENT, AND USE OF ALL THE STATE'S WILDLIFE AND INLAND FISHERY RESOURCES;

(2) REVIEW FEDERAL STATUTES, POLICIES, PROGRAMS, AND ACTIVITIES WHICH AFFECT OR MAY AFFECT WILDLIFE AND INLAND FISHERY RESOURCES IN THE STATE AND RECOMMEND TO FEDERAL, STATE, AND LOCAL AGENCIES AND INSTITUTIONS PROCEDURES FOR THE COORDINATION OF THESE PROGRAMS;

(3) STUDY THE WILDLIFE AND INLAND FISHERY ACTIVITIES OF THE SUBDIVISIONS OF THE STATE AND RECOMMEND PROCEDURES FOR COORDINATION OF THESE ACTIVITIES WITHIN THE STATE AND AMONG ITS SUBDIVISIONS;

(4) MAINTAIN A CATALOG, CLASSIFIED BY USE, OF PUBLIC LAND ACQUIRED OR USED IN THE PRESERVATION, CONSERVATION, DEVELOPMENT, MANAGEMENT, OR ENJOYMENT OF WILDLIFE AND INLAND FISHERIES;

(5) ESTABLISH AND MAINTAIN, FOR THE USE OF THE WIFC, A WILDLIFE AND INLAND FISHERY RESOURCES LIBRARY, CATALOGED ACCORDING TO A RECOGNIZED LIBRARY SYSTEM AND CONTAINING LEGAL, SCIENTIFIC, AND ADMINISTRATIVE REPORTS, BOOKS, DOCUMENTS, PHOTOGRAPHS, RECORDS, AND OTHER PERTINENT INFORMATION; AND

(6) PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE UNITS, COUNTIES, MUNICIPALITIES, CORPORATIONS, ORGANIZATIONS, GROUPS, AND INDIVIDUALS IN PLANNING, ORGANIZING, AND CONDUCTING LEISURE ACTIVITIES AND RECREATION PROGRAMS RELATED TO WILDLIFE AND INLAND FISHERIES.

(F) THE EXECUTIVE DIRECTOR SHALL PUBLISH FOR FISCAL YEAR 2004 AND EACH ALTERNATE FISCAL YEAR THEREAFTER A PRINTED REPORT, INCLUDING:

(1) A REVIEW OF STUDIES, DELIBERATIONS, CONCLUSIONS, AND RECOMMENDATIONS OF THE WIFC;

(2) ALL ANNUAL REPORTS SUBMITTED BY THE SEPARATE UNITS WITHIN THE WIFC AND THE EXECUTIVE DIRECTOR'S OFFICE; AND

(3) A REVIEW OF ANY OTHER WILDLIFE AND INLAND FISHERY ACTIVITIES OF INTEREST OR CONCERN TO THE STATE AND ITS CITIZENS.

(G) THE OFFICE OF EXECUTIVE DIRECTOR SHALL HAVE A SEAL FOR PURPOSES OF AUTHENTICATION OF WIFC RECORDS.

1A-106.

(A) (1) (I) AS NECESSARY AND APPROPRIATE, THE MEMBERS OF THE WIFC, ACTING THROUGH THE CHAIRMAN OR THE EXECUTIVE DIRECTOR, MAY CREATE OR DISSOLVE AN ADVISORY COMMITTEE FOR THE WIFC OR ANY OF ITS UNITS.

(II) THE SIZE OF THE ADVISORY COMMITTEE SHALL BE DETERMINED ON A CASE-BY-CASE BASIS.

(III) MEMBERS OF EACH ADVISORY COMMITTEE SHALL BE REPRESENTATIVE OF THE DIFFERENT PROFESSIONAL AREAS OR FIELDS OF ENDEAVOR WITH WHICH THE WIFC IS CONCERNED.

(2) EACH ADVISORY COMMITTEE SHALL ADVISE, AS APPROPRIATE, THE CHAIRMAN, THE EXECUTIVE DIRECTOR, OR A UNIT'S ADMINISTRATIVE HEAD, PURSUANT TO RULES AND REGULATIONS ADOPTED BY THE WIFC.

(3) THE MEMBERS OF EACH ADVISORY COMMITTEE SHALL ANNUALLY ELECT A CHAIRMAN OF THE COMMITTEE AND MAY ADOPT PROCEDURES TO CONDUCT COMMITTEE MEETINGS.

(4) (I) AN ADVISORY COMMITTEE MEMBER RECEIVES THE COMPENSATION PROVIDED IN THE WIFC BUDGET.

(II) EACH MEMBER SHALL BE REIMBURSED FOR ALL PERSONAL EXPENSES, INCLUDING TRAVEL, THAT ARE RELATED TO THE ACTIVITIES OF THE COMMITTEE.

(B) (1) THE WILDLIFE ADVISORY COMMITTEE IS COMPOSED OF NINE MEMBERS APPOINTED BY THE CHAIRMAN, IN CONSULTATION WITH THE MEMBERS OF THE WIFC.

(2) (I) THE CHAIRMAN SHALL SOLICIT NOMINATIONS FOR VACANCIES ON THE WILDLIFE ADVISORY COMMITTEE FROM INDIVIDUALS OR ORGANIZATIONS THAT PROMOTE THE FUTURE OF HUNTING AND THE PRESERVATION OF WILDLIFE IN THE STATE, WITH GEOGRAPHICAL DISTRIBUTION BEING A PRIME CONSIDERATION FOR FILLING VACANCIES.

(II) THERE SHALL BE REPRESENTATION FROM THE FARMING COMMUNITY.

(3) (I) THE TERM OF A MEMBER IS 4 YEARS.

(II) A MEMBER MAY NOT SERVE MORE THAN TWO TERMS ON THE COMMISSION.

(III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1A-107.

(A) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE WIFC.

(B) THE ATTORNEY GENERAL SHALL ASSIGN THE NUMBER OF ASSISTANT ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE ASSIGNED TO THE UNITS OF THE WIFC.

(C) (1) ONE OF THE ASSISTANT ATTORNEYS GENERAL SHALL BE DESIGNATED BY THE ATTORNEY GENERAL AS COUNSEL TO THE WIFC.

(2) THE COUNSEL TO THE DEPARTMENT SHALL HAVE NO OTHER DUTY THAN TO RENDER, SUBJECT TO THE DISCRETION AND CONTROL OF THE ATTORNEY GENERAL, THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY THE CHAIRMAN, THE EXECUTIVE DIRECTOR, AND THE OTHER OFFICIALS OF THE WIFC AND, ALSO SUBJECT TO THE DISCRETION AND CONTROL OF THE ATTORNEY GENERAL, TO SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE WIFC.

(D) AFTER THE ATTORNEY GENERAL HAS DESIGNATED AN ASSISTANT ATTORNEY GENERAL TO SERVE AS COUNSEL TO THE WIFC, THE ATTORNEY GENERAL MAY NOT REASSIGN THE COUNSEL WITHOUT CONSULTATION WITH THE CHAIRMAN AND THE EXECUTIVE DIRECTOR.

#### SUBTITLE 2. WILDLIFE AND INLAND FISHERIES COMMISSION POLICE FORCE.

1A-201.

THERE IS A WILDLIFE AND INLAND FISHERIES POLICE FORCE IN THE WIFC.

1A-202.

THE WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR AND THE WIFC POLICE FORCE, IS RESPONSIBLE FOR THE ENFORCEMENT OF ALL NATURAL RESOURCE LAWS, RULES, AND REGULATIONS PERTAINING TO WILDLIFE AND INLAND FISHERIES IN THE STATE.



1A-203.

(A) (1) THE EXECUTIVE DIRECTOR SHALL, WITHIN THE LIMITS OF ANY APPROPRIATION MADE FOR THIS PURPOSE, APPOINT POLICE OFFICERS AS THE EXECUTIVE DIRECTOR DEEMS NECESSARY FOR THE EFFICIENT ADMINISTRATION OF THE WIFC POLICE FORCE.

(2) ALL APPOINTMENTS SHALL BE MADE FROM A LIST OF ELIGIBLE PERSONS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(B) THE EXECUTIVE DIRECTOR SHALL ISSUE TO EACH PERSON APPOINTED AS A POLICE OFFICER A COMMISSION AND BADGE STATING "WIFC POLICE OFFICER".

(C) EXCEPT WHEN ON DETECTIVE DUTY, EVERY POLICE OFFICER SHALL WEAR IN PLAIN VIEW A "WIFC POLICE OFFICER" BADGE WHEN ACTING IN AN OFFICIAL CAPACITY.

(D) THE BADGE IS THE PROPERTY OF THE STATE AND, UPON THE TERMINATION OF THE COMMISSION OF ANY POLICE OFFICER, IT SHALL BE RETURNED WITH THE COMMISSION TO THE EXECUTIVE DIRECTOR.

(E) (1) ALL WIFC POLICE OFFICERS, INCLUDING PERSONS APPOINTED FOR TRAINING PRIOR TO REGULAR ASSIGNMENT AS A POLICE OFFICER, SHALL REMAIN IN A PROBATIONARY STATUS FOR A PERIOD OF 2 YEARS FROM THE DATE OF INITIAL APPOINTMENT TO THE WIFC POLICE FORCE.

(2) THE EXECUTIVE DIRECTOR MAY DISCHARGE AN EMPLOYEE IN PROBATIONARY STATUS FOR ANY CAUSE WHICH IS DEEMED SUFFICIENT IN THE SOLE DISCRETION OF THE EXECUTIVE DIRECTOR.

(F) IN CASES OF INCONSISTENCY BETWEEN THIS SUBTITLE AND THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE PROVISIONS OF THIS SUBTITLE SHALL CONTROL AS TO ALL MATTERS RELATING TO THE WIFC POLICE FORCE.

1A-204.

(A) (1) (I) IN ADDITION TO ANY OTHER POWERS CONFERRED BY THIS TITLE, THE EXECUTIVE DIRECTOR AND EVERY WIFC POLICE OFFICER SHALL HAVE ALL THE POWERS CONFERRED UPON POLICE OFFICERS OF THE STATE.

(II) THESE POWERS MAY BE EXERCISED ANYWHERE WITHIN THE STATE.

(2) THE WIFC POLICE FORCE SPECIFICALLY IS CHARGED WITH ENFORCING ALL OF THE NATURAL RESOURCE LAWS OF THE STATE THAT PERTAIN TO THE CONSERVATION AND MANAGEMENT OF WILDLIFE AND INLAND FISHERIES.

(B) EVERY POLICE OFFICER APPOINTED UNDER § 1A-203 OF THIS SUBTITLE SHALL PERFORM DUTIES THE EXECUTIVE DIRECTOR DESIGNATES.

(C) ANY LAW ENFORCEMENT EMPLOYEE OF THE WFC WHO WORKS OVERTIME FOR ANY REASON, WHETHER OR NOT THE EMPLOYEE RECEIVES MONETARY PAYMENT FOR THAT OVERTIME WORK, SHALL BE CONSIDERED TO BE EMPLOYED BY THIS STATE DURING THOSE HOURS FOR PURPOSES OF ALL OTHER EMPLOYEE ENTITLEMENTS.

1A-205.

(A) IF A WFC POLICE OFFICER APPREHENDS A PERSON FOR VIOLATING ANY LAW PUNISHABLE AS A MISDEMEANOR, THE OFFICER MAY PREPARE AND SIGN A WRITTEN CITATION CONTAINING A NOTICE TO APPEAR IN COURT, THE NAME AND ADDRESS OF THE PERSON CHARGED, APPROPRIATE LICENSE NUMBERS, IF ANY, THE OFFENSE CHARGED, THE TIME AND PLACE THE PERSON SHALL APPEAR IN COURT, AND OTHER PERTINENT INFORMATION REQUIRED BY THE EXECUTIVE DIRECTOR.

(B) (1) THE PERSON CHARGED MAY GIVE A WRITTEN PROMISE TO APPEAR IN COURT BY SIGNING THE CITATION PREPARED BY THE OFFICER.

(2) IN THIS EVENT, THE OFFICER IS NOT REQUIRED TO TAKE THE PERSON INTO PHYSICAL CUSTODY FOR THE VIOLATION UNLESS THE PERSON CHARGED DOES NOT FURNISH SATISFACTORY EVIDENCE OF IDENTITY OR THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE THE PERSON CHARGED WILL DISREGARD A WRITTEN PROMISE TO APPEAR.

(C) A PERSON MAY NOT VIOLATE A WRITTEN PROMISE TO APPEAR IN COURT UNLESS SUFFICIENT COLLATERAL FOR THE OFFENSE IS POSTED, THE FINE IS PAID IN ADVANCE OF TRIAL, OR THE PERSON IS REPRESENTED BY COUNSEL IN COURT.

(D) (1) IF A PERSON FAILS TO COMPLY WITH THE NOTICE TO APPEAR IN A CITATION ISSUED UNDER THIS SECTION, THE COURT MAY:

(I) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, ISSUE A WARRANT FOR THE PERSON'S ARREST; OR

(II) AFTER 5 DAYS, NOTIFY THE CLERK OF THE COURT OF THE PERSON'S NONCOMPLIANCE.

(2) ON RECEIPT OF NOTICE OF NONCOMPLIANCE FROM THE COURT, THE CLERK SHALL NOTIFY THE PERSON BY MAIL AT THE ADDRESS INDICATED ON THE CITATION THAT A WARRANT FOR THE PERSON'S ARREST MAY BE ISSUED BY THE COURT UNLESS, BY THE END OF THE 15TH DAY AFTER THE DATE ON WHICH THE NOTICE IS MAILED, THE PERSON:

(I) PAYS THE FINE ON THE ORIGINAL CHARGE AS PROVIDED FOR IN THE ORIGINAL CITATION AND A FINE OF \$100 FOR FAILING TO APPEAR; OR

(II) POSTS BOND OR A PENALTY DEPOSIT AND REQUESTS A NEW TRIAL DATE.

(3) IF A PERSON FAILS TO PAY THE FINES OR POST THE BOND OR PENALTY DEPOSIT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT MAY ISSUE A WARRANT.

(4) WHEN THE ORIGINAL OFFENSE IS NOT PUNISHABLE BY INCARCERATION, A WARRANT MAY NOT BE ISSUED FOR THE PERSON UNDER THIS SUBSECTION UNTIL 20 DAYS AFTER THE ORIGINAL TRIAL DATE.

1A-206.

A PERSON MAY NOT WILLFULLY FAIL OR REFUSE TO COMPLY WITH ANY LAWFUL OR REASONABLE ORDER OR DIRECTION OF ANY WIFC POLICE OFFICER OR ANY LAW ENFORCEMENT OFFICER IN CONNECTION WITH THE ENFORCEMENT OF ANY PROVISIONS OF LAW REQUIRED TO BE ENFORCED BY THE EXECUTIVE DIRECTOR OR THE WIFC.

1A-207.

A PERSON MAY NOT FALSELY REPRESENT ONESELF AS BEING A WIFC POLICE OFFICER, WITH FRAUDULENT DESIGN UPON PERSON OR PROPERTY, OR TO HAVE, USE, WEAR, OR DISPLAY, WITHOUT AUTHORITY OF THE EXECUTIVE DIRECTOR, ANY UNIFORM, SHIELD, BUTTON, ORNAMENT, OR SHOULDER PATCH OF THE WIFC, OR TO HAVE ANY SIMULATION OR IMITATIONS OF THESE ARTICLES FOR THE PURPOSE OF DECEPTION.

1A-208.

(A) EVERY SHERIFF AND LAW ENFORCEMENT OFFICER HAS THE POWERS OF A WIFC POLICE OFFICER.

(B) WHENEVER A MEMBER OF THE WIFC, THE EXECUTIVE DIRECTOR, OR ANY WIFC POLICE OFFICER REQUIRES THE ADVICE AND ASSISTANCE OF THE STATE'S ATTORNEYS, SHERIFFS OF THE SEVERAL COUNTIES OF THE STATE OR BALTIMORE CITY, OR ANY LAW ENFORCEMENT OFFICER, THESE OFFICERS SHALL RENDER THE REQUIRED ASSISTANCE AS IN OTHER STATE CASES.

(C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE SHERIFF OF BALTIMORE COUNTY.

1A-209.

(A) (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR.

(2) UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT EXCEEDING \$500, OR IMPRISONMENT NOT EXCEEDING 3 MONTHS, OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT.

(B) ANY VIOLATION OF ANY RULE OR REGULATION, OR RESTRICTION ADOPTED UNDER THIS SUBTITLE SHALL CONSTITUTE A MISDEMEANOR AND BE PUNISHABLE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

1A-210.

(A) (1) WHEN, IN THE OPINION OF THE LEGALLY CONSTITUTED AUTHORITIES OF MARYLAND, THERE HAS OCCURRED ON THE WATERS OF MARYLAND A VIOLATION OF THIS ARTICLE, OR WHEN, IN THE OPINION OF THE LEGALLY CONSTITUTED AUTHORITIES OF VIRGINIA, THERE HAS OCCURRED ON THE WATERS OF VIRGINIA A VIOLATION OF THE LAWS OF VIRGINIA ENFORCEABLE UNDER § 28.2-900, CODE OF VIRGINIA, THE LEGALLY CONSTITUTED AUTHORITIES OF THE STATE IN WHICH THE OFFENSE WAS COMMITTED MAY PURSUE THE OFFENDER UP TO AND ACROSS THE MARYLAND-VIRGINIA BOUNDARY INTO THE STATE IN WHICH THE OFFENDER FLEES.

(2) IF A CAPTURE IS MADE IN CONTINUOUS PURSUIT UNDER THE AUTHORITY OF PARAGRAPH (1) OF THIS SUBSECTION, THE OFFENDER, VESSEL, AND PROPERTY SHALL BE DEALT WITH AS AUTHORIZED BY THE LAWS OF THE STATE IN WHICH THE OFFENSE WAS COMMITTED.

(B) THIS SECTION SHALL BE IN EFFECT AS LONG AS THE COMMONWEALTH OF VIRGINIA HAS IN FORCE SIMILAR LEGISLATION AUTHORIZING LEGALLY CONSTITUTED AUTHORITIES OF MARYLAND TO PURSUE AND MAKE ARRESTS IN VIRGINIA FOR VIOLATIONS OF THE LAWS OF MARYLAND.

4-202.

(A) The [Secretary] WIFC is responsible for conservation management of [the fish, fisheries, fish resources and aquatic life within the State.] INLAND FISH, FISHERIES, FISH RESOURCES, AND AQUATIC LIFE OF THE STATE.

(B) THE SECRETARY IS RESPONSIBLE FOR CONSERVATION MANAGEMENT OF TIDAL AND ESTUARINE FISH, FISHERIES, FISH RESOURCES, AND AQUATIC LIFE OF THE STATE.

4-203.

Every right, power, duty, obligation, and function previously conferred upon or exercised by the Department of Game and Inland Fish or the Fish and Wildlife Administration is transferred to and may be exercised by the [Department] WIFC. Every reference to the Department of Game and Inland Fish or the Fish and Wildlife Administration which appears in the Code, in any other State law, or in any ordinance, resolution, rule, regulation, legal action, directive, or document, means the [Department] WIFC.

4-204.

(b) (1) There is a Sport Fisheries Advisory Commission [in] THAT SERVES THE JOINT INTERESTS OF the Department AND THE WIFC.

(2) The Commission shall provide ADVICE ON RECREATIONAL FISHERIES MATTERS TO the Department AND THE WIFC [advice on recreational fisheries matters].

(3) The Commission is composed of 12 members appointed and serving in accordance with the provisions of § 1-102(c) of this article. The experience and backgrounds of Commission members shall represent the diversified angling interests and waters of the State.

(4) (i) The term of a member is 4 years and a member may be reappointed.

(ii) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(iii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

[(c) Notwithstanding any other provision of this section, a member of the Fish and Wildlife Commission as of June 30, 1972, may serve the unexpired remainder of his term as a member of an advisory commission created by law.]

4-205.

(a) The Department OR THE WIFC may operate, sell, buy, lease, exchange, rent, or repair any vehicle, vessel, boat, net, or other equipment necessary for its work. It may equip a vehicle, vessel, or boat, which it owns or operates, with any required arms, ammunition, or equipment. The [Department's] authority OF THE DEPARTMENT AND OF THE WIFC under this subsection [is] ARE subject to the provisions of law concerning budget and procurement.

(b) The Department OR THE WIFC may contract for research or scientific investigation with the Natural Resources Institute of the University of Maryland, the Chesapeake Bay Institute of the Johns Hopkins University, or any other appropriate research organization.

(c) The Department OR THE WIFC, in accordance with the provisions of this title, may conduct demonstrations of extended duration to improve fisheries and for any other purpose necessary to carry out its duties. The Department OR THE WIFC also may import fish or any other organism of any variety for experimental purpose.

(d) The Department OR THE WIFC, AS APPROPRIATE, shall inspect fish caught or sold in the State and enforce the cull laws and other protective measures. This subsection may not be construed to interfere with any inspections made by the Department of Health and Mental Hygiene.

(e) The Department OR THE WIFC, AS APPROPRIATE, shall inspect the waters of the State in order to stock them with food fish which in its judgment are most advantageous.

(f) The Department OR THE WIFC, AS APPROPRIATE, may negotiate any agreement with any other state concerning catching fish, the size of fish, and opening and closing fishing seasons.

(g) The Department OR THE WIFC, AS APPROPRIATE, may use any funds the federal government makes available, and any gift, for any purpose necessary to rehabilitate the seafood industry, subject to budgetary limitations.

(h) The Department OR THE WIFC may establish and conduct an extension service for persons engaged in seafood production to apprise them of the Department's objectives and programs, the principles of natural resources conservation and management, current problems affecting seafood production, and any other matter considered significant in development of full potential of the State's seafood resources.

(i) The Department may issue a new commercial fishing license when the license is forfeited.

(j) The Department AND THE WIFC may JOINTLY define the boundaries of tidal and nontidal waters within the jurisdiction of the State, and promulgate them by rule or regulation.

(k) The Department AND THE WIFC shall JOINTLY propose a separate fisheries resource management program and shall make recommendations to the General Assembly for legislation for implementation of the program for the following bodies of water and their tributaries:

- (1) Assawoman Bay and the Isle of Wight;
- (2) Chincoteague Bay;
- (3) Sinepuxent Bay;
- (4) St. Martin River; and
- (5) Atlantic Ocean adjacent to Worcester County.

4-207.

The State assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950, Public Law 681, Eighty-First Congress, 64 Stat. 658. The Department AND THE WIFC shall perform every act necessary to conduct and establish cooperative fish restoration projects, as defined in this act of Congress, in compliance with act and rules and regulations the Secretary of the Interior promulgates pursuant to it.

4-208.

There is a State Fisheries Management and Protection Fund in the [Department] WIFC. Any money received from any fish and fisheries license, stamp,

permit, or application fee as provided in this title, unless otherwise provided shall be credited to the Fund and used only for the scientific investigation, protection, propagation, and management of nontidal finfish.

4-210.1.

(b) An applicant for a license shall:

(1) Submit to the [Department] WIFC an application on the form that the [Department] WIFC requires;

(2) Pay to the [Department] WIFC an application fee of:

(i) \$20 for residents or \$50 for nonresidents to operate in nontidal freshwater; and

(ii) \$50 for residents or \$100 for nonresidents to operate in nontidal freshwater and the areas of tidal water designated in subsection (f) of this section; and

(3) Possess any necessary fishing licenses and stamps.

(c) Before a freshwater fishing guide license expires, the licensee may renew the license for an additional [1 year] 1-YEAR term. The licensee may renew a freshwater fishing guide permit if the licensee:

(1) Otherwise is entitled to hold the license;

(2) Submits to the [Department] WIFC a renewal application on the form that the [Department] WIFC requires; and

(3) Submits to the [Department] WIFC the annual license application fee under subsection (b) of this section.

(d) (1) All fees collected by the [Department] WIFC pursuant to this section shall be used for monitoring the freshwater fishery, including the capture and tagging of black bass in order to develop information and methods to sustain a healthy black bass population.

(2) The [Department] WIFC shall publicly report annually the amounts collected and the expenditures under this section.

(e) [Beginning January 1, 2000 the Department] THE WIFC may issue a freshwater fishing guide license which shall be valid for not more than 1 year and shall expire on December 31 of each year following the date of issuance.

(h) An applicant for a freshwater fishing license that will be used in tidal waters must demonstrate to THE WIFC AND THE Department that the applicant has obtained the appropriate federal licenses.

(i) The [Department] WIFC shall adopt regulations necessary to implement this section including regulations that:

(1) Prohibit a person from furnishing any service as a fishing guide that requires operating a boat or vessel as part of that service without complying with appropriate federal regulations governing the operation of a vessel carrying passengers for hire;

(2) Limit to 150 the number of freshwater fishing guide licenses that will be issued annually that allow a person to operate in nontidal freshwater and tidal water areas designated in subsection (f) of this section;

(3) Allocate not more than 20% to nonresidents of the 150 freshwater fishing guide licenses that allow a person to operate in nontidal freshwater and tidal areas designated in subsection (f) of this section; and

(4) Establish provisions for maintaining a waiting list for applicants in excess of the maximum number of fishing guide licenses that allow a person to operate in nontidal freshwater and tidal areas designated in subsection (f) of this section.

4-211.

(a) (1) Any person who desires to commercially practice the art of taxidermy or who desires to mount or preserve any species of finfish for a person other than himself first shall obtain a taxidermist and fur-tanning license.

(2) A taxidermist and fur-tanning license also shall permit the holder:

(i) To mount, preserve, or tan any species of wildlife legally acquired; and

(ii) Except as provided in paragraph (3) of this subsection, with the written approval of the [Department] WIFC for each specimen, to sell or dispose of any tanned, cured, or mounted specimen legally acquired but unclaimed by the customer within 30 days after written notice to the customer by certified mail.

(3) A license holder may not sell or dispose of any tanned, cured, or mounted specimen that is not permitted to be fished in the State.

(b) (1) A person desiring a taxidermist and fur-tanning license shall:

(i) Apply on forms the [Secretary] EXECUTIVE DIRECTOR supplies;

(ii) Pay a \$50 annual license fee; and

(iii) Provide recent work samples for examination by the [Department] WIFC.



(2) Upon receipt of the application and license fee, and examination of work samples, the [Secretary] EXECUTIVE DIRECTOR may issue the license permitting the practice of taxidermy or fur-tanning, as provided in the license, if the work samples meet minimum professional standards, as determined by the [Department] WIFC.

(c) A taxidermist and fur-tanning license:

(1) Shall expire on June 30 following the date of issuance; and

(2) May be renewed by providing information on forms the [Secretary] EXECUTIVE DIRECTOR supplies and paying the \$50 annual license fee.

(d) Each taxidermist or fur-tanner shall keep a ledger on a form provided by the [Department] WIFC indicating the name, address, telephone number, and current angling or fishing license number of each person, from whom finfish were purchased or received within or outside the State, the date of purchase or receipt and the quantity of each species of finfish purchased or received and the date the species was delivered or returned to the customer. The ledger shall indicate the country, state, and county or political subdivision in which the finfish were caught, along with the date the finfish were caught and identify any appropriate official possession tag or bill of sale. The tag or bill of sale shall be attached to the finfish. The licensee must also include in the ledger the same information with regard to any finfish caught by the licensee. The ledger shall cover all transactions from date of issuance of the taxidermist and fur-tanner's license until date of expiration and shall be kept up-to-date. In addition to any other penalty provided by this subtitle, any person failing to maintain or keep up-to-date a ledger required by this subsection or making false entries may have his license revoked for a period not to exceed 5 years.

(e) The licensee shall allow any [Natural Resources] WIFC police officer or any law enforcement officer to enter at all reasonable hours for the following purposes:

(1) To inspect the premises and holding facilities where operations are being carried on;

(2) To inspect finfish; and

(3) To inspect records.

(f) In addition to any other penalty provided by the provisions of this title, any person convicted of violating any provision of this subtitle shall be fined \$5 for each specimen of finfish or any part of them mounted or possessed for mounting.

4-212.

Notwithstanding any other provision of this title, the Secretary OR THE EXECUTIVE DIRECTOR, AS APPROPRIATE, may grant certificates to any properly accredited person of known scientific attainment, permitting him to collect fish, fish eggs, crustaceans, or mollusks for scientific purposes only. To obtain a certificate the

applicant shall submit proof of necessity and pay a \$25 fee to the Department OR THE WIFC, AS APPROPRIATE. The fee shall be deposited to the credit of the State Fisheries Management and Protection Fund. The certificate expires December 31 of the issuing year. On proof that the holder of the certificate has captured or killed any fish, fish eggs, crustaceans, or mollusks for other than scientific purposes, the certificate is void.

Nothing contained within this subtitle shall preempt, restrict or supersede the authority of the Secretary of Health and Mental Hygiene as provided by law.

4-214.

By regulation, the Secretary OR THE WIFC may establish up to 3 free fishing days each calendar year when a person may catch [finfish] FINFISH, AS APPROPRIATE, in the tidal [and] OR nontidal waters of the State for recreational purposes without an angler's license or Chesapeake Bay sport fishing license.

4-216.

(a) The Department AND THE WIFC shall JOINTLY establish a resident consolidated senior sport fishing license, to be issued to residents of Maryland beginning in the calendar year in which they attain the age of 65.

(b) The resident consolidated senior sport fishing license may be obtained from the [Department] DEPARTMENT, THE WIFC, or from any authorized agent of the Department OR OF THE WIFC. The annual fee for the license is \$5. As compensation, an agent shall retain 50 cents for each license issued.

4-2A-03.

(a) [The] AS APPROPRIATE, THE Secretary OR THE WIFC shall conduct investigations of the fish resources of the State in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine conservation measures necessary for their continued ability to sustain themselves successfully. On the basis of these determinations the Secretary OR THE WIFC shall issue proposed rules and regulations [not later than July 1, 1976] and develop conservation programs designed to insure the continued ability of fish deemed in need of conservation to perpetuate themselves successfully. [The] AS APPROPRIATE, THE Secretary OR THE WIFC shall conduct ongoing investigations of the fish resources of the State and may amend these rules and regulations.

(b) [The] AS APPROPRIATE, THE Secretary OR THE WIFC, by rules and regulations, shall adopt limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment necessary to conserve fish.

(c) Except as provided in rules and regulations adopted by the Secretary OR THE WIFC, no person may take, possess, transport, export, process, sell, offer for sale, or ship any fish deemed by the Department OR THE WIFC to be in need of conservation pursuant to this section, nor may any common or contract carrier knowingly

transport or receive for shipment any fish deemed by the Secretary OR THE WIFC to be in need of conservation pursuant to this section.

4-2A-04.

(a) Any species of fish determined to be an endangered species pursuant to the Endangered Species Act shall be deemed to be an endangered species under the provisions of this subtitle and any species of fish determined to be a threatened species pursuant to the Endangered Species Act shall be deemed to be a threatened species under the provisions of this subtitle. [The] AS APPROPRIATE, THE Secretary OR THE WIFC may determine, in accordance with this section, that any threatened species is an endangered species throughout all or any portion of the range of the species within the State.

(b) In addition to the species deemed to be endangered or threatened pursuant to the Endangered Species Act AND AS APPROPRIATE, the Secretary OR THE WIFC, by rule or regulation, shall determine whether any species of fish normally occurring within the State is an endangered or threatened species due to any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) Overutilization for commercial, sporting, scientific, educational, or other purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence within the State.

(c) The Secretary AND THE WIFC shall make determinations required by subsection (b) on the basis of the best scientific, commercial, and other data available and after consultation, as appropriate, with federal agencies, other interested State agencies, other states having a common interest in the species, and interested persons and organizations. In determining whether any species of fish is an endangered species or a threatened species, the Secretary OR THE WIFC, AS APPROPRIATE, shall take into consideration any actions being carried out or about to be carried out by the federal government, other states, other agencies of this State, or political subdivisions, or by any other person, which may affect the species under consideration.

(d) Except with respect to species of fish determined to be endangered or threatened species under the provisions of subsection (a), the Secretary OR THE WIFC may not add a species to nor remove a species from any list published unless [he] THE SECRETARY OR THE WIFC first:

- (1) Publishes a public notice of the proposed action;

(2) Furnishes notice of the proposed action to the Governor of any state sharing a common border with this State and in which the subject species is known to exist; and

(3) Allows at least 30 days following publication for comment from the public and other interested parties.

(e) Notwithstanding the provisions of subsection (d), if the Department OR THE WIFC determines that an emergency situation exists involving the continued existence of the species as a viable component of the State's fish population it may add the species to the lists if it publishes a public notice that an emergency situation exists together with a summary of facts which support this determination.

(f) [The] AS APPROPRIATE, THE Secretary OR THE WIFC shall adopt rules and regulations containing a list of all species of fish normally occurring within the State determined to be endangered species and a list of all species determined to be threatened species. Each list shall refer to the species by scientific and common names and shall specify with respect to each species over what portion of its range it is endangered or threatened.

(g) (1) For any species of fish that the Secretary OR THE WIFC has determined to be endangered or threatened under subsection (b) of this section and on which the Secretary OR THE WIFC has declared a moratorium on catching, sale, or possession, AS APPROPRIATE, the Secretary OR THE WIFC shall make an annual status report on or before December 1 to the General Assembly, as provided in § 2-1246 of the State Government Article, and to the Governor.

(2) The [Secretary's] report shall contain:

- (i) Field studies on spawning stock size;
- (ii) Measurement of egg deposition on spawning grounds;
- (iii) Measurements of mortality rates of fish eggs, larvae, and juveniles on spawning grounds, nursery areas and spawning rivers;
- (iv) Bioassays on eggs and larvae collected from spawning fish;
- (v) Measurements of heavy metals, PCBs, acid rain leachates, sediments, and other distresses to the habitat;
- (vi) Studies on acid rain;
- (vii) Studies on the role of fish diseases;
- (viii) Trend analyses and recommendations for future management actions; and
- (ix) A recommendation to continue for 1 year or to discontinue the moratorium on the catching, sale, or possession of the fish.

4-2A-05.

(a) Except with respect to species of fish determined to be endangered or threatened pursuant to the Endangered Species Act, AS APPROPRIATE, the Secretary OR THE WIFC, upon the petition of an interested person, shall conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to § 4-2A-04(f), if [he] THE SECRETARY OR THE WIFC makes and publishes a public notice that the person has presented substantial evidence which warrants a review.

(b) When any species of fish is listed as a threatened species pursuant to § 4-2A-04(f), AS APPROPRIATE, the Secretary OR THE WIFC shall adopt regulations necessary and advisable to provide for the conservation of the species. The Secretary OR THE WIFC, AS APPROPRIATE, by regulation, shall prohibit with respect to any threatened species of fish any act prohibited under subsection (c).

(c) Except as provided in subsection (f), with respect to any endangered species of fish, no person may:

- (1) Export the species from the State;
- (2) Take the species within the State;
- (3) Possess, process, sell, or offer for sale, deliver, carry, transport, or ship the species by any means; or
- (4) Violate any regulation pertaining to the conservation of the species or to any threatened species of wildlife listed pursuant to this subsection and adopted by the Secretary OR BY THE WIFC pursuant to authority provided by this section.

(d) Except as provided in subsection (f), with respect to any endangered species of fish, no person may:

- (1) Export the species from the State;
- (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the species by any means; or
- (3) Violate any regulation pertaining to the species or to any threatened species of fish listed pursuant to § 4-2A-04(f) and adopted by the Secretary OR BY THE WIFC, AS APPROPRIATE.

(e) If any endangered species of fish which enters the State from another state or from a point outside the territorial limits of the United States and which is being transported to a point within or beyond the State may be so entered and transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(f) (1) Subject to paragraph (2) of this subsection, the [Secretary] WIFC may issue a permit, under [the] PRESCRIBED terms and conditions [he prescribes],

to allow any act otherwise prohibited by subsections (c) and (d) for scientific purposes, to enhance the propagation or survival of the affected species, and on or after January 1, 1990, for aquaculture involving the affected species in nontidal ponds, lakes, or impoundments.

(2) Notwithstanding the provisions of paragraph (1), on or after June 1, 1989, the [Secretary] WIFC may issue a permit to allow the purchase of striped bass or striped bass hybrid from out-of-state sources for possession and raising in aquaculture operations in nontidal ponds, lakes, or impoundments in the State.

4-2A-06.

(a) [The] AS APPROPRIATE, THE Secretary AND THE WIFC shall establish programs, including acquisition of land or aquatic habitat or interests therein, necessary for the conservation of threatened or endangered species of fish. The Secretary AND THE WIFC shall use all vested authority to carry out the provisions of this subsection.

(b) In carrying out programs authorized by this section, AS APPROPRIATE, the Secretary OR THE WIFC shall consult with other states having a common interest in particular species of endangered or threatened species of fish and may enter into agreements with federal agencies, other states, political subdivisions of this State, or with individuals with respect to programs designed to conserve endangered or threatened species of fish including agreements for administration and management of any that are established under this section or utilized for conservation of endangered or threatened species of fish.

(c) The Governor shall review other programs administered by him and utilize these programs in furtherance of the purposes of this subtitle. All State departments and agencies, in consultation with and with the assistance of the Secretary OR THE WIFC, AS APPROPRIATE, shall utilize their authorities in furtherance of the purposes of this subtitle by carrying out programs for the conservation of endangered species and threatened species listed pursuant to § 4-2A-04 (f) and by taking any action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or threatened species or result in the destruction or modification of habitat of the species which is deemed by the Secretary OR THE WIFC to be critical.

(d) The Secretary AND THE WIFC shall JOINTLY adopt rules and regulations necessary to implement this section.

4-2A-07.

(a) Any person who violates the provisions of § 4-2A-05, or fails to procure any permit required by § 4-2A-05, or who violates the terms of any permit shall be fined not more than \$1,000 or be imprisoned not more than one year, or both.

(b) Any Natural Resources OR WIFC police officer or any OTHER law enforcement officer may conduct searches as provided by law, and execute a warrant to search for and seize any equipment, business records, merchandise, fish taken,

used or possessed in connection with a violation of any subsection. Any Natural Resources OR WIFC police officer or OTHER law enforcement officer, without a warrant, may arrest any person who the officer has probable cause to believe is violating, in his presence or view, this subtitle, any rule or regulation, or permit provided for by this subtitle. Any Natural Resources OR WIFC police officer or OTHER law enforcement officer who has made an arrest of a person in connection with any violation may search the person, premises, or business records at the time of arrest and may seize any fish, records, or property taken, or used in connection with any violation.

(c) Equipment, merchandise, fish or records seized under the provisions of subsection (b) shall be held by any Natural Resources OR WIFC police officer or OTHER law enforcement officer pending disposition of court proceedings, and thereafter shall be forfeited to the State for destruction or disposition as the Secretary OR THE EXECUTIVE DIRECTOR may deem appropriate. Prior to forfeiture the Secretary OR THE EXECUTIVE DIRECTOR may direct the transfer of fish so seized to a qualified zoological, educational, or scientific institution for safekeeping, costs to be assessable to the defendant. The Secretary AND THE WIFC may issue JOINT rules and regulations to implement this section.

4-2A-08.1.

The [Department] WIFC shall adopt regulations allowing the catching of hybrids of striped bass under certain conditions in freshwater impoundments in the State as long as, during the time any moratorium on the taking and sale of striped bass is in effect under the Endangered Species of Fish Conservation Act, the regulations also prohibit the sale in the State for any purpose of the hybrids of striped bass that are caught under the authority of the regulations.

4-401.

The Department may acquire, by purchase, lease, condemnation, or gift, title or control of any TIDAL OR ESTUARINE area of water or land in the State suitable to protect, propagate, or manage fish. THE WIFC MAY ACQUIRE, BY PURCHASE, LEASE, CONDEMNATION, OR GIFT, TITLE OR CONTROL OF ANY INLAND AREA OF WATER OR LAND IN THE STATE SUITABLE TO PROTECT, PROPAGATE, OR MANAGE FISH. The area of water or land shall be known as a State fish refuge. Any area of water or land in Garrett County or Allegany County greater than 100 acres may be acquired only with the approval of that county. This requirement does not apply to any areas which have previously been authorized for acquisition by the General Assembly. The Department OR THE WIFC may purchase or erect any structure necessary for fish management, and may purchase or lease any area of water or land, excluding the ownership of and the right to drill any mineral, oil, or gas.

4-402.

The title to any area of water or land acquired by purchase, gift, or condemnation shall be taken in the name of the State for the [Department's] use OF THE DEPARTMENT OR THE WIFC, AS APPROPRIATE. The entire control of the area of

water or land shall be under the State's direction. The Secretary OR THE WIFC may expend from the State Fisheries Management and Protection Fund any amount necessary to purchase or condemn an area of water or land.

4-403.

(a) If the Department OR THE WIFC considers it in the State's best interest and the Governor consents, it may exchange any area of water or land or part it owns, together with any improvement on it, for any privately owned area of water or land equal to or greater in value than the area of water or land the Department OR THE WIFC exchanges and adapts for fish refuge and management. Also, the Department OR THE WIFC may sell any area of water or land or part it owns to the person who offers the highest price.

(b) The Department AND THE WIFC may use the acquired area of water or land as a State park.

(c) The Attorney General shall prepare any deed necessary to complete the exchange or sale of the area of water or land. The Secretary OR THE WIFC, AS APPROPRIATE, shall execute the deed. The proceeds of any sale shall be deposited with the State Comptroller and placed to the credit of the State Fisheries Management and Protection Fund.

4-404.

An acquired area of water or land may be used to create and maintain State fish refuges, or for fish management. The Department OR THE WIFC, AS APPROPRIATE, may grant a right-of-way on or across any acquired area of water or land if the grant does not adversely affect the protection and management of fish. The Department OR THE WIFC, AS APPROPRIATE, may appoint a caretaker of the area of water or land and make an agreement with the caretaker for proper care and management of the fish refuge.

4-405.

The Department OR THE WIFC, AS APPROPRIATE, may establish and maintain any State fish refuge to protect and propagate fish throughout the State. The Department OR THE WIFC may locate, with the consent of the Governor and of the superintendent in charge of any federally or State-owned area of water or land, any State fish refuge on State-owned or federally-owned water or land. The boundaries of each fish refuge shall be clearly marked. At each refuge boundary, a notice shall be posted in a conspicuous place informing the public the area of water or land is a "State fish refuge -- fishing is unlawful," and any other information or rules and regulations the Department OR THE WIFC, AS APPROPRIATE, considers advisable.

4-406.

(a) If a person who owns or controls any suitable area of water or land desires to have it set aside as a fish refuge, he may apply to the Department OR THE WIFC, AS APPROPRIATE, giving a description of the area of water or land, including a specific



location, map, or sketch showing an outline of the area of water or land and the location of any structure or improvement, and the nature of the area of land or water, such as woodland, abandoned farmland, or cultivated land, or lake, pond, marsh, or impounded stream.

(b) The Department OR THE WIFC, AS APPROPRIATE, may examine the area of water or land to determine if it is suitable for fish protection and management. If the area of water or land is acceptable as a fish refuge, the Department OR THE WIFC, AS APPROPRIATE, shall notify the owner of this fact. The owner shall sign a lease vesting the State with every fishing right in the area without charge. The lease also shall provide that neither the owner, his family, agents, tenants, nor any other person may fish in the area of water or land and that, he will make every effort to protect the fish refuge from forest fires, fishing, or any violation of any State conservation law. The lease or agreement shall continue in force for an uninterrupted period of at least 5 years.

(c) If the person who owns or controls the area of water or land named in any lease on which there is no charge sells the area of water or land, the area is released from the operation of the lease unless the purchaser agrees to allow it to remain under the lease. Either the Department OR THE WIFC, AS APPROPRIATE, or the owner of the area of water or land may rescind any lease for which there is no charge made pursuant to this section after giving 90 days written notice of intent to terminate the lease to the other party.

4-407.

The Department AND THE WIFC may EACH adopt and promulgate, and post, rules and regulations for the proper use and administration of any State fish refuge it controls or owns.

4-408.

The Department OR THE WIFC, AS APPROPRIATE, may erect and maintain any suitable fish hatchery, nursery, pond, or rearing station to propagate fish in order to manage the waters of the State. Hatcheries, nurseries, ponds, and rearing stations shall be maintained by Department OR WIFC funds, AS APPROPRIATE.

4-409.

The [Department] WIFC may catch any game and freshwater fish from the waters of the State, including any pond, lake, or canal, publicly or privately owned, in order to propagate in captivity and distribute into public waters brood stock, fry, or fingerlings to manage the fish.

4-410.

(a) This section is intended to protect the State in its objective to propagate and manage fish on fish refuges, lands, and waters controlled by the Department OR THE WIFC.

(b) An unauthorized person may not enter or trespass on or destroy, deface, or damage any fish refuge or lands acquired for fish ponds or hatcheries without the consent of the Department OR THE WIFC, AS APPROPRIATE. A person may not allow any dog, domestic stock, or poultry to enter on any State fish refuge.

4-502.

(a) Every owner of a dam on waters of the State shall construct on the dam and keep repaired at least one fish ladder if the [Department] WIFC deems it necessary for ascending and descending of fish. Every fish ladder shall be constructed to allow anadromous fish free course up and down the waters at all times.

(b) Any person intending to construct a dam on waters of the State shall file an application with the [Department] WIFC. Each application shall contain sufficient information to enable the [Department] WIFC to determine the necessity for constructing a fish ladder. The [Department] WIFC shall advise the applicant of its determination.

(c) The [Department] WIFC and any other unit having jurisdiction shall approve the construction plan before the dam is constructed.

(d) If the owner, operator, or lessee of a dam entered into an agreement prior to July 1, 1955, to pay the State an annual periodic sum of money instead of being required to erect a fish ladder or instead of being required to construct and maintain any fish way or fish ladder pursuant to the provisions contained in any charter previously granted to any corporation by any special or general State law, the provisions of the charter or agreement remain in effect. The amount of money paid to the State during each year may not be less than four and one-half percent of the estimated cost to erect the fish ladder, but not to exceed \$4,000 annually. Any money paid to the [Department] WIFC shall be used to manage, rear, and distribute the fish actually placed in the water and to acquire any necessary facility for these purposes. One half of the funds received on behalf of the Conowingo Dam across the Susquehanna River shall be credited to the State Fisheries Management and Protection Fund.

(e) The provisions of this section do not change any term, condition, or obligation imposed by a contract in force prior to July 1, 1955, between the owner of any dam and the State.

(f) On application of the [Department] WIFC, verified by oath or affirmation, the circuit court for any county, sitting in equity, may enforce by injunction compliance with, or restraint from violating or attempting to violate, any provision of this section.

(g) The [Department] WIFC shall investigate every violation of this section. If any person obstructs a stream by failing to make or keep in repair any fish ladder on the dam, the [Department] WIFC shall serve notice in writing on him requiring that he make or keep in repair the necessary fish ladder. The notice shall specify the penalty for the failure to act within its time limit. Any person who violates the notice is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$300,

or imprisonment not exceeding three years, or both, with costs imposed in the discretion of the court. A separate offense exists on each day the person violates the notice. If the fine is imposed by the circuit court for any county, the fine when collected shall be remitted to the [Department] WIFC.

4-506.1.

(b) The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by private land users or users of land managed by the Department OR THE WIFC, including farmers, miners, or persons engaged in recreation.

(c) A Natural Resources OR WIFC police officer or ANY other police officer of the State who has probable cause to believe that a person has violated this section may:

- (1) Order the person to desist or to leave the area; or
- (2) Arrest the person who refuses to desist or to leave the area.

4-509.

A person may not use or attempt to use any electronic device on any boat in the waters of the State or on any aircraft within the State, or use or attempt to use any aircraft, to detect the presence of finfish for any purpose. However, fishermen may use depth finders from boats to detect the presence of finfish. A person also may not use or attempt to use any device that may lure finfish by electrical impulses. This section does not prohibit the Department OR THE WIFC from using any electronic or electrical device for scientific research, law enforcement or other purpose, nor prohibit use of a fathometer or depth recorder for navigational purposes. Any person who violates this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court.

4-510.

A person may fish with a speargun and spear in the waters of the State only under the rules and regulations, and control of the Department OR THE WIFC, AS APPROPRIATE. A speargun as used in this section means any type of device used for propelling a spear underwater by any means other than manual in order to catch fish.

4-511.  
A person other than a duly authorized officer of the Department OR THE WIFC, AS APPROPRIATE, may not move, destroy, or deface any State buoy, marker, or monument placed in the waters of the State, or fasten, tie, or anchor any boat to it.

4-513.

Consistent with the requirements of any license issued by the federal Energy Regulatory Commission, a person who owns or operates a dam or obstruction on the waters of the State used for the generation of electric power and the [Secretary] WIFC shall cooperate to assure the release of a sufficient flow of impounded water to maintain both water quality and aquatic habitat below the dam or obstruction.

4-602.

(a) With due regard for distribution, abundance, economic value, and breeding habits of fish in nontidal waters, the [Secretary] WIFC may adopt rules and regulations to extend, restrict, or prohibit catching, possessing, purchasing, transporting, or exporting fish from nontidal waters.

(b) In addition to any other penalty provided in this title, any person convicted of violating any rule or regulation the [Department] WIFC adopts, shall be fined \$5 for each fish illegally caught. If a person is convicted a second or subsequent time within the same 12-month period for a violation of the rules and regulations the [Department] WIFC adopts, he shall have his angler's license suspended for a period of 12 months from the date of the second or subsequent conviction.

4-603.

Pursuant to § 4-602(a), the [Department] WIFC shall establish and publish by October 25 each year open seasons to catch the following game and freshwater fish for the ensuing year:

- (1) Bass (largemouth bass, smallmouth bass)
- (2) Pike, pickerel
- (3) Walleye
- (4) Rockfish (striped bass)
- (5) Trout (brook, brown, rainbow)
- (6) Shad, hickory shad and herring
- (7) Suckers, catfish, carp, eel, gudgeon; all species of sunfish, including bluegills, rock bass (commonly known as redeye), fallfish, crappie, perch (white and yellow).

4-604.

(d) An angler's license is not required of the following:

(1) The owner or tenant of land bordering on nontidal water, his spouse and children, or the spouse of any child who resides on the land with the owner or tenant when he fishes in nontidal water adjoining his land;

(2) Any convalescent patient of a veterans' hospital hospitalized for a service connected disability who fishes in nontidal waters if the patient secures a permit issued by a special service officer of the American Red Cross under authority granted by the [Department] WIFC;

(3) Any group of disabled or convalescent patients organized and under the care and supervision of the American Red Cross, which upon the request of the American Red Cross, is authorized by the [Department] WIFC to fish for any recreational purpose in the nontidal waters;

(4) Any resident serving in the armed forces of the United States, while on leave in the State, during his leave period, if, while angling, he possesses a copy of his official leave orders;

(5) Any patient who is under treatment by a State-approved mental health facility, and any individual who attends or resides in a State-approved retardation facility;

(6) A caregiver, family member, or designee of a mental health care facility or private group home of a patient who is under treatment by a State-approved mental health facility, provided that:

(i) The administrator of the mental health care facility, or treating physician or psychologist provides the [Department] WIFC with a letter stating that the caregiver or family member is the primary caretaker of the patient; or

(ii) The individual accompanying the patient carries a copy of the letter described under subparagraph (i) of this paragraph, or a professional license or certificate of a health care professional involved in the care of the patient;

(7) A person who fishes in nontidal waters of the State on free fishing days designated by the [Secretary] WIFC; or

(8) A person holding a current resident consolidated senior sport fishing license issued under § 4-216 of this title.

(e) A person may apply for an angler's license to any person designated by the [Department] WIFC. The application shall be on a form the [Department] WIFC prepares and supplies. The applicant shall fill out, sign and submit the application to the person designated to issue an angler's license. A person may apply by mail.

(g) (3) (i) All fees collected by the [Department] WIFC under this section may only be used in accordance with § 4-208 of this title.

(ii) The [Department] WIFC shall publicly report annually the amounts collected and the expenditures under this section.

(h) A person designated to sell an angler's license shall issue the license and collect the fee prescribed in subsection (g) of this section. The [Department] WIFC shall furnish the licenses to the designated persons. An angler's license shall bear the

[Secretary's] EXECUTIVE DIRECTOR'S facsimile signature and the counter-signature of the issuing person. The person who issues the license shall fill out the name and address of the licensee on a stub attached to the license blank and detach the stub. The stubs and money, collected every month, shall be mailed to the [Department] WIFC on the first day of the succeeding month. As compensation, the agent shall retain 50 cents for each license issued.

4-606.

(a) A person possessing a valid Virginia or West Virginia fishing license issued in that person's name may fish in nontidal waters of the Potomac River without obtaining a Maryland angler's license. This subsection is only effective if Virginia or West Virginia enters into and maintains reciprocal agreements with the [Department, approved by the Secretary] WIFC, which allow a person possessing a valid Maryland angler's license issued in that person's name to fish from the Virginia or West Virginia banks of the Potomac River without acquiring a Virginia or West Virginia fishing license.

(b) A person possessing a valid Pennsylvania fishing license issued in that person's name may fish in the waters of the Conowingo and Youghiogheny Reservoirs without obtaining a Maryland angler's license. This subsection is effective only if Pennsylvania first enters into and maintains a reciprocal agreement with the [Department, approved by the Secretary] WIFC, which allows a person possessing a valid Maryland angler's license issued in that person's name to fish on the portion of the Conowingo and Youghiogheny Reservoirs lying within the boundaries of Pennsylvania without acquiring a Pennsylvania fishing license.

(d) If a state fails to maintain the reciprocal fishing privileges in accordance with an approved agreement, the [Secretary] WIFC may revoke the reciprocal fishing privileges accorded to those holding licenses issued by that state by publishing a notice of revocation in the Maryland Register and notifying the head of the appropriate licensing agency for that state.

4-607.

(a) The [Department] WIFC may issue annually a complimentary angler's license to the President of the United States, the governor of any state, any Maryland resident who certifies that he or she is a former prisoner of war or 100 percent service connected disabled American veteran, and any official of the game and fish department of any other state. However, not more than 20 complimentary licenses for each state other than Maryland shall be outstanding at any time. A complimentary license is not transferable and shall be issued without a fee on forms the [Department] WIFC designates.

4-608.

Any money the [Department] WIFC receives for angler's licenses shall be accounted for by the [Department] WIFC to the State Treasurer. The amount the Treasurer receives shall be placed to the credit of angler's licenses in the State

Fisheries Management and Protection Fund, and the Treasurer shall pay out of it on warrant of the Comptroller upon requisition of the [Department] WIFC.

4-609.

The [Department] WIFC or any authorized agent of the [Department] WIFC may issue a duplicate angler's license for a fee not exceeding \$1 if a person indicates that the angler's license is lost and is on record for previously purchasing an angler's license.

4-610.

A person shall possess his angler's license while angling in nontidal waters and, upon demand, shall exhibit the license to any [Natural Resources] WIFC police officer, law enforcement officer, or landowner or his representative.

4-611.

(a) Any person engaged in a retail business who desires to sell angler's licenses as an agent under the [Department's] control and supervision OF THE WIFC shall apply to the [Department] WIFC on forms prepared and prescribed by the [Department] WIFC. The [Department] WIFC may furnish angler's licenses on consignment to any agent who provides a bond or other security deemed sufficient and adequate by the [Department] WIFC to insure payment for the licenses.

(b) The agent shall fill out every license and duplicate stub in a legible and proper manner and submit any necessary report of sales together with the duplicate stubs after the first day of each month as long as he sells these licenses in accordance with § 4-604 of this subtitle. The report and stubs shall reach the [Department] WIFC by the seventh day of each succeeding month. The [Department] WIFC shall reimburse any agent who does not dispose of every angler's license purchased from the [Department] WIFC and who presents the unused licenses intact in their original books to the [Department] WIFC for a refund before March 31 of each year, for the amount of licenses returned and after they are checked and found correct. Every angler's license not returned by March 31 shall be deemed sold and is not reimbursable, unless accompanied by a notarized statement stating why the license is returned late. The [Department] WIFC, after review, may reimburse the agent.

4-613.

(a) A [Natural Resources] WIFC police officer or ANY OTHER law enforcement officer may confiscate a person's angler's license if it is transferred to another person or used or presented by a person other than the person to whom it was issued.

4-614.

(a) (1) Except for a holder of a current resident consolidated senior sport fishing license issued under § 4-216 of this title, a person 16 years old or older may not fish in any special catch-and-return trout management area and may not possess trout while fishing in nontidal waters unless the person first obtains a trout stamp in

addition to an angler's license. The stamp shall be obtained from any authorized agent of the [Department] WIFC at a cost of \$5. The [Department] WIFC may designate a person engaged in a retail business to sell the trout stamp as an agent under the [Department's] control and supervision OF THE WIFC. The trout stamps may be furnished to agents upon consignment if the [Department] WIFC is given adequate security to insure ultimate payment to the [Department] WIFC for the stamps.

(2) The [Department] WIFC may sell expired stamps below face value to the general public for a period of 3 years, after which time the [Department] WIFC shall shred any unsold stamps. All revenues derived from the sale of these stamps shall revert back to the game management fund.

(d) The [Department] WIFC or any authorized agent of the [Department] WIFC may issue a duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout stamp is lost and is on record for previously purchasing a trout stamp.

4-615.

Between the hours of 8:00 p.m. and 5:30 a.m., a person may not fish for or catch any fish in any nontidal water or stream which the [Department] WIFC or the federal government has stocked with trout, except as the [Department] WIFC provides by rule or regulation.

4-616.

The [Department] WIFC shall set annually by rule or regulation the daily creel, possession, and size limits, for game and freshwater fish. The [Department] WIFC shall publish the rule or regulation by October 25 for the ensuing year.

4-617.

(e) The [Department] WIFC may regulate, supervise, and control ice-fishing.

4-620.

(a) Under supervision, rule or regulation, and control of the [Department] WIFC, a person may catch carp with bow and arrow and by gig.

(b) A person may catch carp or eels under the supervision, or rule or regulation, and control of the [Department] WIFC in the waters of Allegany County, the Potomac River, and the Monocacy River in Frederick County.

4-625.

(a) A person may not build, construct, have constructed, or place any wharf, pier, dock, float, or any projection along or running into or over the waters of Deep Creek Lake without first obtaining a written permit from the [Department] WIFC and the lessors of the area.



(b) The [Department] WIFC may not close to the public any part of Deep Creek Lake at any time during the term of the lease between the State and the Eastern Land Corporation and Pennsylvania Electric Company dated June 8, 1942. However, the [Department] WIFC, for proper fish management, may close as many as three tributaries to the lake for their length, at any one time, or prohibit fishing during the period between one hour after sunset and half an hour before sunrise if necessary to police the area properly.

(c) This section does not change, modify, or enlarge in any manner, any term of the lease from the Eastern Land Corporation and the Pennsylvania Electric Company to the State for the [Department] WIFC to use the Deep Creek Lake area, nor affect, in any manner, the rights, privileges, and reservations of the lessors in the area.

4-626.

In addition to any other penalty provided in this title, any person who is convicted of a second violation of any rule or regulation adopted by the [Department] WIFC pursuant to the provision of this subtitle shall have his license suspended if the violation occurs within 12 months of any prior violation of the same rule or regulation.

4-627.

A person may not catch or possess any game and freshwater fish except during the period and in the manner provided in this subtitle, unless changed by rule or regulation the [Department] WIFC promulgates.

4-11A-19.

(a) Any person desiring to sell live bait in Montgomery, Frederick, or Washington county shall apply to a person designated by the [Department] WIFC for a live bait dealer's license. The application shall be in the form the [Department] WIFC prescribes, and contain an affidavit signed by the applicant that he is a resident of the county. Upon payment by the applicant of an annual fee of \$10.50, the designated person may issue a license supplied by the [Department] WIFC to the designated person. As compensation for each bait dealer's license issued, the designated person shall retain 50 cents. Any money collected for license fees during a month shall be forwarded to the [Department] WIFC on the first day of each succeeding month. The [Department] WIFC shall account for the money to the State Treasurer.

(b) A live bait dealer may sell only minnows, chubs measuring less than 6 inches in length, and killifishes and mad toms procured from the waters of the Potomac River. He may not possess more than 750 bait fish of every type at one time. The bait boxes of the live bait dealer shall be open for a [Natural Resources] WIFC police officer to inspect at any reasonable time.

4-11A-20.

(a) The [Department] WIFC may issue a permit authorizing a person to establish and operate an artificial or man-made pond or lake which he owns, leases, or controls, where fishing is permitted for payment of a fee, and in which fish stocked are artificially propagated by commercial hatcheries, or purchased from persons licensed to sell fish. The [Department] WIFC may issue the permit if it determines the lake or pond does not conflict with any reasonable prior public interest. The permit fee shall be \$25 a year. The permit expires on December 31 following the date of issuance.

(b) The [Department] WIFC shall prescribe by regulation the size of the area, method of fishing, open and closed seasons, and the catching of fish by furnishing tags for a reasonable fee. The [Department] WIFC also shall regulate the release, possession, and use of legally propagated game and freshwater fish, and may require any report necessary concerning the operation of these areas.

(c) Any permit issued under the provisions of this section may be revoked for violation of any provision of this section or any regulation of the [Department] WIFC relating to fee-fishing lakes. The owner or operator of a fee-fishing lake or pond may not operate it without a permit.

4-11A-21.

(a) A person may apply in writing to the [Department] WIFC for a permit to breed, propagate, and sell any species of game and freshwater fish protected by law, in ponds or lakes which he owns or leases. The [Department] WIFC, upon receipt of a permit fee of \$5 may issue to the applicant a breeder's license permitting him to hatch, rear, transport, sell, barter or exchange any fish. A fish breeder's permit expires on December 31 following the date of issuance.

(b) The [Department] WIFC shall promulgate regulations governing the release, possession, sale, shipment, and identification of every game and freshwater fish bred under a fish breeder's permit. The [Department] WIFC may require any report necessary concerning the operation of a fish breeder's permit. Any permit issued under the provisions of this section may be revoked for a violation of any provision of this section or any regulation made pursuant to it.

4-1201.

(c) In addition to any administrative penalty provided in this title, violation of any rule or regulation adopted by any unit within the Department OR THE WIFC pursuant to the provisions of this title is a misdemeanor and is punishable as provided in subsections (a) and (b).

4-1203.

If any Natural Resources OR WIFC police officer or any OTHER law enforcement officer has probable cause to believe that any person possesses any fish or any device in violation of this title, the officer shall go before any District Court judge of the

county in which the fish or device is supposed to be and make affidavit to that fact. If the judge finds the affidavit legally sufficient, the judge shall issue a search warrant against the person complained of, directed to the officer making the affidavit, commanding the officer to proceed at once and search for the fish or device and, upon finding it, to seize, take possession, and keep it until further order by the judge. The warrant shall be executed pursuant to Rule 4-601 of the Maryland Rules. The warrant shall be returned within 5 days from the issuing date or within a shorter period of time as set forth in the search warrant.

4-1204.

(a) If a Natural Resources OR WIFC police officer or any OTHER law enforcement officer has probable cause to believe that any fish or device is possessed, in violation of this title, and it is not possible or feasible to secure a search warrant in time to seize the fish or device, then he may examine without a warrant any boat, railway car, box, crate, package, or game bag.

(b) In this event, a Natural Resources OR WIFC police officer, in uniform or accompanied by a uniformed police officer, may stop and search an automobile, any vehicle, or trailer for the purpose of examining the fish bag. He also may determine whether the person has an appropriate license.

4-1205.

A Natural Resources OR WIFC police officer or any OTHER law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, shall seize every fish unlawfully caught, sold, offered for sale, transported, or possessed. The Department OR THE WIFC, AS APPROPRIATE, may dispose of the seized fish at its discretion.

4-1206.

(a) A Natural Resources OR WIFC police officer or any OTHER law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, may seize every device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited in addition to any other penalty provided in this title. Any forfeiture becomes the property of the Department OR THE WIFC, AS APPROPRIATE, for disposition at its discretion. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or person charged with the violation is not convicted, the device, equipment, conveyance, or property seized shall be released and returned to the owner or person charged.

4-1208.

(a) In this section, "violation" means a violation of:

(1) Any provision of this title; and

(2) Any rule or regulation concerning fish and fisheries adopted by the Department OR THE WIFC.

(b) If a person applies for the expungement of the person's record concerning any violation, the Department OR THE WIFC, AS APPROPRIATE, shall expunge the record if, at the time of application:

(1) The person has not been convicted of a violation for the preceding 3 years, and any license issued to the person under this title has never been suspended or revoked;

(2) The person has not been convicted of a violation for the preceding 5 years, and any license issued to the person under this title shows not more than 1 suspension and no revocations; or

(3) The person has not been convicted of a violation for the preceding 10 years, regardless of the number of suspensions or revocations.

4-1209.

Upon the failure of any person to appear in a court of this State as required by any charging document accusing the person of committing any offense under this title, in addition to any other appropriate action taken by the court [or], the Department, OR THE WIFC, the Department OR THE WIFC, AS APPROPRIATE, may immediately suspend, without hearing, any license issued to the person under this title. The Department OR THE WIFC, AS APPROPRIATE, may not issue any new license under this title to the person until the person appears in court to answer the charging document.

10-101.

(a) In this title the following words have the meanings indicated.

(b) (1) "Closed season" means the time when a person may not hunt any game bird or mammal.

(2) "Closed season" includes any period of time not included within the open season.

(c) "County" includes Baltimore City unless otherwise indicated.

(d) ["Department" means Department of Natural Resources.

(e) (1) "Federal facility" means federal land in the State.

(2) "Federal facility" includes military bases, national wildlife refuges, and units of the national park system.

[(f)] (E) "Forest game birds and mammals" means forest game birds (ruffed grouse and turkey) and forest game mammals (black bears, deer, fox squirrels,

excluding the Delmarva subspecies, and gray and red squirrels) or any part, egg, offspring, or dead body of any of them.

[(g)] (F) "Fur" or "pelt" means any raw, green, or cured skin and fur of any wild quadrupeds.

[(h)] (G) "Fur-bearing mammal" means any coyote, raccoon, bobcat, opossum, beaver, mink, muskrat, otter, fox, skunk, fisher, and long-tailed weasel, or any part, offspring, or dead body of any of them.

[(i)] (H) "Game birds or mammals" means the species defined as forest game birds and mammals, fur-bearing mammals, upland game birds and mammals, and wetland game birds or any part, egg, offspring, or dead body of any of them.

[(j)] (I) "Green pelt" means a pelt which is not dried, cured, or tanned.

[(k)] (J) (1) "Hunt" means to pursue, capture, catch, kill, gig, trap, shoot, or attempt to pursue, capture, catch, kill, gig, trap, or shoot, or in any manner reduce any bird or mammal to personal possession.

(2) "Hunt" excludes the sport of fox chasing.

[(l)] (K) "Nighttime" means the time beginning one-half hour after sunset and ending one-half hour before sunrise the following day, as published in the [Department's] hunter's guide OF THE WIFC, unless this title provides otherwise.

[(m)] (L) "Nongame birds and mammals" means every wild mammal and bird not classified as game birds and mammals or any part, egg, offspring, or dead body of any of them.

[(n)] (M) (1) "Open season" means the time when a person lawfully may hunt game birds and mammals.

(2) "Open season" includes both the first and last day of the season or period designated by this title.

[(o)] (N) "Person" means the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

[(p)] (O) "Protected birds" means any wild bird not included within the definition of "game bird" or "unprotected bird" or any part, egg, offspring, or dead body of any of them.

[(q)] (P) "Resident" includes a member of the armed forces of the United States who is on active duty and stationed officially in the State.

[(r)] "Secretary" means Secretary of Natural Resources.]

[(s)] (Q) "Unprotected bird" means any English sparrow and European starling or any part, egg, offspring, or dead body of any of them.

[(t)] (R) "Unprotected mammal" means nutria and woodchuck.

[(u)] (S) "Upland game birds and mammals" means upland game birds (blackbirds, crows, doves, pheasant, quail, and woodcock) and upland game mammals (rabbit and hare) or any part, egg, offspring, or dead body of any of them.

[(v)] (T) "Waterfowl processing operation" means receipt or possession of any wild waterfowl for the purpose of picking for a fee or other consideration.

[(w)] (U) "Wetland game birds" means brant, coots, ducks, gallinules, geese, mergansers, rails, snipe, and swan or any part, egg, offspring, or dead body of any of them, including birds raised in captivity and released to the wild or otherwise used for hunting purposes.

[(x)] (V) "Wild birds" means every bird wild by nature or any part, egg, offspring, or dead body of any of them.

[(y)] (W) "Wild mammal" means every mammal wild by nature or any part, egg, offspring, or dead body of any of them.

[(z)] (X) "Wild quadruped" means any species of wildlife having 4 feet or any part, egg, offspring, or dead body of any of them.

[(aa)] (Y) "Wild waterfowl" means brant, coots, ducks, geese, mergansers, and swans or any part, egg, offspring, or dead body of any of them, including birds raised in captivity and released to the wild or otherwise used for hunting purposes.

[(bb)] (Z) (1) "Wildlife" means every living creature, not human, wild by nature, endowed with sensation and power of voluntary motion.

(2) "Wildlife" includes mammals, birds, amphibians, and reptiles which spend a majority of their life cycle on land or any part, egg, offspring, or dead body of any of them.

10-202.

(a) The [Secretary] WIFC is responsible for conservation and management of wildlife and wildlife resources of the State.

(b) The [Secretary] WIFC shall provide for a statewide system of assistance to local political subdivisions regarding the disposition of wild animals. Assistance may include field services, training, or payment to local political subdivisions for wildlife control in accordance with procedures and plans agreed to between the [Department] WIFC and the local political subdivisions.

10-202.1.

(a) The [Secretary] WIFC shall develop, adopt, and implement a comprehensive nutria management plan to eradicate the species *Myocastor coypu* (nutria) from the State.

(b) In addition to any funding provided under § 10-308.1 of this title, the [Department] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, shall seek funding from federal, private, and other sources to implement fully the nutria management plan until nutria are eradicated from the State.

(c) (1) In accordance with § 2-1246 of the State Government Article, the [Secretary] EXECUTIVE DIRECTOR shall report annually to the General Assembly beginning July 1, 1995 and by July 1 each year thereafter until the nutria have been eradicated from the State.

10-203.

Every right, power, duty, obligation, and function previously conferred upon or exercised by the Department of Game and Inland Fish or the Fish and Wildlife Administration is transferred to and may be exercised by the [Department] WIFC. Every reference to the Department of Game and Inland Fish or the Fish and Wildlife Administration which appears in the Code, in any other State law, or in any ordinance, resolution, regulation, legal action, directive, or document means the [Department] WIFC.

[10-204.

(a) There is a Wildlife Advisory Commission in the Department.

(b) Notwithstanding any other provision of this article, a member of the Fish and Wildlife Commission as of June 30, 1972 may serve the unexpired remainder of the member's term as a member of an advisory commission created by law.]

10-205.

(a) Having a due regard for the distribution, abundance, economic value, and breeding habits of wildlife, the [Secretary]WIFC may adopt regulations to enlarge, extend, restrict, or prohibit hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting wildlife.

(b) In addition to any other penalty provided in this title, any person convicted of violating any regulation adopted by the [Department] WIFC shall be fined \$5 for each bird, mammal, amphibian, or reptile illegally hunted or possessed. However, this additional penalty does not apply to game birds and mammals. If a person is convicted a second or subsequent time within the same 12 month period for a violation of the regulations the [Department] WIFC adopts, the person:

(1) Shall have the person's hunter's license suspended; and

- (2) May not procure a hunter's license the following calendar year.

10-206.

The [Department] WIFC may reduce the wildlife population in any county, election district, or other identifiable area of the State after a thorough investigation reveals that protected wildlife is seriously injurious to agricultural or other interests in the affected area. The method of reducing the wildlife population is at the [Department's] discretion OF THE WIFC, except that trapping is preferred whenever feasible. The [Department] WIFC shall dispose of wildlife taken pursuant to the provisions of this section as the [Department] WIFC deems advisable.

10-207.

The [Department] WIFC may not pay bounties for any wildlife.

10-208.

The State assents to the provisions of the act of Congress entitled "An Act to provide that the United States shall aid the state in wildlife-restoration projects, and for other purposes", approved on September 2, 1937, Public Law 415, 75th Congress, 50 Stat. 917. The [Department] WIFC shall perform every act necessary to conduct and establish administrative cooperative wildlife-restoration projects as defined in this act of Congress in compliance with this act of Congress and regulations the United States Secretary of Agriculture adopts pursuant to this act of Congress.

10-209.

There is a State Wildlife Management and Protection Fund in the [Department] WIFC. Any money accruing to the Fund from any license, stamp, application, or permit fee provided in this title shall be credited, unless otherwise provided, to this Fund and used only for the scientific investigation, protection, propagation, and management of wildlife.

10-210.

In the planning of sampling methods and the compilation of estimates of the number of wild waterfowl in the State, the [Department] WIFC shall take advantage of other surveys made by reliable organizations including, but not limited to:

- (1) The Grand National Waterfowl Hunt, Incorporated; and
- (2) The Maryland Outfitters Association.

10-211.

(a) The [Department] WIFC shall establish a program to control the population of the nonnative bird species known as the mute swan.



10-2A-03.

(a) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, shall conduct investigations of nongame wildlife in order to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data to determine conservation measures necessary for their continued ability to sustain themselves successfully. On the basis of these determinations the [Secretary] WIFC shall issue proposed regulations not later than July 1, 1977 and develop conservation programs designed to insure the continued ability of nongame wildlife deemed in need of conservation to perpetuate themselves successfully. The [Secretary] EXECUTIVE DIRECTOR shall conduct ongoing investigations of nongame wildlife.

(b) The [Secretary] WIFC, by regulations, shall adopt limitations relating to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment necessary to conserve nongame wildlife.

(c) (1) Except as provided in regulations adopted by the [Secretary] WIFC, a person may not take, possess, transport, export, process, sell, offer for sale, or ship nongame wildlife deemed by the [Secretary] WIFC to be in need of conservation pursuant to this section.

(2) A common or contract carrier may not knowingly transport or receive for shipment nongame wildlife deemed by the [Secretary] WIFC to be in need of conservation pursuant to this section.

10-2A-04.

(a) Any species of wildlife or plant determined to be endangered species pursuant to the Endangered Species Act shall be deemed to be an endangered species under the provisions of this subtitle and any species of wildlife or plant determined to be a threatened species pursuant to the Endangered Species Act shall be deemed to be a threatened species under the provisions of this subtitle. The [Secretary] WIFC may determine, in accordance with this section, that any threatened species is an endangered species throughout all or any portion of the range of the species within the State.

(b) In addition to the species deemed to be endangered or threatened pursuant to the Endangered Species Act, the [Secretary] WIFC, by regulation, shall determine whether any species of wildlife or plant normally occurring within the State is an endangered or threatened species due to any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) Overutilization for commercial, sporting, scientific, educational, or other purposes;
- (3) Disease or predation;

- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence

within the State.

(c) The [Secretary] WIFC shall make determinations required by subsection (b) of this section on the basis of the best scientific, commercial, and other data available to and after consultation, as appropriate, with federal agencies, other interested State agencies, other states having a common interest in the species, and interested persons and organizations. In determining whether any species of wildlife or plant is an endangered species or a threatened species, the [Secretary] WIFC shall take into consideration any actions being carried out or about to be carried out by the federal government, other states, other agencies of this State, or political subdivisions, or by any other person which may affect the species under consideration.

(d) Except with respect to species of wildlife or plants determined to be endangered or threatened species under the provisions of subsection (a) of this section, the [Secretary] WIFC may not add a species to nor remove a species from any list published unless the [Secretary] WIFC first:

- (1) Publishes a public notice of the proposed action;
- (2) Furnishes notice of the proposed action to the Governor of any state sharing a common border with the State and in which the subject species is known to exist; and
- (3) Allows at least 30 days following publication for comment from the public and other interested parties.

(e) Notwithstanding the provisions of subsection (d) of this section, if the [Department] WIFC determines that an emergency situation exists involving the continued existence of the species as a viable component of the State's wildlife or plants, the [Department] WIFC may add the species to the lists if the [Department] WIFC publishes a public notice that an emergency situation exists together with a summary of facts which support this determination.

(f) The [Secretary] WIFC shall adopt regulations containing a list of all species of wildlife and plants normally occurring within the State determined to be endangered species and a list of all species determined to be threatened species. Each list shall refer to the species by scientific and common names and shall specify with respect to each species over what portion of its range it is endangered or threatened.  
10-2A-05.

(a) Except with respect to species of wildlife or plants determined to be endangered or threatened pursuant to the Endangered Species Act, the [Secretary] WIFC, upon the petition of an interested person, shall conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant

to § 10-2A-04(f) of this subtitle, if the [Secretary] WIFC publishes public notice that the person has presented substantial evidence which warrants a review.

(b) When any species of wildlife or plant is listed as a threatened species pursuant to § 10-2A-04(f) of this subtitle, the [Secretary] WIFC shall adopt regulations necessary and advisable to provide for the conservation of the species. The [Secretary] WIFC, by regulations, may prohibit with respect to any threatened species of wildlife or plant any act prohibited under subsection (c) of this section.

(c) Except as provided in subsection (f) of this section, with respect to any endangered species of wildlife, a person may not:

- (1) Export the species from the State;
- (2) Take the species within the State;
- (3) Possess, process, sell or offer for sale, deliver, carry, transport, or ship the species by any means; or
- (4) Violate any regulation pertaining to the conservation of the species or to any threatened species of wildlife listed pursuant to this subsection and adopted by the [Secretary] WIFC pursuant to authority provided by this section.

(d) Except as provided in subsection (f) of this section, with respect to any endangered species or plant, a person may not:

- (1) Export the species from the State;
- (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship the species by any means; or
- (3) Violate any regulation pertaining to the species or to any threatened species of plant listed pursuant to § 10-2A-04(f) of this subtitle and adopted by the [Secretary] WIFC.

(e) Any endangered species of wildlife or plant which enters the State from another state or from a point outside the territorial limits of the United States and which is transported to a point within or beyond the State may enter and be transported without restriction in accordance with the terms of any federal permit or permit issued under the laws or regulations of another state.

(f) The [Secretary] WIFC may permit, under the terms and conditions [he] IT prescribes, any act otherwise prohibited by subsections (c) and (d) of this section for scientific purposes or to enhance the propagation or survival of the affected species.

10-2A-06.

(a) The [Secretary] WIFC shall establish programs, including acquisition of land or aquatic habitat or interests in the land or aquatic habitats, necessary for the conservation of nongame, threatened, or endangered species of wildlife or plants. The

[Secretary] WIFC shall use all vested authority to carry out the provisions of this subsection.

(b) In carrying out programs authorized by this section, the [Secretary] WIFC shall consult with the State Secretary of Agriculture and other states having a common interest in particular species of nongame, endangered, or threatened species of wildlife or plants. The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may enter into agreements with federal agencies, other states, political subdivisions of the State, or with individuals with respect to programs designed to conserve nongame, endangered, or threatened species of wildlife or plants, including agreements for administration and management established under this section or utilized for conservation of nongame, endangered, or threatened species of wildlife or plants.

(c) The Governor shall review other programs administered by the Governor and utilize these programs in furtherance of the purposes of this subtitle. All State departments and agencies, in consultation with and with the assistance of the [Secretary] WIFC AND, AS APPROPRIATE, THE EXECUTIVE DIRECTOR, shall utilize their authorities in furtherance of the purposes of this subtitle by carrying out programs for the conservation of endangered species and threatened species listed pursuant to § 10-2A-04(f) of this subtitle, and by taking any action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or threatened species or result in the destruction or modification of habitat of the species which is deemed by the [Secretary] WIFC to be critical.

(d) The [Secretary] WIFC shall adopt regulations necessary to implement this section.

10-2A-06.1.

(d) (1) All revenue that the [Department] WIFC derives from the issuance of birdwatcher's stamps and decals shall be credited to the Birdwatcher's Fund.

(2) The [Secretary] EXECUTIVE DIRECTOR shall administer the Birdwatcher's Fund.

(e) (3) Any person engaged in a retail business who desires to sell birdwatcher's stamps and decals as an agent under the [Department's] control and supervision OF THE WIFC shall apply on forms prepared and prescribed by the [Department] WIFC.

(5) The [Department] WIFC, by regulation, shall provide procedures and forms for the sale of birdwatcher's stamps and decals.

(f) The purpose of this Fund is:

(1) Dissemination of information pertaining to nongame wildlife species and threatened and endangered species conservation, management, and values;

(2) Scientific investigation and survey of nongame wildlife species and threatened and endangered species for better protection and conservation;

(3) Propagation, distribution, protection, and restoration of nongame wildlife species and threatened and endangered species;

(4) Research and management of nongame wildlife species and threatened and endangered species;

(5) Development of habitats for nongame wildlife species and threatened and endangered species;

(6) Acquisition of habitats for nongame wildlife species and threatened and endangered species; and

(7) Matching of funds available to the [Department] WIFC under federal programs for projects and activities authorized under this section.

10-2A-07.

(b) Any [Natural Resources] WIFC police officer or any law enforcement officer may conduct searches as provided by law, and execute a warrant to search for and seize any equipment, business records, merchandise, wildlife, or plants taken, used, or possessed in connection with a violation of any subsection. Any [Natural Resources] WIFC police officer or law enforcement officer, without a warrant, may arrest any person who the officer has probable cause to believe is violating, in the officer's presence or view, this subtitle or any regulation or permit provided for by this subtitle. Any [Natural Resources] WIFC police officer or law enforcement officer who has made an arrest of a person in connection with any violation may search the person, premises, or business records at the time of arrest and may seize any wildlife, plants, records, or property taken, or used in connection with any violation.

(c) Equipment, merchandise, wildlife, plants or records seized under the provisions of subsection (b) of this section shall be held by any [Natural Resources] WIFC police officer or law enforcement officer pending disposition of court proceedings, and after disposition of court proceedings shall be forfeited to the State for destruction or disposition as the [Secretary] EXECUTIVE DIRECTOR may deem appropriate. Prior to forfeiture the [Secretary] EXECUTIVE DIRECTOR may direct the transfer of wildlife or plants so seized to a qualified zoological, botanical, educational, or scientific institution for safekeeping, costs to be assessable to the defendant. The [Secretary] WIFC may issue regulations to implement this section.

10-301.

(c) A person may apply for a hunter's license to any person designated by the [Department] WIFC. The application shall be on a form the [Department] WIFC prepares and supplies. The applicant shall fill out, sign, and submit the application to the person designated to issue the hunter's license. A person may apply by mail.

(g) The person designated to sell the hunting licenses and individual hunting stamps shall issue the hunting licenses and individual hunting stamps and collect the fee prescribed in subsection (f) of this section. A hunting license may not be issued to any person under the age of 16 years without the written consent of the person's parent or guardian. The [Department] WIFC shall furnish the hunting licenses and individual hunting stamps to the designated person. The issuing person shall countersign the license, and retain the duplicate copy of the license. The duplicate copies and money collected every month shall be mailed to the [Department] WIFC on the first day of the succeeding month each year. The designated person who sells and issues the hunting licenses and individual hunting stamps shall retain as compensation 50 cents for each senior consolidated annual license, senior consolidated lifetime license, resident and nonresident basic, or nonresident 3-day hunting license, and individual hunting stamp sold and issued and shall retain as compensation \$1 for each consolidated hunting license sold and issued, except a senior consolidated annual license and a senior consolidated lifetime license.

(j) Upon issuing any hunting license, the [Department] WIFC shall furnish the licensee with a list of the names and addresses of every general hospital in the State which offers emergency medical treatment.

(k) When the [Department] WIFC has adequate computer capability, the [Department] WIFC shall compile statistics after the close of the hunting season each year concerning the sale of hunting licenses for the previous season, including the names, addresses, counties of residence, and ages of the persons who purchased the hunting licenses and the types of hunting licenses sold.

(l) [(1) Except as provided in paragraph (2) of this subsection, the [Department] THE WIFC shall use \$10.50 of each fee charged for each hunting license for a nonresident under subsection (f)(5)(iv) and (v) and \$10.00 of each fee charged under subsection (f)(5)(vii) of this section only for the purpose of planting food or cover for upland game birds and mammals and wetland game birds in the State UNDER SUBSECTION (M) OF THIS SECTION.

[(2) In fiscal year 1989, the Department shall use the funds under paragraph (1) of this subsection for any purpose that the Department considers appropriate.

(3) In fiscal year 1990 and in each subsequent fiscal year, the Department shall use the funds under paragraph (1) of this subsection only for the purposes of the food or cover program under subsection (m) of this section.]

(m) The [Department] WIFC may enter into contracts with farmers in the State to reimburse the farmer for planting and leaving grains, grasses, and legumes, including clover, alfalfa, and soybeans, unharvested in the fields in order to be used to provide food or cover for any upland game birds and mammals and wetland game birds in the State.

(n) (1) There is an Upland Wildlife Habitat Fund in the [Department] WIFC.

(3) The [Secretary] EXECUTIVE DIRECTOR shall administer the Fund.

(7) The [Secretary] EXECUTIVE DIRECTOR shall use the Fund to:

(i) Provide cost-share assistance to landowners for planting upland wildlife habitat;

(ii) Provide matching funds to acquire grant funding for upland wildlife habitat programs;

(iii) Hire contractual staff to implement upland wildlife habitat programs in the State; and

(iv) Promote the Upland Wildlife Habitat Fund and upland wildlife habitat programs.

(8) The [Secretary] EXECUTIVE DIRECTOR may prioritize the duties under paragraph (7) of this subsection to maximize the effectiveness of upland wildlife habitat programs.

10-301.1.

(b) (1) The [Department] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, shall prescribe a course of instruction in conservation and in competency and safety in the handling of firearms.

(2) The [Department] WIFC shall designate those persons or agencies authorized to give the course of instruction, and this designation shall be valid until revoked by the [Department] WIFC. Those designated persons shall submit to the [Department] WIFC validated listings naming all persons who have successfully completed the course of instruction.

(3) The [Department] WIFC shall issue a certificate of competency and safety to each person who successfully completes the course of instruction, and the certificate shall be valid until revoked by the [Department] WIFC.

(4) The [Department] WIFC may not issue a certificate of competency and safety to an individual under the age of 18 unless the individual has completed satisfactorily the course of instruction, or produces a certificate of competency or a hunting license issued prior to July 1, 1978 or makes out an affidavit that the individual had such a license.

(c) (1) The [Department] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, shall institute and coordinate a statewide course of instruction in conservation and in competency and safety in the handling of firearms, and in so doing, the [Department] WIFC may cooperate with any political subdivision or with any reputable organization having as 1 of its objectives the promotion of competency and safety in the handling of firearms, such as the National Rifle Association and local rod and gun clubs.

(2) The [Department] WIFC may conduct the course in hunter safety and issue the certificates, using [Department] WIFC personnel or other persons at times and in areas where other competent agencies are unable or unwilling to meet the demand for instruction.

(d) The [Department] WIFC shall adopt regulations to provide for the course of instruction and the issuance of the certificates consistent with the purpose of this section.

(e) (1) On or after July 1, 1977 any person who obtains a hunting license by presenting a fictitious certificate of competency or who attempts to obtain a certificate of competency or hunting license through fraud shall have his hunting privileges revoked by the [Department] WIFC for a period not to exceed 1 year.

(2) Any applicant who is refused a certificate of competency under this section may appeal the decision or action of the issuing unit to the [Secretary] WIFC.

(f) (1) The [Department] WIFC or a person designated by the [Department] WIFC may issue a 1-year gratis hunting license to a Maryland resident under the age of 16 years who has successfully completed a hunter safety course.

(g) The [Department] WIFC or a person designated by the [Department] WIFC shall issue a complimentary consolidated hunting license each year to an individual who:

(1) Has been authorized by the [Department] WIFC to give the course of instruction in conservation and in competency and safety in the handling of firearms under subsection (b) of this section;

(2) Has completed at least 5 years of service as an instructor of this course;

(3) Maintains active certification as an instructor of this course;

(4) Has taught two hunter safety courses during the fiscal year preceding the issuance of the license; and

(5) Has indicated to the [Department] WIFC an interest in receiving a complimentary consolidated hunting license.

10-301.2.

(b) The [Department] WIFC shall issue on a yearly basis a patron's hunting license to any person who:

(1) Applies to the [Department] WIFC on a form provided by the [Department] WIFC; and

(2) Pays \$500.



10-302.

(a) Any person engaged in a retail business who desires to sell resident or nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day hunting licenses, or individual hunting stamps as an agent under the [Department's] control and supervision OF THE WIFC shall apply to the [Department] WIFC on forms prepared and prescribed by the [Department] WIFC. The [Department] WIFC may furnish resident and nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day hunting licenses, and individual hunting stamps on consignment to any agent who provides a bond or other security deemed sufficient and adequate by the [Department] WIFC to insure payment for the resident and nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day hunting licenses, and individual hunting stamps.

(b) (3) The agent shall submit any necessary report of sale together with the duplicate license after the first day of each month as long as the agent sells these licenses in accordance with § 10-301 of this subtitle. The report and duplicate licenses shall reach the [Department] WIFC by the seventh day of each succeeding month.

(4) The [Department] WIFC shall reimburse any agent not operating on consignment the sum paid for unissued resident and nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day hunting licenses, and individual hunting stamps provided they are returned intact, and still attached in the issuing books by June 30 of each year, and have been checked and found to be correct by the [Department] WIFC. Every hunting license and individual hunting stamp not returned by June 30 shall be deemed sold and not reimbursable unless accompanied by a statement under oath stating why the hunting license or individual hunting stamp is returned late. The [Department] WIFC, after review, may reimburse the agent.

10-303.

(a) The [Department] WIFC annually may issue a complimentary hunter's license to the President of the United States, the governor of any state, any Maryland resident who certifies that the resident is a former prisoner of war or 100% service connected disabled American veteran, or an official or an enforcement officer of the game and fish management agency of another state which reciprocally offers complimentary hunting licenses. A complimentary license is not transferable and shall be issued on forms designated by the [Department] WIFC.

10-304.

Any money the [Department] WIFC receives for hunter's licenses shall be accounted for by the [Department] WIFC to the State Treasurer. The amount the Treasurer receives shall be credited to the State Wildlife Management and Protection Fund, and the Treasurer shall pay out of the Fund on warrant of the Comptroller upon requisition of the [Department] WIFC.

10-305.

If any person loses the person's hunter's license, the person may make affidavit stating the date the license was issued, its number, description, and the name of the designated person who issued the license. Upon receipt of this information the [Department] WIFC may issue a duplicate hunting license for a \$1 fee.

10-306.

A person shall have in the person's possession the person's hunter's license while hunting and, upon demand, shall exhibit the license to the [Natural Resources] WIFC police officer or any OTHER law enforcement officer, the landowner on whose property the person is hunting, or the landowner's representative.

10-307.

The [Department] WIFC may issue a special permit to a disabled person who has a hunting license authorizing the person to hunt from a stopped vehicle which is not on a public highway. The [Department] WIFC shall prescribe regulations requiring applicants to submit reasons for granting this permit, and shall require every licensee to carry this permit while hunting.

10-308.

(d) (1) A person may obtain the consolidated hunting license, the resident and nonresident basic license, and individual hunting stamp from any person designated by the [Department] WIFC.

(3) The [Department] WIFC shall use \$1 from the sale of each consolidated hunting license and, except for the fee retained by the issuing person, all of the money derived from the sale of bow and arrow and black powder stamps as follows:

(i) Up to 40 percent to:

1. Provide bow hunter education;
2. Acquire, construct, and maintain public archery ranges; or
3. Perform any study necessary to evaluate any program or project related to bow or muzzle loader hunting; and

(ii) The remaining percentage to:

1. Establish an effective and efficient deer checking system during the muzzle loader and bow hunting deer season;
2. Acquire additional hunter access during the muzzle loader and bow hunting season by:

- loader and bow hunting;
- A. The opening of additional State-owned lands to muzzle loader and bow hunting;
- B. The purchase of rights-of-way or access roads to reach areas not open to muzzle loader and bow hunting;
- C. The acquisition of additional lands for muzzle loader and bow hunting; and
- D. The administration of a permit system applicable to newly opened areas; and
3. Police hunting lands during the muzzle loader and bow hunting season and provide additional law enforcement personnel as necessary to accomplish additional hunter access under item 2 of this subparagraph.

(e) The designated person shall write or stamp the date of issuance on the face of every consolidated hunting license, resident and nonresident basic hunting license, and individual hunting stamp issued under this section. Each individual hunting stamp shall be affixed in the manner that the [Department] WIFC provides. The recipient shall sign the consolidated hunting license or resident or nonresident basic hunting license in ink.

10-308.1.

(d) (1) A person may obtain a Maryland migratory wild waterfowl stamp for a fee of \$6 from any person designated by the [Department] WIFC. The issuing person designated shall retain the sum of 10 cents as compensation for issuing each stamp. The balance of the fee is paid over and accounted for to the State Treasurer. The Treasurer shall credit all such fees received to the State Wildlife Management and Protection Fund, in accordance with § 10-209 of this title.

(2) The [Department] WIFC may sell expired stamps below face value to the general public for a period of 3 years, after which time the [Department] WIFC shall shred any unsold expired stamps. All revenues derived from the sale of these stamps shall revert back to the Game Management Fund.

(f) (2) To encourage waterfowl habitat conservation on private lands, the [Department] WIFC shall implement a 10-year licensing agreement for approved projects on privately owned lands detailing the landowner's responsibilities. Expenditures by private landowners on private land for these waterfowl projects approved by the [Department] WIFC and covered by the licensing agreement shall be considered a contribution to the State.

(4) The Committee shall advise the [Department] WIFC on:

(i) Matters relating to expenditures of funds derived from the sale of State migratory waterfowl stamps;

- (ii) Recommendations to the Migratory Waterfowl Advisory Committee on matters relating to policy, regulations, and legislation; and
- (iii) Waterfowl habitat conservation projects.

10-309.

(c) (1) An individual shall be licensed by the [Department] WIFC as a master hunting guide before the individual may receive financial compensation for outfitting or guiding hunters to hunt wild waterfowl.

(2) An agent, employee, or helper of a master hunting guide is exempt from the licensing requirements of this section. However, a master hunting guide shall register with the [Department] WIFC each agent, employee, or helper of the master hunting guide who is a field assistant.

(d) (1) To apply for a license as a master hunting guide, an applicant shall:

(i) Submit an application to any person designated by the [Department] WIFC;

(ii) Furnish any information required by the [Department] WIFC on the application, including the oath provided in subsection (e) of this section; and

(iii) Pay to the person designated to issue the master hunting guide license a fee of \$100.

(3) On the first day of each month, the designated person shall send to the [Department] WIFC the remainder of the fees received for master hunting guide licenses.

(e) The application shall contain the following affidavit, which shall be signed before a master hunting guide license is valid:

OATH

I, ....., the person named on the face of this license, do hereby swear or affirm that I will uphold and abide by all federal laws and regulations, all laws and regulations of the State of Maryland, and all regulations promulgated by the [Wildlife Administration] WIFC pertaining to the hunting, taking, or possession of wild game and will endeavor to prevent any party using my services from violating the same.

\tab .....

(Signed)

Subscribed and sworn to me this ..... day of ..., 20....

.....  
Notary Public

(f) The person designated by the [Department] WIFC shall issue a master hunting guide license to any applicant who meets the requirements of this section.

(i) (1) A master hunting guide who is licensed under this section:

(i) Shall report monthly to the [Department] WIFC the names, addresses, and Social Security numbers of the master hunting guide's field assistants, and the type, kinds, and total numbers of wild waterfowl that are killed daily, and the names and license numbers of the hunters that the master hunting guide outfits or guides, whether personally or by agent, employee, helper, or walker; and

(ii) Is responsible for the conduct of the agents, employees, or helpers of the hunting outfitters while in the course of employment.

(2) The [Department] WIFC may not require the daily reports under this subsection to be divided by the number of wild waterfowl killed by hunters who are guided by a master hunting guide's agents, employees, or helpers.

(3) (i) This paragraph does not prohibit the [Department] WIFC from releasing to the public information required to be submitted to the [Department] WIFC under this section concerning:

1. Master hunting guides; and
2. Master hunting guides' field assistants.

(ii) Notwithstanding any other law or regulation, the [Department] WIFC may not release to the public:

1. Information required to be submitted to the [Department] WIFC under this subsection concerning the names and license numbers of the hunters; and

2. The addresses or Social Security numbers of the hunters.

(k) (1) Notwithstanding any law to the contrary, and except for a master hunting guide registering the field assistants with the [Department, the Secretary] WIFC, THE EXECUTIVE DIRECTOR or any official of the [Department] WIFC may not adopt any regulation concerning the licensing of agents, employees, or helpers of a master hunting guide who guide hunters to hunt wild waterfowl.

(3) The [Department] WIFC:

(i) Shall adopt new regulations to carry out the purposes of this section; and

(ii) May revoke the license of any master hunting guide for any violation of law or regulation.

10-312.

(a) A [Natural Resources] WIFC police officer or OTHER law enforcement officer shall confiscate a person's hunter's license if the license is used or presented by a person other than the person to whom the license was issued.

10-313.

For the purpose of managing wildlife the [Secretary] EXECUTIVE DIRECTOR may issue a permit when the [Secretary] EXECUTIVE DIRECTOR deems it advisable to any person to trap game on property owned or acquired by the State, controlled by the [Department] WIFC, or on any property where permission is obtained from the owner.

10-401.

(b) Unless prohibited by federal law, this section does not prohibit a landowner or his agent from shooting hawks or owls when considered necessary to protect poultry or game birds or mammals on the landowner's property from destruction. In addition, this section does not prohibit the [Department] WIFC from controlling birds or mammals which have become obnoxious in nature or habit or are damaging wildlife on any lands in the State.

10-402.

(c) A person may take or possess any nest or egg of any wild bird regulated by the United States Department of the Interior pursuant to the Migratory Bird Treaty Act, 40 Stat. 755, for scientific purposes if the person first obtains a permit from the Secretary of the Interior of the United States and a scientific certificate from the [Department] WIFC.

10-404.

(b) (4) The importer or seller shall allow the [Department] WIFC to inspect these records at the importer's or seller's place of business at any reasonable time.

10-405.

(a) Pursuant to § 10-205 of this title, the [Department] WIFC shall establish by regulation and publish by July 1 each year the open season, excepting Sundays, to hunt the forest and upland game birds and mammals.

(b) If the [Department] WIFC by regulation pursuant to § 10-205 of this title restricts or reduces the number of days normally allowed to hunt, possess, sell, purchase, ship, transport, carry, or export any game bird or mammal because of an emergency situation, the [Department] WIFC may extend the open season to provide a comparable number of days in any given season.

(c) The [Department] WIFC shall establish by regulation the maximum open season for hunting crows which is permissible under federal law, and shall include in

its regulations such provisions as are permitted under federal law for control of crows at any time they are found to be committing or about to commit depredation upon ornamental or shade trees, agricultural crops, livestock or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

10-406.

(b) (1) (iv) The [Department] WIFC may extend any muskrat season set by this subsection for a period of 1 week, if the [Department] WIFC considers it necessary for any reason, including weather conditions.

(4) A person may hunt or trap and possess the pelt or meat of raccoon or opossum during those periods and under the restrictions, including bag limits, the [Department] WIFC may establish by regulation.

(7) A person may:

(i) Trap a coyote during the trapping season established by the [Department] WIFC; or

(ii) Hunt a coyote:

1. While the person is legally hunting for any other species of game bird or mammal, by any method legal for use at the time in hunting that other species; or

2. At any time of year, by predator calling.

10-407.

(a) Before establishing the open season for ducks, except sea ducks, geese, and swan as required by subsection (b) of this section, the [Department] WIFC shall conduct public hearings on the proposed season, at least 1 of which shall be held, on an alternating basis, in Wicomico, Somerset, Worcester or Dorchester Counties.

(b) The [Department] WIFC annually shall establish and publish the open season, excepting Sundays, for doves, mergansers, woodcock, and wetland game birds, including wild waterfowl, in conformity with the federal migratory bird rules and regulations adopted annually by the Secretary of Interior of the United States.

10-408.

The [Department] WIFC shall prescribe by regulation the means or weapons for hunting designated wildlife. The [Department] WIFC shall set forth any restrictions relating to weapons used to hunt designated wildlife, including the amount and size of ammunition for designated game birds or mammals. The [Department] WIFC shall make the regulations available for distribution with each hunting license purchased. This section does not authorize the [Department] WIFC to restrict the use of firearms except in the activity of hunting designated wildlife.

10-409.

Pursuant to § 10-205 of this title, the [Department] WIFC shall establish and publish by April 25 each year the bag limits per day for game birds and mammals by regulation for the ensuing year. The bag limits for ducks, geese, brant, railbirds, woodcock, mergansers, doves, and snipe may conform to the federal migratory bird rules and regulations adopted annually by the Secretary of Interior of the United States.

10-411.

(c) In Allegany, Anne Arundel, Baltimore, Carroll, Charles, Garrett, Frederick, Wicomico, Somerset, Howard, or Worcester counties, a person may not enter or trespass upon land owned by another person for the purpose of hunting deer on the land with gun, rifle, bow and arrow, or any other means without first securing the written permission of the landowner or the landowner's agent or lessee. Any person hunting deer on land owned by another person shall exhibit written permission upon the request of any [Natural Resources] WIFC police officer, any OTHER law enforcement officer, the landowner, or the landowner's agent or lessee. The [Natural Resources] WIFC police officer or [any] OTHER law enforcement officer shall arrest any person hunting without written permission upon the request of the landowner or the landowner's agent or lessee.

10-412.

(d) By rule or regulation, the [Department] WIFC may exempt from this section captive raised mallard ducks which are released on a regulated shooting ground to be shot at immediately after release.

10-413.

(c) Any [Natural Resources] WIFC police officer or any OTHER law enforcement officer may kill any dog, which does not bear a license, found destroying game birds or mammals or the nest or eggs of any game bird or mammal.

(d) A [Natural Resources] WIFC police officer or [any] OTHER law enforcement officer shall and any other person may destroy any cat found hunting any game bird or mammal or protected bird or mammal. A cause of action for damages cannot be maintained for this act.

(e) (1) The owner or custodian of a retriever dog shall obtain a permit from the [Department] WIFC before the owner or custodian may shoot artificially reared game birds for the purpose of training the dog. The permit is not required in order to shoot game birds during an open season or on a licensed shooting preserve.

(3) On payment of the \$5 permit fee, the [Department] WIFC shall issue annually a permit to the owner or custodian of a retriever dog to train the dog at any time of the year.



(4) A permittee under this subsection may, while training a retriever dog, possess and shoot with a shotgun any artificially reared game bird that has been liberated by hand and tagged before its use with an identification band provided by the [Department] WIFC.

10-414.

(a) A person may not possess any live raccoon or opossum unless the person first procures a permit from the [Department] WIFC. Any raccoon or opossum reduced to possession by a hunter or trapper shall be immediately killed.

10-415.

(b) (2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a [Natural Resources] WIFC police officer shall authorize the person to report with the deer to a designated checking station in another county.

(c) (1) Subject to subsection (d)(3) of this section, a person with a consolidated hunting license also may purchase bonus deer stamps from the [Department] WIFC.

(4) The [Department] WIFC may establish by regulation the type and number of deer stamps issued under this subsection if necessary to control the deer harvest in various areas of the State.

(d) (3) (i) The [Department] WIFC may issue a limited number of bonus antlerless deer stamps for the purpose of regulating the harvest of antlerless deer in a particular deer management region or zone.

(e) A person may not remove the head or hide or any part from any deer, except internal organs, or cut the meat into parts until the deer has been checked by the [Department] WIFC or [1 of the Department's agents] AN AGENT OF THE WIFC at a designated checking station. Removal of the head or the hide of any deer not checked at a designated checking station shall be prima facie evidence that the deer was hunted illegally. Each separate deer or part of any deer taken illegally or found in possession shall be considered a separate offense.

(f) Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any [Natural Resources] WIFC police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

(i) Upon written request from a federal facility for a variance from the established deer hunting season, the [Department] WIFC shall review the request and may:

- (1) Approve the request;
- (2) Deny the request; or
- (3) Approve the request with conditions.

10-416.

(b) (1) Except as provided in regulations adopted by the [Department] WIFC under paragraph (2) of this subsection, a person may not:

(i) Take a dog into the woods or possess or control a dog in the woods; and

(ii) Use the dog to hunt or pursue deer.

(2) The [Department] WIFC shall adopt regulations governing the use of dogs to aid in the prompt recovery of killed, wounded, or injured deer.

(3) (ii) In all other counties, any [Natural Resources] WIFC police officer, OTHER law enforcement officer, or any other person may kill any dog found pursuing any deer, except in accordance with regulations adopted under paragraph (2) of this subsection.

(d) Any person who violates any provision of subsection (c) of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$2,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court. Any person convicted of violating the provisions of this subsection shall have the person's hunting license revoked and shall be denied the privilege of hunting in the State for at least 2 and not exceeding 5 years. In addition to these penalties, every spotlight, artificial light, battery, or device to spot, locate, or hunt for deer, and every firearm, bow and arrow, or device capable of killing a deer, found in or on any vehicle or in possession of the person convicted, or used to violate the provisions of this subsection, shall be confiscated and disposed of by the [Secretary] EXECUTIVE DIRECTOR as the [Secretary] EXECUTIVE DIRECTOR deems advisable.

10-417.

(a) A person may not export from the State any game bird or mammal, except wild waterfowl and fur-bearing mammals. However, a licensed hunter may take out as personal baggage in the open season only the prescribed possession limit as set by regulation. The hunter shall produce the hunter's hunting license upon demand of any [Natural Resources] WIFC police officer, any OTHER law enforcement officer, or agent of the common carrier. An express company or any common carrier knowingly may not accept any game bird or mammal, except wild waterfowl or fur-bearing mammals, for shipment within or outside the State.

10-418.

(c) By regulation, the [Department] WIFC may define the term "daylight fluorescent orange" consistent with the recommendations of the North American Association of Hunter Safety Coordinators.

10-420.

The [Department] WIFC shall establish a separate season for hunting deer with muzzle loading firearms.

10-422.

(a) If the [Department] WIFC determines that a significant interference or disruption of a hunt or hunters is likely to occur on any land managed by the [Department] WIFC, the [Department] WIFC may adopt regulations to prohibit that interference or disruption.

(b) While on private land that is owned by another person or in a hunting area on land managed by the [Department] WIFC, a person may not:

(1) Interfere intentionally with the lawful taking of wildlife by another person; or

(2) Harass, drive, or disturb any game animal intentionally for the purpose of disrupting a lawful hunt.

(c) A [Natural Resources] WIFC police officer or other police officer of the State who has probable cause to believe that a person has violated this section may:

(1) Order the person to desist or to leave the area; or

(2) Arrest the person on refusal to desist or leave the area.

(d) The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by private land users or users of land managed by the [Department] WIFC, including farmers, miners, or persons engaged in recreation.

10-423.

(b) If the [Secretary] WIFC adopts any regulation, including an emergency regulation, under § 10-205 of this title or § 10-405 of this subtitle to prohibit the hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting of black bears, a person who violates the regulation is subject to the following penalties:

(1) For a first offense, a fine not exceeding \$1,500, imprisonment not exceeding 6 months, or both and suspension of the person's hunting license and right to hunt any bird or game animal for a period of time not exceeding 2 years; and

(2) For a second or subsequent offense, a fine not exceeding \$2,000, imprisonment not exceeding 1 year, or both and suspension of the person's hunting license and right to hunt any bird or game animal for a period of time not exceeding 4 years.

10-423.1.

(b) (1) There is a Black Bear Damage Reimbursement Fund in the [Department] WIFC.

(c) The [Department] WIFC may reimburse a person from the Black Bear Damage Reimbursement Fund in accordance with subsections (d) and (e) of this section for any damage to the person's:

(1) Beehives, fruit, or other crops; or

(2) Livestock and poultry as defined in § 1-101 of the Agriculture Article.

(d) (1) A person is eligible to be reimbursed from the Fund if:

(i) The person has followed all black bear damage preventive measures recommended by the [Department] WIFC;

(ii) The damage amount is determined by an extension agent of the University of Maryland Cooperative Extension Service; and

(iii) The [Department] WIFC has verified that the damage was caused by black bear.

(f) The [Department] WIFC shall adopt regulations to carry out the provisions of this section.

10-424.1.

In addition to any other penalty provided in this title, the [Department] WIFC may suspend the hunting license of a person who is charged with a violation of § 10-424(1) of this title pending the disposition of the criminal proceeding against the person.

10-425.

(a) (1) A person may not conduct a waterfowl processing operation unless the person has a waterfowl processing operation license issued by the [Department] WIFC under this section.

(2) The [Department] WIFC may not charge a fee for any license issued under the provisions of this section.

(b) (1) A person desiring a waterfowl processing operation license shall apply on a form the [Department] WIFC supplies.

(2) Upon receipt of a completed application, the [Department] WIFC shall issue a license.

(e) A waterfowl processing operation shall keep on forms provided by the [Department] WIFC a record of:

(1) The number of each species of wild waterfowl processed, received by, or in the custody of the operation;

(2) The location (county and State) where each wild waterfowl received by the operation was taken;

(3) The date each wild waterfowl was received by the operation;

(4) The name and address of the person from whom each wild waterfowl was received;

(5) The date each wild waterfowl was disposed of by the operation; and

(6) The name and address of the person to whom each wild waterfowl was delivered.

(f) A licensee shall submit a copy of the records required by subsection (e) of this section to the [Department] WIFC annually prior to the March 1 immediately following the date of the issuance of the license.

(g) At any reasonable hour, a licensee shall allow any [Natural Resources] WIFC police officer or any OTHER law enforcement officer to enter and inspect the premises where the operation is conducted and to inspect records.

(h) In addition to any other penalty under this title, the [Department] WIFC may suspend or revoke the license of a licensee who is convicted of violating a provision of this title, a regulation issued under this title, or a federal game law or regulation.

10-506.

(a) Subject to the exceptions of subsection (f) of this section, any person who desires to buy, acquire, sell, transport, ship, or store at any time any fur or pelt of any wild quadruped taken within or outside the State first shall obtain a fur dealer's license from the [Secretary] WIFC.

(d) Every application for a license shall contain information the [Secretary] WIFC requires.

(f) The [Department] WIFC may not require the following persons to obtain a fur dealer's license:

(1) A person who buys or otherwise acquires any fur or pelt of any wild quadruped for the personal use of the person and not for barter, exchange, or sale;

(2) A person who can substantiate the fact that any fur or pelt the person possesses is bought from a licensed fur dealer or lawfully is obtained from a dealer in another state and is dressed, altered, trimmed, repaired, or manufactured into a finished product but not resold as a fur or pelt;

(3) A tanner or taxidermist who possesses any fur or pelt legally owned by another person and which the tanner or taxidermist temporarily is holding solely for the purpose of processing;

(4) A person who sells or possesses to sell the meat, pelt, carcass, or mounted specimen of any beaver, coyote, fisher, fox, mink, muskrat, nutria, opossum, otter, raccoon, skunk, or long-tailed weasel legally taken by that person;

(5) Any person who butchers a deer for another person and who retains the hide or fur of the deer because the other person did not want or take the hide or fur; and

(6) Any person who sells or possesses to sell the hide, hair, tail, or feet, excluding a mounted specimen of deer, squirrel, or rabbit legally acquired.

(g) The licensee shall allow any [Natural Resources] WIFC police officer or any OTHER law enforcement officer to enter the premises and holding facilities where operations are being carried on at all reasonable hours for the following purposes:

(1) To inspect the premises and holding facilities where operations are being carried on;

(2) To inspect wildlife; and

(3) To inspect records.

10-507.

(a) Each fur dealer shall keep a ledger on a form provided by the [Department] WIFC which includes the name, address, and current hunting, trapping, fur dealer's, taxidermist and fur tanner's, or game husbandry license number of each person from whom any fur was purchased or received within or outside the State, the date of purchase or receipt, the quantity of each species of furs purchased, and the country, state, and county or political subdivision where the furs were taken, and identifies any appropriate official game or fur possession tag number or bill of sale. The ledger must state the final disposition of the furs and the date disposed of. Disposition includes selling, transporting, shipping, storing, or otherwise using or possessing the furs. The licensee also shall include the same information with regard to any wildlife taken from the wild by the licensee. The ledger shall cover every transaction from date of issuance of the fur dealer's license until date of expiration and shall be kept up-to-date. In addition to any other penalty provided by this subtitle, any person convicted of failing to maintain and keep up-to-date a ledger as required by this subsection or of making false entries shall have the license revoked for a period of at least 1 year and not exceeding 5 years.

(b) Between July 1 and July 10, every fur dealer shall submit the ledger to the [Secretary] EXECUTIVE DIRECTOR along with a statement under oath that the information in the ledger is correct on forms furnished by the [Secretary] EXECUTIVE DIRECTOR, indicating the number or quantity and species of furs possessed, and the county or place of origin where furs were taken, possessed, bought, sold, transported, shipped, stored, tanned, or used by him during the period covered by the previous license. Every fur dealer also shall include in the report the name, address, and current license number of each person from whom any fur was purchased within or outside the State, the date of purchase, the quantity of each species of furs purchased, and the county where the furs were taken, if purchased in the State. Each report shall cover every transaction from date of issuance of the fur dealer's license until expiration. Application for renewal of a fur dealer's license shall accompany the ledger.

10-508.

A fur dealer shall carry the license on the dealer's person and shall exhibit the license upon demand. The licensee shall allow any [Natural Resources] WIFC police officer and any OTHER law enforcement officer to enter and inspect the premises where operations are being carried on and to inspect records at any reasonable hour.

10-509.

(b) Shipping tags shall be obtained from the [Secretary] EXECUTIVE DIRECTOR.

(c) Each tag shall be composed of 2 parts, and each part shall give the name and address of the consignee and the kind and number of any fur or pelt contained in the package. One part shall be attached to any fur or pelt personally carried open to view or attached on the outside of the container in which any fur or pelt is shipped or transported. The other part of the tag immediately shall be forwarded to the [Secretary] EXECUTIVE DIRECTOR.

10-512.

(a) (1) Any person desiring to commercially practice the art of taxidermy or fur tanning or who desires to mount, preserve, or tan any species of wildlife for another person first shall obtain a taxidermist and fur tanner's license.

(2) A taxidermist and fur tanner's license also shall permit the holder:

(i) To mount, preserve, or tan any species of finfish pursuant to Title 4 of this article; and

(ii) Except as provided in paragraph (3) of this subsection, with the written approval of the [Department] EXECUTIVE DIRECTOR for each specimen, to sell or dispose of any tanned, cured, or mounted specimen legally acquired but unclaimed by the customer within 30 days after written notice to the customer by certified mail.

(3) A license holder may not sell or dispose of any tanned, cured, or mounted specimen that is a migratory game bird.

(b) (1) A person desiring a taxidermist and fur tanner's license shall:

(i) Apply on forms the [Secretary] EXECUTIVE DIRECTOR supplies;

(ii) Pay a \$50 annual license fee;

(iii) Pass an examination administered by the [Department] WIFC; and

(iv) Provide recent work samples for examination by the [Department] WIFC.

(2) Upon receipt of the application and license fee, and examination of work samples, the [Secretary] EXECUTIVE DIRECTOR may issue the license permitting the practice of taxidermy or fur tanning, as provided in the license, if the applicant has passed the examination and the work samples meet minimum professional standards, as determined by the [Department] WIFC.

(c) A taxidermist and fur tanner's license:

(1) Shall expire on June 30 following the date of issuance; and

(2) May be renewed by providing information on forms the [Secretary] EXECUTIVE DIRECTOR supplies and paying the \$50 annual license fee.

(d) Each taxidermist or fur tanner shall keep a ledger on a form provided by the [Department] EXECUTIVE DIRECTOR indicating the name, address, telephone number and current hunting, trapping, fur dealer's, game husbandry or regulated shooting ground license number of each person, from whom any species of wildlife was purchased or received within or outside the State, the date of purchase, or receipt, and the quantity of each species of wildlife purchased or received and the date the species was delivered or returned to the customer. The ledger shall indicate the country, state, and county or political subdivision in which the species was taken and the date on which the species was taken and identify any appropriate official game possession tag number or bill of sale. The tag or bill of sale shall be attached to the wildlife. The licensee also shall include in the ledger the same information with regard to any wildlife taken from the wild by the licensee. The ledger shall cover every transaction from date of issuance of the taxidermist or fur tanner's license until date of expiration and shall be kept up-to-date. In addition to any other penalty provided by this subtitle, any person convicted of failing to maintain or keep up-to-date a ledger required by this subsection or of making false entries may have the person's license revoked for a period not to exceed 5 years.

(e) The licensee shall allow any [Natural Resources] WIFC police officer or any OTHER law enforcement officer to enter the premises and holding facilities where operations are being carried on at all reasonable hours for the following reasons:



(1) To inspect the premises and holding facilities where operations are being carried on;

(2) To inspect wildlife; and

(3) To inspect records.

10-602.

(b) A person may not hunt wild waterfowl in the State at nighttime in any manner whether from the shore or otherwise. A person may not possess at nighttime any gun or light used for hunting wild waterfowl in or near the vicinity of feeding and resting grounds. Any gun or light found in possession shall be prima facie evidence of intention of a violation of this section, and the light shall be confiscated and turned over to the [Secretary] WIFC.

10-604.

(a) A person may hunt wild waterfowl while standing in water on the natural bottom only in the waters of the Susquehanna Flats, the nontidal waters of the Potomac River, and in other waters of the State in areas and on days the [Department] WIFC prescribes by regulation.

10-605.

(a) A person may hunt wild waterfowl from a boat that is drifting or being sculled, only in:

(1) The nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River;

(2) The Susquehanna Flats, Elk River, and that portion of the Sassafras River in Cecil County located west of 75 degrees 58 minutes 45 seconds;

(3) Chincoteague Bay, Sinepuxent Bay, Isle of Wight, Assawoman Bay, and their respective tributaries in Worcester County; or

(4) Zones prescribed by the [Department] WIFC by regulation.

10-606.

(a) A person may hunt wild waterfowl from a boat that is anchored only in:

(1) The nontidal waters of the Potomac River;

(2) The waters of the Susquehanna Flats, Elk River, and that portion of the Sassafras River in Cecil County located west of 75 degrees 58 minutes 45 seconds;

(3) The waters of Chincoteague Bay, Sinepuxent Bay, Isle of Wight, Assawoman Bay, and their respective tributaries in Worcester County; or

- (4) Zones prescribed by the [Department] WIFC by regulation.

10-607.

(c) (1) On the nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River, the [Department] WIFC may not license riparian shoreline owned by a federal or State unit or the assignee of the federal or State unit.

(2) (i) A federal or State unit that owns riparian shoreline on the nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River may apply to the [Department] WIFC to establish a waterfowl safety zone in a specified area of the shoreline.

(ii) The [Secretary] WIFC shall review each request and determine whether sufficient need for a waterfowl safety zone exists.

(3) On or before August 15 of each year, the [Department] WIFC shall mark each waterfowl safety zone with clearly visible signs.

(g) Notwithstanding the other provisions of this section, where circumstances require, such as in coves and when two properties extend onto a point of land, the [Secretary] EXECUTIVE DIRECTOR may determine where an offshore stationary blind or blind site license shall be located. The [Secretary] EXECUTIVE DIRECTOR shall try to locate the sites so that each riparian landowner gets a site and may locate the blinds closer than 250 yards apart with the written consent of the two riparian landowners.

(h) (2) An applicant for a license shall:

(i) Submit to the [Department] EXECUTIVE DIRECTOR:

1. An application by mail prior to June 1 of each year on a form provided by the [Department] EXECUTIVE DIRECTOR;

2. A map showing the exact location of the shoreline to be licensed and the exact location of the proposed offshore stationary blinds or blind sites, if any;

3. The written permission of adjacent landowners if necessary; and

4. The written lease or assignment of the riparian landowner if necessary; and

(ii) Pay to the [Department] WIFC a fee of \$20.

(i) (1) At least 1 month before a license expires on June 30 of each year, the [Department] WIFC shall mail a renewal notice and a renewal application to all riparian landowners who received a license the previous year.

(2) The renewal notice shall state:

(i) The date on which the current license expires;

(ii) The date by which the [Department] WIFC must receive the renewal application for the renewal to be issued and mailed before the license expires;

and

(iii) The amount of the renewal fee.

(j) Before the license expires, the licensee may renew the license for an additional 1-year term, if the licensee:

(1) Is otherwise entitled to be licensed;

(2) Pays to the [Department] WIFC a renewal fee of \$20; and

(3) Submits to the [Department] EXECUTIVE DIRECTOR a renewal application on the form that the [Department] EXECUTIVE DIRECTOR requires.

(k) (1) All applications to license riparian shoreline shall be approved by the [Department] WIFC in accordance with applicable laws and regulations.

10-608.

(a) A Maryland resident or a person who owns riparian property in Maryland, regardless of State residency, may apply to the [Department] WIFC to license riparian shoreline for the purpose of establishing an offshore blind site.

(b) An applicant for a license shall:

(1) Submit to the [Department] EXECUTIVE DIRECTOR:

(i) An application on a form provided by the [Department] EXECUTIVE DIRECTOR; and

(ii) A signed statement that:

1. The location of the blind site is at least 125 yards from all other previously licensed riparian shoreline; and

2. The offshore blind site complies with all other pertinent laws and regulations; and

(2) Pays to the [Department] WIFC an application fee of \$20 for each license requested.

(c) (1) The completed application shall be submitted to [Department] WIFC regional service centers or other designated local sites on days designated by the [Department] WIFC.

(2) The [Department] WIFC shall establish and adequately staff a site in each county where licensing occurs.

(3) The [Department] WIFC shall post notices of dates and locations for licensing of blind sites in the office of the clerk of the court in each county.

(4) Licensing shall begin on or before the first Tuesday in August of each year on dates set by the [Department] WIFC.

10-610.

(a) (1) In order to provide greater public access and use of wild waterfowl blinds, in each county of the State where wild waterfowl are adequate and hunting is allowed under this subtitle, the [Department] WIFC shall locate and construct blinds on public lands under the [Department's] control OF THE WIFC and make the blinds available for public use.

(2) The [Department] WIFC may allow the hunting of wild waterfowl from a boat that is drifting or anchored or while standing in the water on the natural bottom in waters adjacent to lands owned or managed by the [Department] WIFC.

(3) Except for the purpose of animal control, the [Department] WIFC may not allow waterfowl hunting on public land under this section unless the public land is open to public hunting.

(b) The [Department] WIFC shall encourage local and federal government to make opportunities available for the public to hunt waterfowl from blinds located on public lands under the jurisdiction of the local or federal government by:

(1) Entering into an agreement with the local or federal government to construct the blinds and manage their use; or

(2) Advising the local or federal government on the proper construction, location, and management of blinds to be used by the public for hunting wild waterfowl.

10-612.

(a) The [Department] WIFC shall inspect a licensed blind site to determine the validity of the certifications in an application upon request of the owner of the shore front property.

(b) If the [Department] WIFC finds that the certifications of the application are erroneous, the [Department] WIFC may revoke the license by giving written notice to the applicant.

10-614.

Offshore stationary blinds or blind sites may not be erected, maintained, or licensed in the following waters:

(1) Offshore from lands owned or managed by the [Department] WIFC except the [Department] WIFC may locate and construct offshore stationary blinds or blind sites and make the blinds or blind sites available to the public;

(2) Where the use of the blinds may present a risk to national security or the health and safety of the hunters as determined by the [Department] WIFC;

(3) Where the location of the blinds interferes with the safe operation of an airport;

(4) In Baltimore County on:

(i) The Middle River and its tributaries, westerly or towards shore from a straight line drawn from the tip of Wilson Point in a southwesterly direction to the northwest corner of Cape May Beach;

(ii) Frog Mortar Creek from a straight line drawn from the tip of what is known as Strawberry Point in a southeasterly direction across the creek to the tip of what is known as Galloway Point and extending 1,500 yards northeast up the creek to the point where Glenwood Road approaches the creek shoreline;

(iii) Back River and its tributaries west of the Eastern Avenue bridge; or

(iv) Bird River and its tributaries extending from the head of tide at Whitemarsh Run and Windlass Run and going generally easterly or towards a line that runs in a northerly direction from the northernmost tip of a peninsula called Stumpfs Marsh to the opposite shoreline, but excluding an area that lies between Stumpfs Marsh and a line 150 yards from the shoreline of Stumpfs Marsh; or

(5) In Kent County on:

(i) Turner's Creek; or

(ii) Chester River and its tributaries, except in those waters lying between Durdling's Creek and Deep Point or between the property line of Wickliffe Farm and Cedar Point Farm near the point known as Pine Tree Cove and Graveyard Point in Spencer Hall Farm on Eastern Neck Island and the Chesapeake Bay between the north end of Wilson's Point on Trumpington Farm and the mouth of the Chester River.

10-615.

(b) A licensee may institute proceedings against or the [Department] WIFC may prosecute any person who violates the provisions of this section.

10-701.

(a) A club or association may not hold a field trial with dogs in the State during any closed hunting season without first obtaining a permit from the [Secretary] WIFC.

(b) The [Secretary] WIFC may grant a permit to field trial clubs and associations to hold field trials with raccoon, opossum, bird, or rabbit dogs in the State any time during the closed season. Field trials shall be held pursuant to regulations the [Secretary] WIFC adopts to safeguard the interests of wildlife in the State.

10-801.

(a) The [Department] WIFC may acquire, by purchase, lease, condemnation, or gift, title or control of any area of land or water in the State suitable to protect, propagate, or manage wildlife or for hunting purposes. The area of land or water shall be known as a wildlife management area. Any area of land or water greater than 100 acres may be acquired in Garrett County or Allegany County only with the approval of that county. This requirement does not apply to any areas which have previously been authorized for acquisition by the General Assembly.

(b) The [Department] WIFC may purchase or erect any structure necessary for wildlife management and may purchase or lease any area of land or water excluding the ownership of and the right to drill any mineral, oil, or gas.

10-802.

(a) The title to any land or water acquired by purchase, gift, or condemnation shall be taken in the name of the State for the [Department's] use OF THE WIFC. The entire control of the area of land and water shall be under the State's direction.

(b) The [Secretary] WIFC may expend from the State Wildlife Management and Protection Fund any amount necessary to purchase or condemn the area of land or water.

10-803.

(a) If the [Department] WIFC considers it in the State's best interests and the Governor consents, the [Department] WIFC may exchange any area of land or water or part the [Department] WIFC owns together with any improvement on the area of land or water for any privately owned area of land or water equal to or greater in value than the area of land or water the [Department] WIFC exchanges and adapted for wildlife refuge and management. Also, the [Department] WIFC may sell any area of land or water or part of the area of land or water owned by the [Department] WIFC to the person who offers the highest price.

(b) The [Department] WIFC may use any acquired area of land or water as a State park.

(c) The Attorney General shall prepare any deed necessary to complete the exchange or sale of the area of land or water. The [Secretary] EXECUTIVE DIRECTOR shall execute the deed. The net proceeds of any sale shall be deposited with the State Comptroller and placed to the credit of the State Wildlife Management and Protection Fund.

10-804.

(a) An acquired area of land or water may be used to create and maintain State wildlife refuges, for wildlife management, and hunting grounds as the [Department] WIFC deems advisable for hunting grounds.

(b) (1) The [Department] WIFC may cut and remove and sell or permit the cutting and removing and selling of timber on lands to which title has been acquired by purchase, gift, or otherwise.

(c) The [Department] WIFC may grant rights-of-way on or across any acquired area of land or water if the grant does not affect adversely wildlife protection, management, and propagation.

(d) The [Department] WIFC may appoint a caretaker of the area of land or water and make an agreement with the caretaker for proper care and management of the wildlife refuge.

10-805.

(a) The [Department] WIFC, in order to protect and propagate wildlife, may establish and maintain State wildlife refuges where wildlife may not be hunted, disturbed, or molested at any time. Upon the consent of the Governor and the superintendent in charge of any area of federally owned or State-owned land or water, the [Department] WIFC may locate a State wildlife refuge on any State-owned or federally owned forest, land, or water.

(b) The boundaries of each wildlife refuge shall be clearly marked. At each refuge a notice shall be posted in a conspicuous place informing the public the area of land or water is a "State Wildlife Refuge -- Hunting Is Unlawful", and other information or regulations the [Department] WIFC considers advisable.

10-806.

(a) If a person who owns or controls any suitable area of land or water desires to have the area of land or water set aside for a refuge, the person may apply to the [Department] WIFC, giving a description of the area of land or water including a specific location, map, or sketch showing an outline of the area of land or water, the location of any structure or improvement and the nature of the area of land or water, such as woodland, abandoned farmland, or cultivated land, or lake, pond, marsh, or impounded stream.

(b) The [Department] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may examine the area of land or water to determine if the area of land or water is

suitable for wildlife protection and management. If the area of land or water is acceptable as a wildlife refuge, the [Department] EXECUTIVE DIRECTOR shall notify the person of this fact. The person shall sign a lease, vesting the State with every hunting right in the area of land or water without charge. The lease also shall provide that the owner, the owner's family, agents, tenants, and any other person may not hunt on the area of land or water, and that the person will make every effort to protect the refuge from forest fires, hunting, or any violation of any State conservation law. The lease or agreement shall continue in force for an uninterrupted period of at least 5 years.

(c) If the person who owns or controls the area of land or water named in any lease on which there is no charge sells the area of land or water, the area is released from the operation of the lease unless the purchaser agrees to allow the area to remain under lease. The [Department] WIFC or the owner of the area of land or water may rescind any lease for which there is no charge made pursuant to this section after giving 90 days written notice to the other party of intent to terminate the lease.  
10-807.

(a) A person may not enter in any manner on any State wildlife refuge without the consent of the [Department] WIFC or person in charge of the area of land or water.

(b) (2) The [Department] WIFC may grant a special written permit, subject to revocation at any time, to any person regularly residing on lands included within any wildlife refuge to have any trap, dog, or gun on the refuge. However, the trap, dog, or gun may not be used in hunting wildlife unless done under special permit from the [Department] WIFC for propagating purposes.

(c) The [Department] EXECUTIVE DIRECTOR by written permission may grant to any responsible person the right to hunt for vermin and use any dog and gun in connection with hunting on State wildlife refuges. The [Department] EXECUTIVE DIRECTOR also may grant permission to hunt wildlife to be used for propagation purposes.

10-808.

The [Department] WIFC may adopt and post rules and regulations for the proper use and administration of any State land or water the [Department] WIFC controls or owns.

10-902.

(a) Any person desiring to possess, import, export, breed, raise, protect, rehabilitate, hunt, kill, trap, capture, purchase, or sell any wildlife, native to Maryland, shall first obtain a permit or license from the [Department] WIFC.

(b) The [Secretary] WIFC shall establish by regulation:

(1) The types and classes of permits and licenses which shall be issued;



- requirement;
- (2) The species of wildlife exempt from the permit and license
  - (3) Sanitary housing or any other conditions which are necessary for the humane, safe, and healthy possession of wildlife;
  - (4) Conditions under which captive wildlife may be hunted or released to the wild; and
  - (5) Recordkeeping requirements.
- (c) The [Secretary] EXECUTIVE DIRECTOR shall charge a reasonable fee for each permit or license.

10-903.

The [Secretary] WIFC may adopt regulations prohibiting or restricting the importation, exportation, sale, release, or possession of wildlife not native to Maryland on a finding that the wildlife is harmful to native wildlife or to natural ecosystems.

10-904.

The [Secretary] WIFC shall coordinate with federal and local governments regarding the issuance of permits, inspection of facilities, and enforcement of compliance with pertinent laws and regulations. This subtitle may not be construed to limit local governments from enacting stricter requirements regarding housing and sanitation conditions under which wildlife must be kept or other health and safety requirements.

10-905.

(a) (1) On payment of a reasonable fee, the [Secretary] EXECUTIVE DIRECTOR may issue a game husbandry license to any person who desires to raise, breed, protect, or sell game birds or mammals.

(c) Each licensee shall keep a ledger of any game bird or mammal raised, the number killed, and the number sold dead or alive. The licensee shall allow the [Department] WIFC:

- (1) To enter and inspect at any reasonable hour the premises where operations are carried on; and
- (2) To inspect the records.

(d) The [Secretary] WIFC may prescribe, by regulation, the conditions under which a person may possess and sell game birds and mammals intended for human consumption which have been purchased from a licensed game breeder.

10-906.

(a) Any person desiring to establish and operate a regulated shooting ground shall first obtain a permit from the [Department] WIFC.

(b) (1) The [Department] WIFC may issue a regulated shooting ground permit on payment of a reasonable fee and after determining that the establishment and operation of it does not conflict with any reasonable prior public interest.

(2) The [Department] WIFC may not issue a new permit for a regulated shooting ground to an existing permit holder unless the report required under subsection (c)(2) of this section has been filed.

(3) (i) As part of the application for a regulated shooting ground permit, a person may apply to the [Department] WIFC for authorization to allow hunting on Sunday as provided under § 10-410(a)(2)(iii) of this title.

(ii) The [Department] WIFC shall ensure that all requirements and conditions of applicable law and regulations are met and that issuance of the authorization will not have an adverse impact on the conservation of native game species or to the public interest.

(c) (1) The [Department] WIFC, by regulation, shall govern and prescribe the size of the area, the method of hunting, the open and closed seasons, the release, possession, and use of propagated wildlife, and any reports the [Department] WIFC deems necessary.

(2) The [Department] WIFC shall require each person holding a regulated shooting ground permit to file a report with the [Department] EXECUTIVE DIRECTOR, on forms provided by the [Department] EXECUTIVE DIRECTOR, by April 30 of each year for the most recently concluded hunting season. The report shall include:

(i) The number and species of captive raised birds that have been released, killed, or recaptured on the regulated shooting ground each day;

(ii) The number and species of all wild waterfowl that have been killed on the regulated shooting ground excluding any of the captive raised birds listed in subparagraph (i) of this paragraph;

(iii) An estimate of how many captive raised birds by species were released and not captured; and

(iv) Any outbreaks of avian influenza or other diseases in the captive raised birds raised, released, or captured on the regulated shooting ground.

(5) The permittee shall allow the [Department] WIFC or [the Department's] A representative OF THE WIFC to inspect:

(i) Those records required to be maintained under paragraphs (2) and (3) of this subsection; and

(ii) All hatcheries, equipment, and facilities used for rearing and holding captive raised birds.

(6) The permittee shall allow the [Department] WIFC or [the Department's] A representative OF THE WIFC to:

(i) Collect environmental samples from all hatching, rearing, and holding facilities;

(ii) Culture or biochemical test these samples for the presence of avian diseases; and

(iii) Test a sample of captive raised birds from the permittee's flock. The permittee shall provide the [Department] WIFC captive raised birds for testing at no cost to the [Department] WIFC as the [Department] WIFC deems necessary.

(d) (2) The license shall bear the signature of the [Secretary] EXECUTIVE DIRECTOR and shall be countersigned by the issuing agent who at the same time shall fill out a stub attached to the license with the name and address of the licensee. The agent then shall detach the stub and mail it to the [Secretary] EXECUTIVE DIRECTOR the first day of each month. The agent shall retain 50 cents as compensation for issuing each license. The agent shall deliver the properly executed license to the applicant in person or by mail without further cost. The licensee shall insert the licensee's name in ink on the license at the time of purchase.

(3) The [Department] WIFC shall charge a reasonable fee for the purchase of a special license.

(5) The license is not transferable and if used or presented by any person other than the person to whom it was issued, the license shall be confiscated by the [Secretary] EXECUTIVE DIRECTOR, any [Natural Resources] WIFC police officer, or any OTHER law enforcement officer.

(f) (2) In addition to any other penalty provided by the provisions of this title, if a person who holds a permit to establish and operate a regulated shooting ground under this section or any other guest of that person is convicted of violating on the premises of the regulated shooting ground a provision of State or federal law or regulation that establishes daily or seasonal bag limits, prohibits baiting, or prohibits the hunting of wetland game birds on a regulated shooting ground by the use or aid of live birds as decoys, the [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, shall suspend the permit:

(i) For the first conviction, for the following permit year; and

(ii) For the second or subsequent conviction, for the following 2 permit years.

10-907.

(a) Any person desiring to take alive, possess, train, fly, and hunt with falcons, hawks, or owls shall first obtain a falconry permit from the [Secretary] WIFC.

(b) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may issue a falconry permit, on the payment of a reasonable fee, to any properly accredited person who:

(1) Is at least 14 years old;

(2) Has demonstrated adequate knowledge and training in the care and handling of birds of prey; and

(3) Possesses facilities demonstrated to be of sufficient design and size to properly maintain the permitted wildlife in captivity.

(c) The [Secretary] WIFC may adopt regulations governing the issuance, revocation, terms, and conditions of the permit.

10-908.

(a) Any properly accredited person desiring to assist the [Department] WIFC in the control of wildlife injurious to agriculture or other interests, or to provide care and treatment of sick or injured wildlife for rehabilitation and release back to the wild, shall first obtain a wildlife cooperator permit from the [Secretary] WIFC.

(b) (1) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may issue a wildlife cooperator permit, on the payment of a reasonable fee, to a person who:

(i) Has adequate training in the capture, handling, and care of wildlife; and

(ii) Owns or leases facilities demonstrated to be of sufficient size and design to properly maintain the permitted wildlife in captivity.

(2) The [Secretary] WIFC may adopt regulations governing the issuance, revocation, terms, and conditions of the permit.

(c) The [Secretary] EXECUTIVE DIRECTOR may designate in the permit the species and numbers of wildlife authorized to be possessed and the disposition of the wildlife.

10-909.

(a) Any properly accredited person of known scientific attainment desiring to collect wildlife, nests, or eggs from the wild for scientific or educational purposes shall first obtain a scientific collection permit from the [Secretary] WIFC.

(b) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may issue a scientific collecting permit, on the payment of a reasonable fee, to any properly accredited person who has demonstrated a legitimate scientific or educational need for the requested wildlife.

(c) The [Secretary] WIFC may adopt regulations governing the issuance, revocation, terms, and conditions of the permit.

10-910.

(a) There is a Captive Wildlife Advisory Committee. It shall be composed of 7 members appointed by the EXECUTIVE Director [of the Forest, Park and Wildlife Service].

(f) From among its members, the EXECUTIVE Director shall designate a chairman and a vice chairman of the Committee.

(i) The Committee shall:

(1) Review pertinent proposed regulations and give recommendations and comments to the EXECUTIVE Director; and

(2) Advise the EXECUTIVE Director on other matters relating to captive wildlife.

10-911.

(a) In addition to any other penalty provided by the provisions of this title, the [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may revoke or suspend any license, permit, or certificate issued to any person pursuant to this subtitle if the [Secretary] EXECUTIVE DIRECTOR finds the person or a guest of the person has violated:

(1) The terms and conditions of the license, permit, or certificate;

(2) Any regulation adopted to implement this subtitle; or

(3) Any State or federal wildlife law or regulation.

10-1002.

In order to aid the relief of crop depredations and to provide further protection to wild waterfowl, any person or group of persons, individually or collectively, may apply to the [Department] WIFC for a license to feed waterfowl upon land owned or operated by the person or group or in waters within 300 yards of a shoreline owned or operated by the person or group in accordance with the following policies and guidelines and the regulations and procedures the [Secretary] WIFC adopts under the authority granted. It is the purpose of this subtitle to encourage the placement of feed to supplement the dwindling supply of natural feed available to wild waterfowl in the

State and to regulate feeding so that it is not a means of attracting wild waterfowl to, on, or over the area where the hunters are attempting to take the waterfowl.

10-1003.

(a) Each application for a license to feed waterfowl shall be submitted in the form and number of copies as the [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, prescribes. The submitted application shall show the name and address of each applicant and each owner, or each lessor and lessee if the property is leased. The submitted application shall contain a sufficient description of the property and its location so that the property may readily be identified and located.

(e) Applications shall be filed with the [Department] EXECUTIVE DIRECTOR within 2 weeks after the [Department] WIFC has publicly released the waterfowl hunting regulations for the forthcoming season.

10-1004.

If, in the opinion of the [Department] WIFC, shooting blinds or stands, either on the applicant's property or the immediately adjacent property, are so placed in relation to the feeding zone or zones that wild waterfowl would have to pass within shooting range of the hunters in order to reach the feeding zone, the [Department] WIFC may refuse to issue the applicant a license, or if issued, may cancel a license where the intent of this section is not being observed.

10-1005.

(b) Within 10 days of receipt of notice of the approval by the [Department] WIFC of any licensed feeding zones, each zone shall be marked with a sign not less than 12 by 18 inches with printing no smaller than 12 lines (2 inches high) gothic type, stating "Waterfowl feeding zone -- shooting within 400 yards prohibited". The sign shall be visible above any vegetation or other obstruction. Prior to the opening of the wild waterfowl hunting season, each licensed shooting blind or stand also shall be posted with a similar sign, stating "Licensed Shooting Area For This Property".

(c) Subsequent to the issuance of a license a person may not change the location of feeding zones or shooting blinds or stands without approval of the [Department] WIFC.

(e) Feeding shall commence on and continue through the date the [Secretary] WIFC designates. Prior to the opening of the wild waterfowl season feeding may be done anywhere on the licensed area, if all food put out in places other than the designated feeding zone is consumed or removed at least 10 days prior to the opening date of the season. After that time, feed may not be placed anywhere except in the designated feeding zones. As used in the regulations, feeding does not include salt blocks, properly shucked corn, standing crops (including aquatics), flooded standing crops, flooded harvested croplands, or grains found scattered solely as a result of normal agricultural practices.

(f) A person may not shoot or hunt or attempt to do so within 400 yards of any licensed feeding zone. The hunter or the hunter's agent may retrieve any dead or crippled bird within that area in any manner lawful under the appropriate federal and State regulations. A person may not shoot or hunt or attempt to do so from any site or location in the licensed area, except the licensed shooting blinds and stands. In addition to any other action by the [Department] WIFC, violation of this section by the licensee or the licensee's agents, club members, guests, or permittees is grounds for immediate revocation of the feeding license.

(h) Within 15 days after the designated closing date for putting out feed, the licensee shall submit a written report to the [Department] WIFC giving the approximate amounts and types distributed and indicating the dates the feed was distributed.

10-1006.

(a) Licensed areas, not including any houses or other closed-in structures, shall be open to inspection at all times by an authorized representative of the [Department] WIFC or the U.S. Fish and Wildlife Service, or both.

(b) If upon inspection, any [Department] WIFC representative finds that the terms and conditions of the license are not being observed, the applicant shall be given written notice of the defect and 5 days to make the necessary change. If, upon a second inspection, the requirements have not been met the license may be revoked by the [Secretary] WIFC. Licensees shall be advised in writing of the findings and results of every inspection.

10-1101.

(d) In addition to any administrative penalty provided in this title, violation of any regulation adopted by any unit within the [Department] WIFC pursuant to the provisions of this title is a misdemeanor and is punishable as provided in subsections (b) and (c) of this section.

10-1103.

If any [Natural Resources] WIFC police officer or any OTHER law enforcement officer has probable cause to believe that any person possesses any bird, mammal, amphibian, or reptile or any device in violation of this title, the officer shall go before any District Court judge of the county in which the species of wildlife or device is believed to be and make affidavit to that fact. If the judge finds the affidavit legally sufficient, the judge shall issue a search warrant against the person complained of, directed to the officer making the affidavit, commanding the officer to proceed at once and search for the bird, mammal, amphibian, or reptile or the device and, upon finding it, to seize, take possession, and keep it until further order by the judge. The warrant shall be executed pursuant to the Maryland Rules. The warrant shall be returned within 5 days from the issuing date or within a shorter period of time set forth in the search warrant.

10-1104.

(a) If a [Natural Resources] WIFC police officer or any OTHER law enforcement officer has probable cause to believe that any species of wildlife or any device is possessed in violation of this title, and it is not possible or feasible to secure a search warrant in time to seize the bird, mammal, amphibian, or reptile or the device, then the [Natural Resources police] officer may examine any boat, railway car, box, crate, package, or game bag without a warrant.

(b) In this event, a [Natural Resources police] WIFC officer, in uniform or accompanied by a uniformed police officer, may stop and search an automobile, any vehicle, or trailer for the purpose of examining the game bags. The [Natural Resources] WIFC police officer also may determine whether the person has an appropriate license.

10-1105.

A [Natural Resources] WIFC police officer or any OTHER law enforcement officer, upon arresting any person for violating any provision of this title or any regulation adopted pursuant to this title, may seize every bird, mammal, reptile, and amphibian unlawfully caught, sold, offered for sale, transported, or possessed. The [Department] WIFC may dispose of any seized species of wildlife at the [Department's] discretion OF THE WIFC.

10-1106.

(a) A [Natural Resources] WIFC police officer or any OTHER law enforcement officer, upon arresting any person for violating any provision of this title or any regulation adopted pursuant to this title, may seize any device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited, in addition to any other penalty provided in this title. Any forfeiture becomes the property of the [Department] WIFC for disposition at the [Department's] discretion OF THE WIFC. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or person charged with the violation is not convicted, the device, equipment, conveyance, or property seized shall be released and returned to the owner or person.

10-1107.

(a) If a person is convicted of violating any provision of this title and the violation causes or results in the injury, death, or destruction of any wildlife, including a protected species of animal, in addition to any other penalty provided in this title, the court may order the person to pay restitution to the State for the resource value of the wildlife, as determined by the court, taking into account regulations adopted by the [Department] WIFC under subsection (b) of this section.

(b) The [Department] WIFC, by regulation, shall establish a schedule of resource values for individual species or describe a system that a court may use in



determining the resource value for the species. The [Department] WIFC may use, but not be limited to, known values to actually replace lost species or the [Department] WIFC may ascribe to a species a value which the individual wildlife or plant provides to the greater public good for the citizens of Maryland.

(c) (3) In each instance, the court shall order the person to pay the restitution to the State. Moneys paid under this section shall be credited to the [Department] WIFC to be used only for the replacement, habitat management, or enforcement programs for injured, killed, or destroyed wildlife or protected species of animals.

SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding the effective date of Section 1 of this Act, the Governor shall appoint the initial members of the Wildlife and Inland Fisheries Commission by October 1, 2002, and their initial terms shall expire as follows:

- (1) 2 members in January 2004;
- (2) 2 members in January 2005; and
- (3) 3 members in January 2006.

SECTION 3. AND BE IT FURTHER ENACTED, That all powers, functions, duties, equipment, records, assets, and liabilities related to the management of wildlife and inland fisheries under Titles 1, 4, and 10 of the Natural Resources Article, and all personnel assigned to these powers, functions, and duties in the Department of Natural Resources, be, and they are hereby transferred to the Wildlife and Inland Fisheries Commission under Titles 1A, 4, and 10 of the Natural Resources Article. This transfer shall begin immediately upon the effective date of this Act and shall be complete by July 1, 2003.

SECTION 4. AND BE IT FURTHER ENACTED, That every person who is employed by the Department of Natural Resources in a wildlife and inland fisheries management function in a position authorized by the State budget is hereby transferred to the Wildlife and Inland Fisheries Commission on or before July 1, 2003, without any change or loss of rights, benefits, or employment and retirement status, except as otherwise specifically provided in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That with respect to powers, functions, and duties transferred by this Act, the Wildlife and Inland Fisheries Commission is the successor of the Department of Natural Resources, the Chairman of the WIFC is the successor of the Secretary of Natural Resources for all purposes related to State policy regarding the conservation and management of wildlife and inland fisheries, and the Executive Director of the WIFC is the successor of the Secretary of Natural Resources for all purposes related to the administration of the WIFC as an independent State agency. In every law, executive order, regulation, policy, rule, or document created by any department, official, employee, or unit of this State, the names and titles of that department, official, employee, or unit mean the name and term of the successor department, official, employee, or unit for purposes of wildlife and inland fisheries management, as provided in this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the effective date of Section 1 of this Act, the following funds shall be transferred from the Department of Natural Resources to the Wildlife and Inland Fisheries Commission on or before July 1, 2003:

(1) that portion of the State Chesapeake Bay and Endangered Species Fund designated to be administered by the Wildlife and Inland Fisheries Commission under § 1-703 of the Natural Resources Article, as enacted under Section 1 of this Act;

(2) all State funds from the sale of inland fishery licenses and stamps issued under Title 4 of the Natural Resources Article or any regulations adopted under the authority of Title 4;

(3) all State funds from the sale of hunting licenses and stamps issued under Title 10 of the Natural Resources Article or any regulations adopted under the authority of Title 10; and

(4) all other State and federal funds received or to be received by the Department of Natural Resources that are related to the conservation and management of wildlife and inland fisheries.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, nothing in this Act affects the term of office of an appointed member of any board, commission, committee, or other agency or unit. A person who is a member of such a unit on the effective date of this Act shall remain a member for the balance of the term to which the member was appointed, unless the member sooner dies, resigns, or is removed pursuant to the provisions of law.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute here amended, repealed, or transferred, and validly entered into before the effective date of this Act and every right, duty, or interest following from it remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, all permits and licenses, applications for permits and licenses, regulations, proposed regulations, standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, special funds, appropriations, grants, applications for grants, contracts, properties, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this Act shall continue in effect under the Wildlife and Inland Fisheries Commission or the appropriate board, commission, or other unit within the WIFC, until completed, withdrawn, cancelled, modified, or otherwise changed pursuant to law.

SECTION 10. AND BE IT FURTHER ENACTED, That pursuant to the plan of reorganization proposed by this Act, in coordination with the Executive Director of Legislative Services, the publishers of the Annotated Code of Maryland are hereby

directed to correct any cross-references, agency names, and titles that are rendered incorrect by this Act, in accordance with this section.

SECTION 11. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or public local, or regulations, inconsistent with this Act, are repealed to the extent of the inconsistency.

SECTION 12. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 13. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2003.

SECTION 14. AND BE IT FURTHER ENACTED, That except for Section 1, this Act shall take effect July 1, 2002.