

# SENATE BILL 619

M2

3lr1462

---

By: **Senator Astle**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2013

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Wildlife Management and Sustainability Act of 2013**

3 FOR the purpose of altering the funding sources for and clarifying the uses of the  
4 State Wildlife and Management Protection Fund; repealing obsolete language;  
5 clarifying that a certain nonresident license does not authorize bear hunting;  
6 altering the fees for certain hunting licenses; repealing a certain requirement  
7 that the Department of Natural Resources use certain funds for a certain  
8 purpose; repealing certain hunting requirements and restrictions; clarifying a  
9 certain requirement that a person obtain a certificate of competency in firearms  
10 and hunter safety before obtaining a hunting license; altering the distribution of  
11 fines collected in District Court for hunting violations; encouraging certain  
12 State agencies to develop certain marketing strategies related to hunting and  
13 fishing; and generally relating to wildlife management and sustainability.

14 BY repealing and reenacting, without amendments,  
15 Article – Natural Resources  
16 Section 10–209(a) through (c)  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article – Natural Resources  
21 Section 10–209(f) and (g), 10–301(c)(1) and (g), 10–301.1(a) and (b), 10–308,  
22 10–415, and 10–1102  
23 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2012 Replacement Volume)

2 BY adding to  
3 Article – Natural Resources  
4 Section 10–209(f–1) and (f–2)  
5 Annotated Code of Maryland  
6 (2012 Replacement Volume)

7 Preamble

8 WHEREAS, The Maryland Hunting Heritage Protection Act of 2005 reflects the  
9 American system of conservation funding under which sportsmen and sportswomen  
10 are recognized not only as the foremost supporters of sound wildlife management and  
11 conservation practices in the United States, but also as those who primarily  
12 underwrite the costs of increasing wildlife populations, hunter education, and public  
13 access to the outdoors through the money they provide for licenses, permits, stamps,  
14 and taxes; and

15 WHEREAS, Sportsmen and sportswomen realize that Maryland’s Department  
16 of Natural Resources is vitally dependent on the special funds they pay for licensure,  
17 in view of the dwindling General Fund support realized since the economic recession of  
18 the early 1990s, and are committed to species management as evidenced by the  
19 enactment of the Fishery Management Reform Act of 2007 that increased recreational  
20 fishing license fees with the support of sportfishing organizations; and

21 WHEREAS, Notwithstanding the fact that Maryland sportsmen and  
22 sportswomen strongly believe that General Fund support for the Department of  
23 Natural Resources is fair and just, especially in view of the Public Trust Doctrine that  
24 recognizes that government has an affirmative duty to protect, manage, and conserve  
25 fish and wildlife, they recognize that the federal Aid in Wildlife Restoration Act  
26 (Pittman–Robertson Act) safeguards funds derived from their hunting license fees  
27 from being diverted from the State Wildlife Management and Protection Fund to the  
28 General Fund through the State budget; and

29 WHEREAS, There is genuine concern within the sportsmen’s and  
30 sportswomen’s community that if additional funding for the State Wildlife  
31 Management and Protection Fund is not realized, then (1) research, management, and  
32 enforcement will be curtailed to the detriment of wildlife sustainability and in conflict  
33 with federal law; (2) existing State land available for public hunting and wildlife  
34 habitat will suffer from inadequate enforcement and management; and (3) recruitment  
35 efforts for the next generation of hunters will fail; and

36 WHEREAS, This Act envisions a greater shared responsibility for underwriting  
37 the State Wildlife Management and Protection Fund, beyond the support provided by  
38 sportsmen and sportswomen, to help ensure current and future fiscal integrity for  
39 modern wildlife management and enforcement for the benefit of wildlife populations  
40 and the next generation sporting public; now, therefore,

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

3 **Article – Natural Resources**

4 10–209.

5 (a) In this section, “Fund” means the State Wildlife Management and  
6 Protection Fund.

7 (b) There is a State Wildlife Management and Protection Fund in the  
8 Department.

9 (c) The purpose of the Fund is to finance the scientific investigation,  
10 protection, propagation, and management of wildlife.

11 (f) The Fund consists of:

12 (1) Any money received for a license, stamp, application, or permit fee  
13 under this title, unless otherwise provided; [and]

14 (2) Any investment earnings of the Fund;

15 (3) **A GIFT RECEIVED IN ACCORDANCE WITH § 2–201 OF THE**  
16 **STATE FINANCE AND PROCUREMENT ARTICLE;**

17 (4) **MONEY APPROPRIATED FROM THE GENERAL FUND OF THE**  
18 **STATE UNDER SUBSECTION (F–1) OF THIS SECTION; ~~AND~~**

19 (5) **USER FEES COLLECTED UNDER SUBSECTION (F–2) OF THIS**  
20 **SECTION; AND**

21 (6) **FINES COLLECTED AND PAID TO THE FUND UNDER § 10–1102**  
22 **OF THIS TITLE.**

23 (F–1) **BEGINNING IN FISCAL YEAR 2014 AND EACH FISCAL YEAR**  
24 **THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET AN**  
25 **APPROPRIATION FROM THE GENERAL FUND FOR THE FUND AND THE**  
26 **MARYLAND’S FARMERS AND HUNTERS FEEDING THE HUNGRY PROGRAM.**

27 (F–2) **THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING**  
28 **FEES FOR USERS, EXCEPT LICENSED HUNTERS, OF WILDLIFE MANAGEMENT**  
29 **AREAS.**

1 (g) The Fund may be used **ONLY** for:

2 (1) The scientific investigation, protection, propagation, and  
3 management of wildlife; and

4 (2) Administrative costs calculated in accordance with § 1-103(b)(2) of  
5 this article.

6 10-301.

7 (c) (1) Except as provided in paragraph (2) of this subsection, the  
8 following persons are not required to obtain a [hunter's] **HUNTING** license, [bow and  
9 arrow] **ARCHERY** stamp, [black powder] **MUZZLE LOADER** stamp, or bonus antlered  
10 deer stamp:

11 (i) With respect to hunting on farmland only:

12 1. The resident owner of the farmland and the owner's  
13 spouse, child, and child's spouse;

14 2. A tenant and the tenant's spouse, child, and child's  
15 spouse. A tenant is a person holding land under a lease, or a sharecropper who resides  
16 in a dwelling on the land, but a tenant does not include any employee of the owner or  
17 tenant; and

18 3. A nonresident owner of a parcel of farmland and the  
19 owner's spouse, child, and child's spouse if:

20 A. The parcel of farmland is located in Maryland and an  
21 adjacent state;

22 B. The owner's primary residence is on the parcel of  
23 farmland; and

24 C. The adjacent state extends similar privileges to a  
25 resident of Maryland;

26 (ii) Any resident serving in the armed forces of the United  
27 States while on leave in the State, during the resident's leave period, if, while hunting,  
28 the resident possesses a copy of the resident's official leave order;

29 (iii) Any person serving in the armed forces of the United States  
30 who has a service-connected disability, if, while hunting, the person possesses valid  
31 military identification; and

32 (iv) Any unarmed person participating in an organized foxhunt.

1 (g) (1) There shall be the following types of hunting licenses in the State:

2 (i) A [resident] hunting license that enables the purchaser to  
3 hunt all legal game birds and mammals during any appropriate season in Maryland  
4 [without the purchase of additional stamps, unless the purchaser is hunting migratory  
5 game birds or deer during bow and arrow season or black powder season. To hunt  
6 migratory game birds the purchaser must also buy a Maryland migratory game bird  
7 stamp and to hunt wild waterfowl the purchaser must buy both a Maryland migratory  
8 game bird stamp and a federal migratory bird hunting and conservation stamp. To  
9 hunt deer during bow and arrow season and black powder season the purchaser must  
10 also purchase a bow and arrow or black powder stamp]. **THIS LICENSE DOES NOT  
11 INCLUDE DEER STAMPS, A MIGRATORY GAME BIRD STAMP, OR ANY OTHER  
12 HUNTING STAMP OR PERMIT REQUIRED BY THE DEPARTMENT IN REGULATION.**

13 (ii) [A nonresident hunting license that enables the purchaser to  
14 hunt all legal game birds and mammals during any appropriate season without the  
15 purchase of additional stamps unless the purchaser is hunting migratory game birds  
16 or deer during bow and arrow season or black powder season. This license enables the  
17 purchaser to hunt migratory game birds only with the purchase of a Maryland  
18 migratory game bird stamp and to hunt wild waterfowl only with the purchase of both  
19 a Maryland migratory game bird stamp and a federal migratory bird hunting and  
20 conservation stamp. This license enables the purchaser to hunt deer during bow and  
21 arrow season and black powder season only with the purchase of a nonresident bow  
22 and arrow or black powder stamp.

23 (iii)] A nonresident 3-day hunting license that enables the  
24 purchaser to hunt all legal game birds and mammals except deer, **BEAR**, and turkey  
25 for the 3 consecutive legal hunting days in a single season that are specified on the  
26 license by the issuing agent. The purchaser must also purchase a Maryland migratory  
27 game bird stamp to hunt migratory game birds and a federal migratory bird hunting  
28 and conservation stamp to hunt wild waterfowl with this license. Under no  
29 circumstance does this license authorize the purchaser to hunt deer [and], **BEAR, OR**  
30 turkey.

31 **(III) A JUNIOR HUNTING LICENSE FOR AN INDIVIDUAL  
32 UNDER THE AGE OF 16 YEARS THAT ENABLES THE LICENSEE TO HUNT AND TRAP  
33 ALL LEGAL GAME BIRDS AND MAMMALS NOT EXCEPTED BY THE DEPARTMENT  
34 IN REGULATION, DURING ANY APPROPRIATE SEASON IN MARYLAND, WITHOUT  
35 THE PURCHASE OF AN ADDITIONAL LICENSE OR STAMP.**

36 (2) Residents may purchase a senior hunting license beginning in the  
37 calendar year in which they attain the age of 65.

38 (3) A nonresident of any age must purchase either a nonresident  
39 hunting license or a nonresident 3-day hunting license to hunt in the State.

1 (4) The fees for hunting licenses are according to the following  
2 schedule:

3 (i) Resident, junior, under the age of 16 years ..... \$10.50

4 (ii) Resident, regular, at least 16 years old and under the age of  
5 65 years.....~~[\$24.50]~~ **\$37.00**

6 (iii) Resident, senior, at least 65 years old ..... \$5.00

7 (iv) Nonresident, regular, at least 16 years  
8 old.....~~[\$130.00]~~ **\$150.00**

9 (v) Nonresident, junior, under the age of 16 years ..... \$65.00

10 (vi) Complimentary license authorized to be issued under §  
11 10-303 of this subtitle.....No fee

12 (vii) Nonresident 3-day hunting license ..... ~~[\$45.00]~~ **\$65.00**

13 (5) The fees for individual hunting stamps are according to the  
14 following schedule:

15 (i) ~~[Bow and arrow]~~**ARCHERY** stamp ..... \$6.00

16 (ii) Nonresident ~~[bow and arrow]~~ **ARCHERY** stamp..... \$25.00

17 (iii) ~~[Black powder]~~ **MUZZLE LOADER** stamp..... \$6.00

18 (iv) Nonresident ~~[black powder]~~ **MUZZLE LOADER**  
19 stamp.....\$25.00

20 (v) Maryland migratory game bird stamp..... \$9.00

21 (vi) Resident bonus antlered deer stamp..... \$10.00

22 (vii) Nonresident bonus antlered deer stamp for each type of deer  
23 hunting season.....\$25.00

24 10-301.1.

25 (a) (1) [(i) On or after July 1, 1977 a person under 18 years of age may  
26 not procure a hunting license or hunt in the State, unless the person has first been  
27 issued a certificate of competency in firearms and hunter safety.

1 (ii) On or after July 1, 1977 a person, regardless of age, may not  
2 procure a hunting license without producing a certificate of competency or a hunting  
3 license issued prior to July 1, 1977 or making out an affidavit that the person had such  
4 a license] **A PERSON MAY NOT PROCURE A HUNTING LICENSE OR HUNT IN THE**  
5 **STATE UNLESS THE PERSON FIRST HAS BEEN ISSUED A CERTIFICATE OF**  
6 **COMPETENCY IN FIREARMS AND HUNTER SAFETY OR HAS MADE OUT AN**  
7 **AFFIDAVIT THAT THE PERSON HAD SUCH A LICENSE BEFORE JULY 1, 1978.**

8 (2) This section does not apply to nonresidents of Maryland who  
9 purchase a hunting license in the State to hunt wild waterfowl. However, this does  
10 apply to nonresidents of Maryland who purchase hunting licenses in the State to hunt  
11 other wildlife.

12 (b) (1) The Department shall prescribe a course of instruction in  
13 conservation and in competency and safety in the handling of firearms.

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

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

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

27 10-308.

28 [(a)] The Department shall use \$1 from the sale of each resident regular and  
29 full season nonresident hunting license as follows:

30 (1) Up to 40 percent to:

31 (i) Provide bow hunter education;

32 (ii) Acquire, construct, and maintain public archery ranges; or

33 (iii) Perform any study necessary to evaluate any program or  
34 project related to bow or muzzle loader hunting; and

1 (2) The remaining percentage to:

2 (i) Establish an effective and efficient deer checking system  
3 during the muzzle loader and bow hunting deer season;

4 (ii) Acquire additional hunter access during the muzzle loader  
5 and bow hunting season by:

6 1. The opening of additional State-owned lands to  
7 muzzle loader and bow hunting;

8 2. The purchase of rights-of-way or access roads to  
9 reach areas not open to muzzle loader and bow hunting;

10 3. The acquisition of additional lands for muzzle loader  
11 and bow hunting; and

12 4. The administration of a permit system applicable to  
13 newly opened areas; and

14 (iii) Police hunting lands during the muzzle loader and bow  
15 hunting season and provide additional law enforcement personnel as necessary to  
16 accomplish additional hunter access under item (ii) of this item.

17 [(b) The Department shall use \$1 from the sale of each resident regular and  
18 full season nonresident hunting license to provide funding for the processing of deer  
19 for donation to the needy.]

20 10-415.

21 (a) There are the following 3 seasons to hunt deer:

22 (1) Deer [bow hunting] **ARCHERY** season;

23 (2) Deer firearms season; and

24 (3) Deer muzzle loader season.

25 [(b) (1) Every person killing a deer shall report with the deer to a  
26 designated checking station within 24 hours after killing the deer.

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

1           (c)   (1)   A person with a hunting license also may purchase bonus deer  
2 stamps from the Department.

3                   (2)   A bonus deer stamp allows a person with the hunting license to  
4 hunt 1 deer for each stamp purchased in any of the following hunting seasons for deer  
5 in the State:

6                           (i)   Deer bow hunting season;

7                           (ii)   Deer muzzle loader season; and

8                           (iii)   Deer firearms season.

9                   (3)   An individual who purchases a bonus antlered deer stamp but does  
10 not use it during a particular season may use that stamp during any subsequent  
11 season in that hunting license year.

12                   (4)   The fee for each bonus antlered deer stamp issued in accordance  
13 with this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

14                   (5)   The Department may establish by regulation the type and number  
15 of deer stamps issued under this subsection if necessary to control the deer harvest in  
16 various areas of the State.

17           (d)   Repealed.

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

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

32                   [(g)] (B)   A person may not hunt a deer while the deer is taking refuge in or  
33 swimming through the waters of the State.

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

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

4 10–1102.

5 (a) If any fine is imposed by the District Court for a violation of any provision  
6 of this title, the fine shall be collected pursuant to the provisions of law of the District  
7 Court system **AND, LESS THE COSTS OF COLLECTION, THE FOLLOWING**  
8 **PROPORTIONS OF THE FINES COLLECTED IN THE FISCAL YEARS INDICATED**  
9 **SHALL BE PAID TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION**  
10 **FUND:**

11 (1) **25% IN FISCAL YEAR 2015;**

12 (2) **50% IN FISCAL YEAR 2016;**

13 (3) **75% IN FISCAL YEAR 2017; AND**

14 (4) **100% IN FISCAL YEAR 2018 AND EACH FISCAL YEAR**  
15 **THEREAFTER.**

16 (b) If any fine is imposed by the circuit court of any county, the fine, less the  
17 costs of collection, shall be paid to the State Wildlife Management and Protection  
18 Fund, unless otherwise provided for.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
20 encourages the Department of Natural Resources and the Department of Business and  
21 Economic Development, in consultation with the Maryland Legislative Sportsmen's  
22 Foundation, to develop marketing strategies to promote Maryland as the nation's  
23 premiere destination for hunting and fishing, with the goal of increasing Maryland's  
24 market share of the estimated thirty–seven million sportsmen and sportswomen who  
25 spend an estimated \$90,000,000,000 annually on outdoor sporting activities.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 June 1, 2013.