

SENATE BILL 619

M2

3lr1462

By: **Senator Astle**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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
24 (2012 Replacement Volume)

25 BY adding to
26 Article – Natural Resources
27 Section 10–209(f–1) and (f–2)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume)

2 Preamble

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

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

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

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

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

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

38 **Article – Natural Resources**

1 10-209.

2 (a) In this section, "Fund" means the State Wildlife Management and
3 Protection Fund.

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

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

8 (f) The Fund consists of:

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

11 (2) Any investment earnings of the Fund;

12 (3) **A GIFT RECEIVED IN ACCORDANCE WITH § 2-201 OF THE**
13 **STATE FINANCE AND PROCUREMENT ARTICLE;**

14 (4) **MONEY APPROPRIATED FROM THE GENERAL FUND OF THE**
15 **STATE UNDER SUBSECTION (F-1) OF THIS SECTION; AND**

16 (5) **USER FEES COLLECTED UNDER SUBSECTION (F-2) OF THIS**
17 **SECTION.**

18 (F-1) **BEGINNING IN FISCAL YEAR 2014 AND EACH FISCAL YEAR**
19 **THEREAFTER, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET AN**
20 **APPROPRIATION FROM THE GENERAL FUND FOR THE FUND AND THE**
21 **MARYLAND'S FARMERS AND HUNTERS FEEDING THE HUNGRY PROGRAM.**

22 (F-2) **THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING**
23 **FEES FOR USERS, EXCEPT LICENSED HUNTERS, OF WILDLIFE MANAGEMENT**
24 **AREAS.**

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

26 (1) The scientific investigation, protection, propagation, and
27 management of wildlife; and

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

30 10-301.

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

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

6 1. The resident owner of the farmland and the owner's
7 spouse, child, and child's spouse;

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

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

14 A. The parcel of farmland is located in Maryland and an
15 adjacent state;

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

18 C. The adjacent state extends similar privileges to a
19 resident of Maryland;

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

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

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

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

28 (i) A [resident] hunting license that enables the purchaser to
29 hunt all legal game birds and mammals during any appropriate season in Maryland
30 [without the purchase of additional stamps, unless the purchaser is hunting migratory
31 game birds or deer during bow and arrow season or black powder season. To hunt
32 migratory game birds the purchaser must also buy a Maryland migratory game bird
33 stamp and to hunt wild waterfowl the purchaser must buy both a Maryland migratory
34 game bird stamp and a federal migratory bird hunting and conservation stamp. To

1 hunt deer during bow and arrow season and black powder season the purchaser must
2 also purchase a bow and arrow or black powder stamp]. **THIS LICENSE DOES NOT**
3 **INCLUDE DEER STAMPS, A MIGRATORY GAME BIRD STAMP, OR ANY OTHER**
4 **HUNTING STAMP OR PERMIT REQUIRED BY THE DEPARTMENT IN REGULATION.**

5 (ii) [A nonresident hunting license that enables the purchaser to
6 hunt all legal game birds and mammals during any appropriate season without the
7 purchase of additional stamps unless the purchaser is hunting migratory game birds
8 or deer during bow and arrow season or black powder season. This license enables the
9 purchaser to hunt migratory game birds only with the purchase of a Maryland
10 migratory game bird stamp and to hunt wild waterfowl only with the purchase of both
11 a Maryland migratory game bird stamp and a federal migratory bird hunting and
12 conservation stamp. This license enables the purchaser to hunt deer during bow and
13 arrow season and black powder season only with the purchase of a nonresident bow
14 and arrow or black powder stamp.

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

23 (iii) **A JUNIOR HUNTING LICENSE FOR AN INDIVIDUAL**
24 **UNDER THE AGE OF 16 YEARS THAT ENABLES THE LICENSEE TO HUNT AND TRAP**
25 **ALL LEGAL GAME BIRDS AND MAMMALS NOT EXCEPTED BY THE DEPARTMENT**
26 **IN REGULATION, DURING ANY APPROPRIATE SEASON IN MARYLAND, WITHOUT**
27 **THE PURCHASE OF AN ADDITIONAL LICENSE OR STAMP.**

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

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

32 (4) The fees for hunting licenses are according to the following
33 schedule:

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

35 (ii) Resident, regular, at least 16 years old and under the age of
36 65 years..... [\$24.50] **\$37.00**

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

1 (iv) Nonresident, regular, at least 16 years
2 old..... **[\$130.00] \$150.00**

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

4 (vi) Complimentary license authorized to be issued under §
5 10-303 of this subtitle.....No fee

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

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

9 (i) **[Bow and arrow]ARCHERY** stamp \$6.00

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

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

12 (iv) Nonresident **[black powder] MUZZLE LOADER**
13 stamp.....\$25.00

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

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

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

19 10-301.1.

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

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

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

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

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

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

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

20 10-308.

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

23 (1) Up to 40 percent to:

24 (i) Provide bow hunter education;

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

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

28 (2) The remaining percentage to:

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

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

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

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

5 3. The acquisition of additional lands for muzzle loader
6 and bow hunting; and

7 4. The administration of a permit system applicable to
8 newly opened areas; and

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

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

15 10-415.

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

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

18 (2) Deer firearms season; and

19 (3) Deer muzzle loader season.

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

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

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

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

31 (i) Deer bow hunting season;

1 (ii) Deer muzzle loader season; and

2 (iii) Deer firearms season.

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

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

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

11 (d) Repealed.

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

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

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

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

30 (1) Approve the request;

31 (2) Deny the request; or

32 (3) Approve the request with conditions.

33 10-1102.

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

7 (1) **25% IN FISCAL YEAR 2015;**

8 (2) **50% IN FISCAL YEAR 2016;**

9 (3) **75% IN FISCAL YEAR 2017; AND**

10 (4) **100% IN FISCAL YEAR 2018 AND EACH FISCAL YEAR**
11 **THEREAFTER.**

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

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

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