

SENATE BILL 46

M2

(PRE-FILED)

7lr0487
CF HB 4

By: **Senators Simonaire, Hough, Kagan, Salling, Waugh, and Young**

Requested: August 4, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting and Fishing Licenses – Active Military, Former Prisoners of War,**
3 **Recipients of the Purple Heart Award, and Disabled Veterans**

4 FOR the purpose of authorizing the Department of Natural Resources to issue certain
5 complimentary fishing licenses to an out-of-state person who certifies that the
6 person is a former prisoner of war or a 100% service connected disabled American
7 veteran if the person's state of residence extends similar privileges to former
8 prisoners of war or 100% service connected disabled American veterans of this State;
9 altering a certain exemption from the requirement to obtain a trout stamp; making
10 a certain complimentary hunting license subject to certain provisions of law; making
11 conforming changes; requiring the Department to implement certain programs to
12 provide certain discounted licenses to Maryland residents who are recipients of the
13 Purple Heart Award; making stylistic changes; and generally relating to hunting and
14 fishing licenses.

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 4-604(c) and (f), 4-607, 4-614(a)(3), 4-745(a), (c), and (e), 10-301(g), and
18 10-303(a)(2)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

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

23 **Article – Natural Resources**

24 4-604.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) Any resident serving in the armed forces of the United States, while on
5 leave in the State, during [his] **THE RESIDENT’S** leave period, if, while angling, [he] **THE**
6 **RESIDENT** possesses a copy of [his] **THE RESIDENT’S** official leave [orders] **ORDER**;

7 (3) A person who fishes in nontidal waters of the State on free fishing days
8 designated by the Secretary;

9 (4) A person holding a current resident consolidated senior sport fishing
10 license issued under § 4–216 of this title;

11 (5) A person fishing in a free fishing area established under § 4–214(b)(2)
12 of this title; or

13 (6) A person authorized by a disability exemption issued under § 4–217 of
14 this title.

15 (f) (1) [The] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
16 following annual license fees shall apply:

17 (i) Resident \$20.50

18 (ii) Subject to paragraph (2)(ii) of this subsection, short–term license
19 valid for 7 consecutive days from date of issuance \$7.50

20 (iii) Resident and nonresident blind persons No fee

21 (iv) Complimentary license No fee

22 (2) For a nonresident:

23 (i) The fee for an annual angler’s license is the greater of:

24 1. \$30.50; or

25 2. A fee equal to the fee charged a Maryland resident by the
26 nonresident’s home state for a similar license; and

27 (ii) The fee for a short–term license valid for 7 consecutive days from
28 the date of issuance is the greater of:

29 1. \$7.50; or

1 2. A fee equal to the fee charged a Maryland resident by the
2 nonresident's home state for a license that permits an equal number of days of fishing or
3 the next higher number of days as permitted by the Maryland license.

4 (iii) The fee for a short-term license valid for 3 consecutive days from
5 the date of issuance is the greater of:

6 1. \$5; or

7 2. A fee equal to the fee charged a Maryland resident by the
8 nonresident's home state for a license that permits an equal number of days of fishing or
9 the next higher number of days as permitted by the Maryland license.

10 **(3) THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO PROVIDE**
11 **DISCOUNTED ANGLER'S LICENSES TO MARYLAND RESIDENTS WHO ARE RECIPIENTS**
12 **OF THE PURPLE HEART AWARD.**

13 ~~[(3)]~~ (4) (i) All fees collected by the Department under this section
14 may only be used in accordance with § 4-208 of this title.

15 (ii) The Department shall publicly report annually the amounts
16 collected and the expenditures under this section.

17 4-607.

18 (a) (1) The Department may issue annually a complimentary angler's license
19 to the President of the United States, the governor of any state, and any official of the game
20 and fish department of any other state.

21 (2) The Department may issue a lifetime complimentary angler's license to
22 any Maryland resident who certifies that the resident is a former prisoner of war or 100%
23 service connected disabled American veteran.

24 **(3) THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY**
25 **ANGLER'S LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE**
26 **PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED**
27 **AMERICAN VETERAN IF THE PERSON'S STATE OF RESIDENCE EXTENDS SIMILAR**
28 **PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED**
29 **DISABLED AMERICAN VETERANS OF THIS STATE.**

30 (b) Not more than 20 complimentary licenses for each state other than Maryland
31 shall be outstanding at any time.

32 (c) A complimentary license is not transferable and shall be issued without a fee.

1 (d) For the purposes of this section, “former prisoner of war” means a person who,
2 while serving in the active military, naval, or air service of the United States, was forcibly
3 detained or interned in the line of duty by an enemy government or its agents, or a hostile
4 force, during a period of armed conflict.

5 4–614.

6 (a) (3) A trout stamp is not required of the following:

7 (i) A holder of a current resident consolidated senior sport fishing
8 license issued under § 4–216 of this title;

9 (ii) A holder of a lifetime complimentary angler’s license for 100%
10 service connected disabled American veterans or former prisoners of war issued under §
11 4–607(a)(2) **OR (3)** of this subtitle;

12 (iii) A person authorized by a disability exemption issued under
13 § 4–217 of this title;

14 (iv) **[A] ANY** resident serving in the armed forces of the United
15 States while on leave **[if] IN THE STATE, DURING THE RESIDENT’S LEAVE PERIOD, IF,**
16 **WHILE ANGLING,** the resident possesses a copy of the resident’s official leave order **[while**
17 **fishing];** or

18 (v) A person under 16 years of age.

19 4–745.

20 (a) (1) Except as provided in subsections (c) and (d) of this section and § 4–217
21 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up
22 to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays
23 and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing
24 license or registration issued under subsection (d)(3) of this section and possessing the
25 license or registration.

26 (2) The license may be obtained from the Department or from any
27 authorized agent of the Department.

28 **(3) [The] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE**
29 following annual license fees shall apply:

30 (i) Resident \$15

31 (ii) Short-term resident license valid for 7 consecutive days from
32 date of issue.....\$6

- 1 (iii) For a short-term nonresident license valid for 7 consecutive days
- 2 from date of issue.....\$12
- 3 (iv) Nonresident \$22.50
- 4 (v) Resident and nonresident blind persons No fee
- 5 (vi) Complimentary license under subsection (e) of this
- 6 section.....No fee

7 **(4) THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO PROVIDE**
 8 **DISCOUNTED CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSES TO**
 9 **MARYLAND RESIDENTS WHO ARE RECIPIENTS OF THE PURPLE HEART AWARD.**

10 **[(3)] (5)** Except as provided in subsection (d)(1) of this section, every
 11 Chesapeake Bay and coastal sport fishing license and registration shall be valid for 1 year
 12 following the date of issuance.

13 **[(4)] (6)** An applicant for a license issued under this section shall provide
 14 all the information requested by the Department.

15 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or
 16 in State waters of the Atlantic Ocean and coastal bays and their tributaries without a
 17 Chesapeake Bay and coastal sport fishing license if the person:

- 18 (1) Is under the age of 16;
- 19 (2) Possesses a valid commercial license;
- 20 (3) Holds a valid tidal water sport fishing license issued by the State of
- 21 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that this
- 22 exemption shall not take effect until the Secretary has published notice in the Maryland
- 23 Register of the Secretary’s determination that the Virginia, Potomac River Fisheries
- 24 Commission, or District of Columbia requirements for a tidal water sport fishing license
- 25 are substantially similar to and reciprocal with the Chesapeake Bay and coastal sport
- 26 fishing license requirements of this section;
- 27 (4) Is fishing pursuant to any special charter boat license issued under
- 28 subsection (d)(1) of this section;
- 29 (5) **[(i)]** Is on active duty with the armed forces of the United States;
- 30 (ii) Is a resident of this State;
- 31 (iii) Is on leave from the armed forces; and

(iv) Has, while fishing, a copy of the person's official leave orders] **IS A RESIDENT SERVING IN THE ARMED FORCES OF THE UNITED STATES WHILE ON LEAVE IN THE STATE, DURING THE RESIDENT'S LEAVE PERIOD, IF, WHILE FISHING, THE RESIDENT POSSESSES A COPY OF THE RESIDENT'S OFFICIAL LEAVE ORDER;**

(6) Fishes on a free fishing day designated by the Secretary;

(7) Holds a current resident consolidated senior sport fishing license issued under § 4-216 of this title;

(8) Holds a current registration issued under subsection (d)(3) of this section; or

(9) Is fishing on a commercial fishing pier licensed under subsection (d)(4) of this section.

(e) (1) In this subsection, "former prisoner of war" means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.

(2) The Department may issue a lifetime complimentary Chesapeake Bay and coastal sport fishing license to any Maryland resident who certifies that the resident is a former prisoner of war or a 100% service connected disabled American veteran.

(3) THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED AMERICAN VETERAN IF THE PERSON'S STATE OF RESIDENCE EXTENDS SIMILAR PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED DISABLED AMERICAN VETERANS OF THIS STATE.

(4) A complimentary license is not transferable.

~~[(4)] (5)~~ The Department may issue annually a complimentary Chesapeake Bay and coastal sport fishing license to the President of the United States, the governor of any state, and any official of the game and fish department of any other state.

~~[(5)] (6)~~ Not more than 20 complimentary licenses for each state other than Maryland shall be outstanding at any time.

10-301.

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

1 (i) A resident hunting license that enables the purchaser to hunt all
2 legal game birds and mammals during any appropriate season in Maryland without the
3 purchase of additional stamps, unless the purchaser is hunting migratory game birds or
4 deer during bow and arrow season or black powder season. To hunt migratory game birds
5 the purchaser must also buy a Maryland migratory game bird stamp and to hunt wild
6 waterfowl the purchaser must buy both a Maryland migratory game bird stamp and a
7 federal migratory bird hunting and conservation stamp. To hunt deer during bow and arrow
8 season and black powder season the purchaser must also purchase a bow and arrow or
9 black powder stamp.

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

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

26 (2) Residents and nonresidents may purchase a senior hunting license
27 beginning in the calendar year in which they attain the age of 65.

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

30 (4) **[The] SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE** fees
31 for hunting licenses are according to the following schedule:

- 32 (i) Resident, junior, under the age of 16 years \$ 10.50
- 33 (ii) Resident, regular, at least 16 years old and under the age of 65
34 years \$ 24.50
- 35 (iii) Resident, senior, at least 65 years old \$ 5.00
- 36 (iv) Nonresident, regular, at least 16 years old\$ 130.00
- 37 (v) Nonresident, junior, under the age of 16 years \$ 32.50

1 (vi) Nonresident, senior, at least 65 years old \$ 65.00

2 (vii) Complimentary license authorized to be issued under § 10-303
3 of this subtitle No fee

4 (viii) Nonresident 3-day hunting license \$ 45.00

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

7 (i) Bow and arrow stamp \$ 6.00

8 (ii) Nonresident bow and arrow stamp \$ 25.00

9 (iii) Black powder stamp \$ 6.00

10 (iv) Nonresident black powder stamp \$ 25.00

11 (v) Maryland migratory game bird stamp \$ 9.00

12 (vi) Resident bonus antlered deer stamp \$ 10.00

13 (vii) Nonresident bonus antlered deer stamp for each type of deer
14 hunting season \$ 25

15 (6) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO PROVIDE
16 DISCOUNTED HUNTING LICENSES TO MARYLAND RESIDENTS WHO ARE RECIPIENTS
17 OF THE PURPLE HEART AWARD.

18 10-303.

19 (a) (2) (i) [The] SUBJECT TO THE REQUIREMENTS OF § 10-301.1 OF
20 THIS SUBTITLE, THE Department may issue a lifetime complimentary hunter's license to
21 a Maryland resident who certifies that the resident is a former prisoner of war or 100%
22 service connected disabled American veteran.

23 (ii) [The] SUBJECT TO THE REQUIREMENTS OF § 10-301.1 OF
24 THIS SUBTITLE, THE Department may issue a lifetime complimentary hunter's license to
25 an out-of-state person who certifies that the person is a former prisoner of war or a 100%
26 service connected disabled American veteran if the person's state of residence extends
27 similar privileges to former prisoners of war or 100% service connected disabled American
28 veterans of this State.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2017.