

Unofficial Copy
M1
SB 406/95 - EEA

1996 Regular Session
6r1294
CF 6r1922

By: Senator Munson

Introduced and read first time: January 15, 1996
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 9, 1996
Returned to second reading: February 19, 1996
Senate action: Adopted with floor amendments
Read second time: February 19, 1996

CHAPTER _____

1 AN ACT concerning

2 **Fisheries and Wildlife Endowment Funds - Lifetime Licenses**

3 FOR the purpose of establishing the Fisheries Endowment Fund and the Wildlife
4 Endowment Fund as special, nonlapsing funds for certain purposes and subject to
5 certain restrictions; establishing resident consolidated sport fishing licenses to be
6 issued to certain persons under certain circumstances and conditions; establishing
7 resident consolidated hunting licenses to be issued to certain persons under certain
8 circumstances and conditions; providing for the establishment, disposition, and
9 adjustment of certain license fees; providing that certain licenses may be subject to
10 permanent revocation for certain violations; providing for the issuance of certain
11 complimentary licenses to certain individuals; repealing an obsolete reference;
12 providing for the effective date of this Act; and generally relating to the Fisheries
13 and Wildlife Endowment Funds, and fishing and hunting licenses.

14 BY adding to

15 Article - Natural Resources
16 Section 4-217, 4-218, 4-604(d)(8), and 4-745(c)(10)
17 Annotated Code of Maryland
18 (1989 Replacement Volume and 1995 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article - Natural Resources
21 Section 4-604(d)(6) and (7), 4-607, 4-614(a)(1), and 4-745(c)(8) and (9)
22 Annotated Code of Maryland

2

1 (1989 Replacement Volume and 1995 Supplement)

2 BY adding to

3 Article - Natural Resources

4 Section 10-211 and 10-301(n) and (o)

5 Annotated Code of Maryland

6 (1990 Replacement Volume and 1995 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Natural Resources

9 Section 10-301(f) and (h), 10-303, 10-304, and 10-305

10 Annotated Code of Maryland

11 (1990 Replacement Volume and 1995 Supplement)

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

14 **Article - Natural Resources**

15 4-217.

16 (A) THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE PUBLIC INTEREST TO
17 PROVIDE SECURE, LONG-TERM FUNDING FOR THE CONSERVATION,
18 PRESERVATION, AND MANAGEMENT OF MARYLAND'S FISHERY RESOURCES.

19 (B) (1) THERE IS A FISHERIES ENDOWMENT FUND IN THE DEPARTMENT.

20 (2) THE FUND CONSISTS OF:

21 (I) PROCEEDS FROM THE SALE OF RESIDENT LIFETIME
22 CONSOLIDATED SPORT FISHING LICENSES; AND

23 (II) GIFTS, GRANTS, AND CONTRIBUTIONS TO THE STATE THAT
24 ARE DESIGNATED FOR INCLUSION IN THE FUND.

25 (3) THE SECRETARY MAY USE THE FUND ONLY FOR THE PURPOSES OF:

26 (I) FISHERIES CONSERVATION, PRESERVATION, AND
27 MANAGEMENT PROGRAMS OF THE DEPARTMENT; AND

28 (II) ADMINISTRATION OF THE RESIDENT LIFETIME
29 CONSOLIDATED SPORT FISHING LICENSE PROGRAM.

30 (4) (I) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND, AND
31 IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (II) THE STATE TREASURER SHALL HOLD AND THE STATE
33 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

34 (III) THE FUND SHALL BE INVESTED AND REINVESTED AND ANY
35 INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

3

1 (IV) EXPENDITURES FROM THE FUND MAY ONLY BE MADE
2 PURSUANT TO AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE
3 ANNUAL STATE BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE UNDER §
4 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 4-218.

6 (A) (1) THE DEPARTMENT SHALL ESTABLISH A RESIDENT LIFETIME
7 CONSOLIDATED SPORT FISHING LICENSE, TO BE ISSUED TO RESIDENTS OF
8 MARYLAND.

9 (2) THE RESIDENT LIFETIME CONSOLIDATED SPORT FISHING LICENSE
10 ALLOWS THE PURCHASER TO FISH RECREATIONALLY IN THE TIDAL AND NONTIDAL
11 WATERS OF THE STATE FOR THE REMAINDER OF THE PURCHASER'S LIFE WITHOUT
12 THE PURCHASE OF ANY LICENSE OR STAMP LISTED IN §§ 4-216, 4-604, 4-614, AND
13 4-745(A) OF THIS TITLE.

14 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE FEES FOR
15 THE RESIDENT LIFETIME CONSOLIDATED SPORT FISHING LICENSE SHALL BE AS
16 FOLLOWS:

- 17 (I) AGE 0-15.....\$650
- 18 (II) AGE 16-35.....\$625
- 19 (III) AGE 36-50.....\$500
- 20 (IV) AGE 51-64.....\$325

21 (4) FEES FOR A RESIDENT LIFETIME CONSOLIDATED SPORT FISHING
22 LICENSE SHALL BE ADJUSTED EVERY 3 YEARS TO INCLUDE THE RATE OF INFLATION
23 AS CALCULATED BY THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS
24 (CPI-U), U.S. CITY AVERAGE, ALL ITEMS, 1982-84=100 AS PUBLISHED BY THE U.S.
25 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.

26 (5) IF, AFTER THE PURCHASE OF THE RESIDENT LIFETIME
27 CONSOLIDATED SPORT FISHING LICENSE, THE HOLDER ESTABLISHES RESIDENCE IN
28 ANOTHER STATE, THE LICENSE REMAINS VALID AND THE HOLDER MAY:

29 (I) CONTINUE TO HOLD AND USE THE LICENSE IN MARYLAND;
30 AND

31 (II) PURCHASE APPROPRIATE STAMPS, AS REQUIRED, AT THE FEE
32 SET FOR A MARYLAND RESIDENT.

33 (B) (1) THE HOLDER OF A RESIDENT LIFETIME CONSOLIDATED SPORT
34 FISHING LICENSE MAY NOT GIVE, SELL, OFFER TO SELL, TRANSFER IN ANY WAY, OR
35 ARRANGE TO TRANSFER USE OF THE LICENSE TO ANOTHER INDIVIDUAL.

36 (2) IN ADDITION TO ANY OTHER PENALTY UNDER THIS TITLE, THE
37 DEPARTMENT MAY PERMANENTLY REVOKE THE RESIDENT LIFETIME
38 CONSOLIDATED SPORT FISHING LICENSE OF A PERSON WHO VIOLATES ANY
39 PROVISION OF THIS SUBSECTION.

4

1 (C) THE DEPARTMENT MAY NOT REFUND A FEE FOR A RESIDENT LIFETIME
2 CONSOLIDATED SPORT FISHING LICENSE TO THE HOLDER OF THE LICENSE.

3 (D) ON APPLICATION AND PAYMENT OF A REPLACEMENT FEE THAT THE
4 DEPARTMENT SETS BY REGULATION, THE DEPARTMENT SHALL ISSUE A
5 REPLACEMENT LICENSE TO A PERSON WHO HAS LOST THE PERSON'S RESIDENT
6 LIFETIME CONSOLIDATED SPORT FISHING LICENSE.

7 4-604.

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

9 (6) A person who fishes in nontidal waters of the State on freefishing days
10 designated by the Secretary; [or]

11 (7) A person holding a current resident consolidated senior sport fishing
12 license issued under § 4-216 of this title[.]; OR

13 (8) A PERSON HOLDING A RESIDENT LIFETIME CONSOLIDATED SPORT
14 FISHING LICENSE ISSUED UNDER § 4-218 OF THIS TITLE.

15 4-607.

16 (a) (1) The Department may issue annually a complimentary angler's license to
17 the President of the United States, the governor of any state[, any Maryland resident who
18 certifies that he or she is a former prisoner of war or 100 percent service connected
19 disabled American veteran,] and any official of the game and fish department of any
20 other state. [However, not]

21 (2) NOT more than 20 complimentary licenses for each state other than
22 Maryland [shall] MAY be outstanding at any time.

23 (3) A complimentary license is not transferable and shall be issued without
24 a fee on forms the Department designates.

25 (b) (1) For the purposes of this [section] SUBSECTION, "former prisoner of
26 war" means a person who, while serving in the active military, naval, or air service of the
27 United States, was forcibly detained or interned in the line of duty by an enemy
28 government or its agents, or a hostile force, during a period of armed conflict.

29 (2) THE DEPARTMENT MAY ISSUE A COMPLIMENTARY RESIDENT
30 LIFETIME CONSOLIDATED SPORT FISHING LICENSE UNDER § 4-218 OF THIS TITLE,
31 WITHOUT A FEE, TO ANY MARYLAND RESIDENT WHO CERTIFIES THAT THE
32 RESIDENT IS A FORMER PRISONER OF WAR OR 100% SERVICE CONNECTED
33 DISABLED AMERICAN VETERAN.

34 4-614.

35 (a) (1) (I) Except for a holder of a current resident consolidated senior sport
36 fishing license issued under § 4-216 of this title, OR A HOLDER OF A RESIDENT
37 LIFETIME CONSOLIDATED SPORT FISHING LICENSE ISSUED UNDER § 4-218 OF THIS
38 TITLE, a person 16 years old or older may not fish in any special catch-and-return trout
39 management area and may not possess trout while fishing in nontidal waters unless the
40 person first obtains a trout stamp in addition to an angler's license.

5

1 (II) The stamp shall be obtained from any authorized agent of the
2 Department at a cost of \$5.

3 (III) The Department may designate a person engaged in a retail
4 business to sell the trout stamp as an agent under the Department's control and
5 supervision.

6 (IV) The trout stamps may be furnished to agents upon consignment if
7 the Department is given adequate security to insure ultimate payment to the Department
8 for the stamps.

9 4-745.

10 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries
11 without a Chesapeake Bay sport fishing license if the person:

12 (8) Fishes on a free fishing day designated by the Secretary; [or]

13 (9) Holds a current resident consolidated senior sport fishing license issued
14 under § 4-216 of this title[.]; OR

15 (10) HOLDS A RESIDENT LIFETIME CONSOLIDATED SPORT FISHING
16 LICENSE ISSUED UNDER § 4-218 OF THIS TITLE.

17 10-211.

18 (A) THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE PUBLIC INTEREST TO
19 PROVIDE SECURE, LONG-TERM FUNDING FOR THE CONSERVATION,
20 PRESERVATION, AND MANAGEMENT OF MARYLAND'S WILDLIFE RESOURCES.

21 (B) (1) THERE IS A WILDLIFE ENDOWMENT FUND IN THE DEPARTMENT.

22 (2) THE FUND CONSISTS OF:

23 (I) PROCEEDS FROM THE SALE OF RESIDENT LIFETIME
24 CONSOLIDATED HUNTING LICENSES; AND

25 (II) GIFTS, GRANTS, AND CONTRIBUTIONS TO THE STATE THAT
26 ARE DESIGNATED FOR INCLUSION IN THE FUND.

27 (3) THE SECRETARY MAY USE THE FUND ONLY FOR THE PURPOSES OF:

28 (I) WILDLIFE CONSERVATION, PRESERVATION, AND
29 MANAGEMENT PROGRAMS OF THE DEPARTMENT; AND

30 (II) ADMINISTRATION OF THE RESIDENT LIFETIME
31 CONSOLIDATED HUNTING LICENSE PROGRAM.

32 (4) PROCEEDS THAT ACCRUE TO THIS FUND FROM THE SALE OF
33 LIFETIME CONSOLIDATED HUNTING LICENSES SHALL BE USED FOR THE BENEFIT OF
34 GAME SPECIES.

35 (5) (I) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND, AND
36 IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

6

1 (II) THE STATE TREASURER SHALL HOLD AND THE STATE
2 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

3 (III) THE FUND SHALL BE INVESTED AND REINVESTED AND ANY
4 INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

5 (IV) EXPENDITURES FROM THE FUND MAY ONLY BE MADE
6 PURSUANT TO AN APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE
7 ANNUAL STATE BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE UNDER §
8 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9 10-301.

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

11 (i) A resident consolidated hunting license that enables the purchaser
12 to hunt all legal game birds and mammals during any appropriate season in Maryland
13 without the purchase of additional stamps, except that to hunt wild waterfowl the
14 purchaser must also buy a Maryland migratory wild waterfowl stamp and a federal
15 migratory bird hunting and conservation stamp.

16 (ii) A resident basic hunting license that enables the purchaser to hunt
17 all legal game birds and mammals during any appropriate season without the purchase of
18 additional stamps unless the purchaser is hunting deer or wild waterfowl. This license
19 enables the purchaser to hunt deer only with the purchase of the appropriate deer stamps
20 and to hunt wild waterfowl only with the purchase of a Maryland migratory wild
21 waterfowl stamp and a federal migratory bird hunting and conservation stamp.

22 (iii) A nonresident basic hunting license that enables the purchaser to
23 hunt all legal game birds and mammals during any appropriate season without the
24 purchase of additional stamps unless the purchaser is hunting wild waterfowl or deer
25 during bow and arrow season or black powder season. This license enables the purchaser
26 to hunt wild waterfowl only with the purchase of a Maryland migratory wild waterfowl
27 stamp and a federal migratory bird hunting and conservation stamp. This license enables
28 the purchaser to hunt deer during bow and arrow season and black powder season only
29 with the purchase of the appropriate deer stamp.

30 (iv) A nonresident 3-day hunting license that enables the purchaser to
31 hunt all legal game birds and mammals except deer and turkey for the 3 consecutive legal
32 hunting days in a single season that are specified on the license by the issuing court clerk
33 or agent. The purchaser must also purchase a Maryland migratory wild waterfowl stamp
34 and a federal migratory bird hunting and conservation stamp to hunt wild waterfowl with
35 this license. Under no circumstance does this license authorize the purchaser to hunt deer
36 and turkey.

37 (V) A RESIDENT LIFETIME CONSOLIDATED HUNTING LICENSE
38 THAT ENABLES THE PURCHASER TO HUNT ALL LEGAL GAME BIRDS AND MAMMALS
39 FOR THE REMAINDER OF THE PURCHASER'S LIFE DURING ANY APPROPRIATE
40 SEASON IN MARYLAND, WITH THE PURCHASE OF APPROPRIATE FEDERAL WILD
41 WATERFOWL STAMPS AND MARYLAND WILD WATERFOWL STAMPS UNDER
42 PARAGRAPH (8)(IV) OF THIS SUBSECTION AND § 10-308.1 OF THIS SUBTITLE, AND THE
43 PURCHASE OF APPROPRIATE SECOND DEER STAMPS UNDER PARAGRAPH (8)(V) OF

7
1 THIS SUBSECTION, BUT WITHOUT THE PURCHASE OF OTHER INDIVIDUAL HUNTING
2 STAMPS LISTED IN PARAGRAPH (8) OF THIS SUBSECTION.

3 (2) IF, AFTER THE PURCHASE OF THE RESIDENT LIFETIME
4 CONSOLIDATED HUNTING LICENSE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION,
5 THE HOLDER ESTABLISHES RESIDENCE IN ANOTHER STATE, THE LICENSE REMAINS
6 VALID AND THE HOLDER MAY:

7 (I) CONTINUE TO HOLD AND USE THE LICENSE IN MARYLAND;
8 AND

9 (II) PURCHASE APPROPRIATE STAMPS, AS REQUIRED, AT THE FEE
10 SET FOR A MARYLAND RESIDENT.

11 [(2)] (3) Residents who are at least 65 years old may purchase a senior
12 consolidated license which shall be valid for the remainder of the purchaser's life.

13 [(3)] (4) Residents who are at least 65 years old may purchase a senior
14 consolidated annual license.

15 [(4)] (5) A nonresident of any age must purchase either a nonresident basic
16 hunting license or a nonresident 3-day hunting license to hunt in the State.

17 [(5)] (6) The fees for hunting licenses are according to the following
18 schedule:

19 (i) Resident, under the age of 16 years:

20 1. Basic hunting license.....\$ 6.50

21 2. Consolidated hunting license.....\$15.50

22 (ii) Resident, at least 16 years old and under the age of 65 years:

23 1. Basic hunting license.....\$15.50

24 2. Consolidated hunting license.....\$24.50

25 (iii) 1. Senior consolidated annual license for residents at least 65
26 years old.....\$ 1.25

27 2. Senior consolidated lifetime license for residents at least 65
28 years old.....\$12.50

29 (IV) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, RESIDENT
30 LIFETIME CONSOLIDATED HUNTING LICENSE:

31 1. AGE 0-15.....\$725

32 2. AGE 16-35.....\$700

33 3. AGE 36-50.....\$500

34 4. AGE 51-64.....\$300.

8

1 [(iv)] (V) Except as provided in subparagraph [(v)] (VI) of this
2 paragraph, nonresident basic..... \$120.50

3 [(v)] (VI) Nonresident basic hunting license for residents of Delaware,
4 Pennsylvania, Virginia, and West Virginia.....\$83.00

5 or a fee equal to the fee charged by the nonresident's home state for a similar basic
6 hunting license, whichever fee is greater.

7 [(vi)] (VII) Complimentary license authorized to be issued under §
8 10-303 of this subtitle.....No fee

9 [(vii)] (VIII) Nonresident 3-day hunting license....\$35.0

0

10 (7) FEES FOR A RESIDENT LIFETIME CONSOLIDATED HUNTING LICENSE
11 ~~SHALL~~ MAY BE ADJUSTED:

12 (I) EVERY 3 YEARS TO INCLUDE THE RATE OF INFLATION AS
13 CALCULATED BY THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS
14 (CPI-U), U.S. CITY AVERAGE, ALL ITEMS, 1982-84=100 AS PUBLISHED BY THE U.S.
15 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS; AND

16 (II) TO ALLOW FOR AN INCREASE THAT IS COMPARABLE TO AN
17 INCREASE IN THE COST OF A BASIC HUNTING LICENSE.

18 [(6)] (8) The fees for individual hunting stamps are according to the
19 following schedule:

20 (i) Deer stamp.....\$ 9.50

21 (ii) Bow and arrow stamp.....\$ 3.50

22 (iii) Black powder stamp.....\$ 3.50

23 (iv) Maryland migratory wild waterfowl stamp.....\$ 6.00

24 (v) Resident second deer stamp for each type of deer hunting
25 season.....\$5.00

26 (vi) Nonresident second deer stamp for each type of deer hunting
27 season.....\$10.00

28 (h) [A] EXCEPT FOR A RESIDENT LIFETIME CONSOLIDATED HUNTING
29 LICENSE ISSUED UNDER SUBSECTION (F)(1)(V) OF THIS SECTION, OR A SENIOR
30 CONSOLIDATED LIFETIME LICENSE ISSUED UNDER SUBSECTION (F)(3) OF THIS
31 SECTION, A hunting license shall be valid for the period August 1 through July 31, of each
32 year.

33 (N) (1) THE HOLDER OF A RESIDENT LIFETIME CONSOLIDATED HUNTING
34 LICENSE MAY NOT GIVE, SELL, OFFER TO SELL, TRANSFER IN ANY WAY, OR
35 ARRANGE TO TRANSFER USE OF THE LICENSE TO ANOTHER INDIVIDUAL.

36 (2) IN ADDITION TO ANY OTHER PENALTY UNDER THIS TITLE, THE
37 DEPARTMENT MAY PERMANENTLY REVOKE THE RESIDENT LIFETIME

9

1 CONSOLIDATED HUNTING LICENSE OF A PERSON WHO VIOLATES ANY PROVISION
2 OF THIS SUBSECTION.

3 (O) THE DEPARTMENT MAY NOT REFUND A FEE FOR A RESIDENT LIFETIME
4 CONSOLIDATED HUNTING LICENSE TO THE HOLDER OF THE LICENSE.

5 10-303.

6 (a) (1) The Department annually may issue a complimentary hunter's license to
7 the President of the United States[,] OR the governor of any state[, any Maryland
8 resident who certifies that the resident is a former prisoner of war or 100% service
9 connected disabled American veteran].

10 (2) A complimentary license is not transferable and shall be issued on forms
11 designated by the Department.

12 (b) (1) For the purposes of this [section] SUBSECTION, "former prisoner of
13 war" means a person who, while serving in the active military, naval, or air service of the
14 United States, was forcibly detained or interned in the line of duty by an enemy
15 government or its agents, or a hostile force, during a period of armed conflict.

16 (2) THE DEPARTMENT MAY ISSUE A COMPLIMENTARY RESIDENT
17 LIFETIME CONSOLIDATED HUNTING LICENSE UNDER § 10-301(F)(1)(V) OF THIS
18 SUBTITLE, WITHOUT A FEE, TO ANY MARYLAND RESIDENT WHO CERTIFIES THAT
19 THE RESIDENT IS A FORMER PRISONER OF WAR OR 100% SERVICE CONNECTED
20 DISABLED AMERICAN VETERAN.

21 10-304.

22 [Any] EXCEPT FOR FEES FROM THE SALE OF RESIDENT LIFETIME
23 CONSOLIDATED HUNTING LICENSES ISSUED UNDER § 10-301(F)(1)(V) OF THIS
24 SUBTITLE, ANY money the Department receives for hunter's licenses shall be accounted
25 for by the Department to the State Treasurer. The amount the Treasurer receives shall be
26 credited to the State Wildlife Management and Protection Fund, and the Treasurer shall
27 pay out of the Fund on warrant of the Comptroller upon requisition of the Department.

28 10-305.

29 (A) If any person loses the person's hunter's license, the person may make
30 affidavit stating the date the license was issued, its number, description, and the [name of
31 the court clerk or] designated person who issued the license. Upon receipt of this
32 information the Department may issue a duplicate hunting license [for a \$1 fee].

33 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
34 FEE FOR A DUPLICATE HUNTING LICENSE IS \$1.

35 (2) THE FEE FOR A DUPLICATE RESIDENT LIFETIME CONSOLIDATED
36 HUNTING LICENSE IS \$5.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 August 1, 1996.

