
By: Senator Dyson

Introduced and read first time: January 27, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Recreational Fishing Licenses - Exemptions for Senior Citizens**

3 FOR the purpose of repealing the establishment of the resident consolidated senior sport
4 fishing license; exempting senior citizens of a certain age from certain requirements
5 related to obtaining an angler's license, a certain trout stamp, and a Chesapeake
6 Bay sport fishing license; requiring the Department of Natural Resources to provide
7 for the issuance of a certain exemption certificate to senior citizens for certain
8 purposes; and generally relating to certain exemptions from certain recreational
9 fishing license requirements for senior citizens of a certain age.

10 BY repealing and reenacting, with amendments,

11 Article - Natural Resources
12 Section 4-216, 4-604(c) and (d), 4-614(a)(1), 4-745(c), and 4-745.2
13 Annotated Code of Maryland
14 (1989 Replacement Volume and 1996 Supplement)

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

17 **Article - Natural Resources**

18 4-216.

19 [(a) The Department shall establish a resident consolidated senior sport fishing
20 license, to be issued to residents of Maryland who are at least 65 years old.

21 (b) The resident consolidated senior sport fishing license may be obtained from
22 the Department or from any authorized agent of the Department. The annual fee for the
23 license is \$5. As compensation, an agent shall retain 50 cents for each license issued.

24 (c) A resident consolidated senior sport fishing license shall be valid for not more
25 than 1 year and shall expire on December 31.

26 (d) A holder of a resident consolidated senior sport fishing license] IF AN
27 INDIVIDUAL IS AT LEAST 65 YEARS OLD, THE INDIVIDUAL may:

28 (1) Engage in angling on the nontidal waters of the State without holding an
29 angler's license under § 4-604 of this title;

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1 (2) Engage in angling for trout on the nontidal waters of the State without
2 holding a trout stamp under § 4-614 of this title; and

3 (3) Fish for finfish in the Chesapeake Bay and its tributaries without holding
4 a Chesapeake Bay sport fishing license under § 4-745 of this title.

5 4-604.

6 (c) [Any] EXCEPT AS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION,
7 ANY person 16 years old or older shall secure an angler's license to fish in the nontidal
8 waters of the State. An angler's license entitles the holder to fish in the nontidal waters of
9 the State only during the open season.

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

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

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

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

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

25 (5) Any patient who is under treatment by a State-approved mental health
26 facility, and any individual who attends or resides in a State-approved retardation facility,
27 provided the administrator of the facility certifies that the patient or individual is engaged
28 in an approved therapeutic program which would involve a fishing activity;

29 (6) A person who fishes in nontidal waters of the State on free fishing days
30 designated by the Secretary; or

31 (7) [A person holding a current resident consolidated senior sport fishing
32 license issued under § 4-216 of this title] AN INDIVIDUAL AT LEAST 65 YEARS OLD.

33 4-614.

34 (a) (1) Except for [a holder of a current resident consolidated senior sport
35 fishing license issued under § 4-216 of this title] AN INDIVIDUAL AT LEAST 65 YEARS
36 OLD, a person 16 years old or older may not fish in any special catch-and-return trout
37 management area and may not possess trout while fishing in nontidal waters unless the
38 person first obtains a trout stamp in addition to an angler's license. The stamp shall be
39 obtained from any authorized agent of the Department at a cost of \$5. The Department
40 may designate a person engaged in a retail business to sell the trout stamp as an agent

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1 under the Department's control and supervision. The trout stamps may be furnished to
2 agents upon consignment if the Department is given adequate security to insure ultimate
3 payment to the Department for the stamps.

4 4-745.

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

7 (1) Is under the age of 16;

8 (2) Possesses a valid commercial license;

9 (3) Is fishing from private real property as an owner, family member of an
10 owner, or nonpaying guest of an owner;

11 (4) Is fishing with a hook and line from a public bridge or public pier which
12 has been designated by the Department as a free fishing area;

13 (5) Holds a valid tidal water sport fishing license issued by the State of
14 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that
15 this exemption shall not take effect until the Secretary has published notice in the
16 Maryland Register of the Secretary's determination that the Virginia, Potomac River
17 Fisheries Commission, or District of Columbia requirements for a tidal water sport fishing
18 license are substantially similar to and reciprocal with the Chesapeake Bay sport fishing
19 license requirements of this section;

20 (6) Is fishing pursuant to any special license issued under subsection (d) of
21 this section;

22 (7) (i) Is on active duty with the armed forces of the United States;

23 (ii) Is a resident of this State;

24 (iii) Is on leave from the armed forces; and

25 (iv) Has, while fishing, a copy of the person's official leave orders;

26 (8) Fishes on a free fishing day designated by the Secretary; or

27 (9) [Holds a current resident consolidated senior sport fishing license
28 issued under § 4-216 of this title] IS AT LEAST 65 YEARS OLD.

29 4-745.2.

30 (a) FOR THE PURPOSES OF THIS SECTION:

31 (1) THE DEPARTMENT SHALL PROVIDE FOR THE ISSUANCE OF A
32 COMPLIMENTARY EXEMPTION CERTIFICATE TO A SENIOR CITIZEN AT LEAST 65
33 YEARS OLD; AND

34 (2) A SENIOR CITIZEN EXEMPTION CERTIFICATE MAY BE USED IN
35 PLACE OF A CHESAPEAKE BAY SPORT FISHING LICENSE.

1 (B) (1) The Department shall provide by regulation for the issuance of a striped
2 bass stamp and, except as provided in paragraph (2) of this subsection, may issue
3 nonreusable tags for a person to possess striped bass during a striped bass season, in
4 addition to a Chesapeake Bay sport fishing license or [consolidated senior sport fishing
5 license] SENIOR CITIZEN EXEMPTION CERTIFICATE.

6 (2) The Department shall issue nonreusable tags for a person to possess
7 striped bass during the spring trophy season, in addition to a Chesapeake Bay sport
8 fishing license or [consolidated senior sport fishing license] SENIOR CITIZEN
9 EXEMPTION CERTIFICATE.

10 [(b)] (C) The striped bass stamp and tags shall be obtained from any authorized
11 agent of the Department at a cost of \$2. At the time of purchase of the stamp, the agent
12 shall provide to [the license] A holder OF A LICENSE OR EXEMPTION CERTIFICATE
13 each nonreusable tag which the holder may use during the licensing period. As
14 compensation, the agent shall retain 25 cents for each striped bass stamp issued.

15 [(c)] (D) The Department may designate a person engaged in a retail business to
16 sell the striped bass stamp and tags as an agent under the Department's control and
17 supervision. The striped bass stamps and tags may be furnished to agents on consignment
18 if the Department is given adequate security to ensure ultimate payment to the
19 Department for the stamps and tags.

20 [(d)] (E) A striped bass stamp shall be attached to the holder's Chesapeake Bay
21 sport fishing license or [consolidated senior sport fishing license] SENIOR CITIZEN
22 EXEMPTION CERTIFICATE. The striped bass stamp shall expire at the same time as the
23 license OR EXEMPTION CERTIFICATE to which it is attached.

24 [(e)] (F) Notwithstanding the provisions of subsection [(a)] (B) of this section, a
25 person who employs a fishing guide licensed under § 4-210 of this title may not be
26 required to obtain a striped bass stamp in order to possess striped bass taken while
27 employing the fishing guide during a striped bass season. A fishing guide shall obtain
28 nonreusable striped bass tags from the Department if required, and shall reimburse the
29 Department for the cost of the tags.

30 [(f)] (G) The Department shall deposit to the credit of the Fisheries Research
31 and Development Fund all fees received for striped bass stamps. All moneys collected
32 from the sale of striped bass stamps shall be used by the Department for striped bass
33 management.

34 [(g)] (H) The Department, by regulation, may establish catch limits and other
35 limits for each season and authorize means of enforcing the limits imposed for a season.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1997.