
By: **Delegates Guns and Weir**

Introduced and read first time: March 5, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Fishing and Hunting - Issuance of Licenses**

3 FOR the purpose of authorizing the Secretary of Natural Resources to delegate the
4 authority to issue certain fishing or hunting licenses; prohibiting the Secretary
5 from delegating the authority to issue certain fishing or hunting licenses to a
6 clerk of a circuit court; repealing provisions allowing certain clerks of court to
7 issue certain fishing or hunting licenses; repealing certain provisions requiring
8 certain clerks of court to transmit to the Department of Natural Resources
9 certain money collected from the issuance of certain fishing or hunting licenses;
10 and generally relating to the issuance of fishing or hunting licenses.

11 BY repealing and reenacting, with amendments,
12 Article - Natural Resources
13 Section 1-104(h), 4-208, and 4-11A-19(a)
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1998 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 10-209, 10-301(c), (f)(1), and (g), 10-305, 10-308(d) and (e),
19 10-308.1(d)(1), 10-309(d) and (f), 10-502(c), 10-607(b) and (c), and
20 10-612(c)(3) and (4), (d)(1), (e), (f), (g), and (i)(3)
21 Annotated Code of Maryland
22 (1990 Replacement Volume and 1998 Supplement)

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

1

Article - Natural Resources

2 1-104.

3 (h) (1) The authority, powers, duties, and functions granted to the Secretary
4 or the Department shall be exercised and performed by the Secretary or by any unit
5 or official within the Department designated by the Secretary.

6 (2) (I) THE SECRETARY MAY DELEGATE TO A PERSON THE
7 AUTHORITY TO ISSUE LICENSES PERTAINING TO FISHING OR HUNTING.

8 (II) THE SECRETARY MAY NOT DELEGATE THE AUTHORITY TO
9 ISSUE A FISHING OR HUNTING LICENSE TO A CLERK OF A CIRCUIT COURT.

10 4-208.

11 [(a)] There is a State Fisheries Management and Protection Fund in the
12 Department. Any money received from any fish and fisheries license, stamp, permit,
13 or application fee as provided in this title, unless otherwise provided shall be credited
14 to the Fund and used only for the scientific investigation, protection, propagation, and
15 management of nontidal finfish.

16 [(b)] The clerks of the courts shall transmit to the Department on the first day
17 of each month any money received by them for sport fishing licenses and stamps. The
18 Department shall account for these funds to the Treasurer who then shall credit
19 amounts received to the State Fisheries Management and Protection Fund. The
20 Treasurer shall pay out funds on the warrant of the Comptroller upon requisition of
21 the Department.]

22 4-11A-19.

23 (a) Any person desiring to sell live bait in Montgomery, Frederick, or
24 Washington County shall apply to [the clerk of the circuit court for the county] A
25 PERSON DESIGNATED BY THE DEPARTMENT for a live bait dealer's license. The
26 application shall be in the form the Department prescribes, and contain an affidavit
27 signed by the applicant that he is a resident of the county. Upon payment by the
28 applicant of an annual fee of \$10.50, the [clerk of the circuit court] DESIGNATED
29 PERSON may issue a license supplied by the Department to the [clerk] DESIGNATED
30 PERSON. As compensation for each bait dealer's license issued, the [clerk of the
31 circuit court] DESIGNATED PERSON shall retain 50 cents. Any money collected for
32 license fees during a month shall be forwarded to the Department on the first day of
33 each succeeding month. The Department shall account for the money to the State
34 Treasurer.

35 10-209.

36 [(a)] There is a State Wildlife Management and Protection Fund in the
37 Department. Any money accruing to the Fund from any license, stamp, application, or
38 permit fee provided in this title shall be credited, unless otherwise provided, to this

1 Fund and used only for the scientific investigation, protection, propagation, and
2 management of wildlife.

3 [(b) The clerks of the courts shall transmit to the Department on the first day
4 of each month all moneys received by the clerks for hunting licenses and stamps. The
5 Department shall account for these funds to the Treasurer who then shall credit
6 amounts received to the State Wildlife Management and Protection Fund. The
7 Treasurer shall pay out funds on the warrant of the Comptroller upon requisition of
8 the Department.]

9 10-301.

10 (c) A person may apply for a hunter's license [to the clerk of the circuit court
11 for any county or] to any person designated by the Department. The application shall
12 be on a form the Department prepares and supplies. The applicant shall fill out, sign,
13 and submit the application to the [court clerk or] person designated to issue the
14 hunter's license. A person may apply by mail.

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

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

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

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

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

1 (g) The [court clerk or] person designated to sell the hunting licenses and
2 individual hunting stamps shall issue the hunting licenses and individual hunting
3 stamps and collect the fee prescribed in subsection (f) of this section. A hunting license
4 may not be issued to any person under the age of 16 years without the written consent
5 of the person's parent or guardian. The Department shall furnish the hunting licenses
6 and individual hunting stamps to the [court clerk or] designated person. The issuing
7 [clerk or] person shall countersign the license, and retain the duplicate copy of the
8 license. The duplicate copies and money collected every month shall be mailed to the
9 Department on the first day of the succeeding month each year. The [court clerk or]
10 designated person who sells and issues the hunting licenses and individual hunting
11 stamps shall retain as compensation 50 cents for each senior consolidated annual
12 license, senior consolidated lifetime license, resident and nonresident basic, or
13 nonresident 3-day hunting license, and individual hunting stamp sold and issued and
14 shall retain as compensation \$1 for each consolidated hunting license sold and issued,
15 except a senior consolidated annual license and a senior consolidated lifetime license.
16 10-305.

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

21 10-308.

22 (d) (1) A person may obtain the consolidated hunting license, the resident
23 and nonresident basic license, and individual hunting stamp [from the clerk of the
24 circuit court of any county or] from any person designated by the Department.

25 (2) The issuing [clerk or] DESIGNATED person [designated] shall retain
26 the sum of 50 cents as compensation for issuing each resident and nonresident basic
27 hunting license and an individual hunting stamp and \$1 as compensation for issuing
28 each consolidated hunting license. The balance of the fee is paid over and accounted
29 for in the same manner as hunting licenses.

30 (3) The Department shall use \$1 from the sale of each consolidated
31 hunting license and, except for the fee retained by the issuing [clerk] PERSON, all of
32 the money derived from the sale of bow and arrow and black powder stamps as
33 follows:

34 (i) Up to 40 percent to:

- 35 1. Provide bow hunter education;
- 36 2. Acquire, construct, and maintain public archery ranges; or
- 37 3. Perform any study necessary to evaluate any program or
38 project related to bow or muzzle loader hunting; and

39 (ii) The remaining percentage to:

1 (iii) Pay to the [clerk of the circuit court or] person designated to
2 issue the master hunting guide license a fee of \$100.

3 (2) As compensation for issuing the license, the [issuing clerk or
4 designee] DESIGNATED PERSON shall retain 25 cents of each \$100 fee received under
5 this section.

6 (3) On the first day of each month, the [clerk or designee] DESIGNATED
7 PERSON shall send to the Department the remainder of the fees received for master
8 hunting guide licenses.

9 (f) The [clerk of the circuit court or the] person designated by the
10 Department shall issue a master hunting guide license to any applicant who meets
11 the requirements of this section.

12 10-502.

13 (c) In addition to the license fee, the [court clerk or] designated person who
14 sells and issues the license may collect a processing fee equal to 10% of the license fee,
15 and the balance of the fee shall be paid and accounted for in the manner provided by
16 § 10-209 of this title.

17 10-607.

18 (b) A resident may apply for a gunning rig license to the [clerk of the circuit
19 court of the county in which the gunning rig is kept or moored when not in use during
20 the hunting season] DEPARTMENT. Each applicant shall certify that the applicant is
21 a resident of the State and that the applicant will comply with the federal and State
22 laws and regulations controlling the hunting of wild waterfowl. If 2 or more residents
23 own the same rig, all parties shall sign the application.

24 (c) The [clerk] DEPARTMENT shall issue the license upon payment of a \$5.50
25 fee. [The clerk shall retain 50 cents to cover the issuing costs.] In case of resident
26 co-ownership, the license may be issued in every name.

27 10-612.

28 (c) (3) In Anne Arundel County, the County is exempt from any registration
29 requirement of this subtitle, including the payment of fees, for any off-shore
30 stationary blind that the County has registered in previous years or will register in
31 the future for any waterfront public property owned by the County and located in the
32 County. To comply with the provisions of this subtitle, the Anne Arundel County
33 Department of Recreation and Parks need only notify [the clerk of the court in Anne
34 Arundel County and] the Department that the waterfront public property is
35 unavailable for public registration.

36 (4) In Prince George's County, the Maryland-National Capital Park and
37 Planning Commission is exempt from any registration requirement of this subtitle,
38 including the payment of fees, for any offshore stationary blind that the
39 Maryland-National Capital Park and Planning Commission has registered in

1 previous years or will register in the future for any waterfront public property owned
2 by the County and located in the County. To comply with the provisions of this
3 subtitle, the Maryland-National Capital Park and Planning Commission need only
4 notify [the clerk of the court in Prince George's County and] the Department that the
5 waterfront public property is unavailable for public registration.

6 (d) (1) A riparian owner owning the required amount of shoreline shall
7 certify in writing to the [clerk] DEPARTMENT that the riparian owner is the owner of
8 the required amount of shoreline. A lessee, licensee, or assignee of a riparian owner
9 shall present to the [clerk] DEPARTMENT a written statement from the riparian
10 owner authorizing the lessee, licensee, or assignee to erect a stationary blind or a
11 blind site. The lessee, licensee, or assignee also shall certify that the riparian owner
12 owns the required amount of shoreline.

13 (e) (1) A stationary blind or blind site license may be obtained from the
14 [clerk of the circuit court of the county within whose jurisdiction the stationary blind
15 or blind site lies] DEPARTMENT.

16 (2) Application shall be made on forms, furnished by the [Secretary to
17 the clerks of courts] DEPARTMENT, which provide for the location of the blind and the
18 name of the riparian owner. A person may apply by mail.

19 (3) The number of stationary blind and blind site licenses that the
20 [clerk] DEPARTMENT shall issue to any resident nonowner during 1 day is limited to
21 no more than two.

22 (4) The [clerk] DEPARTMENT shall issue the license upon payment of a
23 \$11.00 fee. The clerk shall retain \$1.00 to cover issuing costs.

24 (5) The Department shall provide each participating county with maps
25 designed for public display and indication of the geographic locations of each
26 purchased site.

27 (f) The license shall bear the Secretary's signature [and be countersigned by
28 the issuing clerk]. The [clerk] DEPARTMENT also shall fill in the name and address
29 of the licensee and the location of the blind on the attached stub and mail the stub to
30 the Secretary.

31 (g) The [clerk] DEPARTMENT shall issue blind site licenses to:

32 (1) Riparian owners having less than the required amount of shoreline;
33 and

34 (2) Any other State resident in the order in which applications are
35 received.

36 (i) (3) After November 1, the [clerk] DEPARTMENT shall issue blind site
37 licenses in rotation as applications are received. The Department shall inspect any
38 licensed blind site to determine the validity of the certifications in any application
39 upon request of the owner of the shoreline property. If the Department finds that the

1 certifications of the application are erroneous, the Department may revoke the license
2 by written notice to the applicant.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 1999.