

SENATE BILL 15

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M2

2002 Regular Session
2lr0303

(PRE-FILED)

By: **Senator Baker**
Requested: July 30, 2001
Introduced and read first time: January 9, 2002
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: January 18, 2002

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Consolidated Senior Veterans' Sport Fishing License -**
3 **Establishment**

4 FOR the purpose of creating the consolidated senior veterans' sport fishing license;
5 establishing the qualifications for and privileges under the license; establishing
6 that there is no fee for the license; providing for the term and expiration of the
7 license; creating certain exceptions to certain requirements that a person hold
8 certain fishing licenses to engage in certain fishing activities; and generally
9 relating to the creation of the consolidated senior veterans' sport fishing license.

10 BY adding to
11 Article - Natural Resources
12 Section 4-217
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Natural Resources
17 Section 4-604(c) and 4-745(a)(1)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Natural Resources
22 Section 4-604(d), 4-614(a)(1), and 4-745(c)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2001 Supplement)

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

5 **Article - Natural Resources**

6 4-217.

7 (A) (1) THERE IS A CONSOLIDATED SENIOR VETERANS' SPORT FISHING
8 LICENSE.

9 (2) THE DEPARTMENT MAY ISSUE A CONSOLIDATED SENIOR VETERANS'
10 SPORT FISHING LICENSE TO A RESIDENT OR NONRESIDENT VETERAN, AS DEFINED
11 UNDER § 9-901 OF THE STATE GOVERNMENT ARTICLE, BEGINNING IN THE CALENDAR
12 YEAR IN WHICH THE VETERAN ATTAINS THE AGE OF 70 YEARS.

13 (3) THERE IS NO FEE FOR THE CONSOLIDATED SENIOR VETERANS'
14 SPORT FISHING LICENSE.

15 (B) A HOLDER OF A CONSOLIDATED SENIOR VETERANS' SPORT FISHING
16 LICENSE MAY:

17 (1) ENGAGE IN ANGLING ON THE NONTIDAL WATERS OF THE STATE
18 WITHOUT HOLDING AN ANGLER'S LICENSE UNDER § 4-604 OF THIS TITLE;

19 (2) ENGAGE IN ANGLING FOR TROUT ON THE NONTIDAL WATERS OF
20 THE STATE WITHOUT HOLDING A TROUT STAMP UNDER § 4-614 OF THIS TITLE; AND

21 (3) FISH FOR FINFISH IN THE CHESAPEAKE BAY AND ITS TRIBUTARIES
22 WITHOUT HOLDING A CHESAPEAKE BAY SPORT FISHING LICENSE UNDER § 4-745 OF
23 THIS TITLE.

24 (C) A CONSOLIDATED SENIOR VETERANS' SPORT FISHING LICENSE:

25 (1) IS VALID FOR A PERIOD NOT EXCEEDING 1 YEAR; AND

26 (2) EXPIRES ON DECEMBER 31 OF THE YEAR OF ISSUANCE.

27 4-604.

28 (c) Any person 16 years old or older shall secure an angler's license to fish in
29 the nontidal waters of the State. An angler's license entitles the holder to fish in the
30 nontidal waters of the State only during the open season.

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

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
3 tenant when he fishes in nontidal water adjoining his land;

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

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

12 (4) Any resident serving in the armed forces of the United States, while
13 on leave in the State, during his leave period, if, while angling, he possesses a copy of
14 his official leave orders;

15 (5) Any patient who is under treatment by a State-approved mental
16 health facility, and any individual who attends or resides in a State-approved
17 retardation facility;

18 (6) A caregiver, family member, or designee of a mental health care
19 facility or private group home of a patient who is under treatment by a
20 State-approved mental health facility, provided that:

21 (i) The administrator of the mental health care facility, or treating
22 physician or psychologist provides the Department with a letter stating that the
23 caregiver or family member is the primary caretaker of the patient; or

24 (ii) The individual accompanying the patient carries a copy of the
25 letter described under subparagraph (i) of this paragraph, or a professional license or
26 certificate of a health care professional involved in the care of the patient;

27 (7) A person who fishes in nontidal waters of the State on free fishing
28 days designated by the Secretary; [or]

29 (8) A person holding a current resident consolidated senior sport fishing
30 license issued under § 4-216 of this title; OR

31 (9) A PERSON HOLDING A CURRENT CONSOLIDATED SENIOR VETERANS'
32 SPORT FISHING LICENSE ISSUED UNDER § 4-217 OF THIS TITLE.

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 OR A CURRENT CONSOLIDATED
36 SENIOR VETERANS' SPORT FISHING LICENSE ISSUED UNDER § 4-217 OF THIS TITLE, a
37 person 16 years old or older may not fish in any special catch-and-return trout
38 management area and may not possess trout while fishing in nontidal waters unless

1 the person first obtains a trout stamp in addition to an angler's license. The stamp
2 shall be obtained from any authorized agent of the Department at a cost of \$5. The
3 Department may designate a person engaged in a retail business to sell the trout
4 stamp as an agent under the Department's control and supervision. The trout stamps
5 may be furnished to agents upon consignment if the Department is given adequate
6 security to insure ultimate payment to the Department for the stamps.

7 4-745.

8 (a) (1) Except as provided in subsections (c) and (d) of this section, a person
9 may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal
10 boundaries without first obtaining a Chesapeake Bay sport fishing license.

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

13 (1) Is under the age of 16;

14 (2) Possesses a valid commercial license;

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

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

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

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

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

29 (ii) Is a resident of this State;

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

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

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

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

1 (10) HOLDS A CURRENT CONSOLIDATED SENIOR VETERANS' SPORT
2 FISHING LICENSE ISSUED UNDER § 4-217 OF THIS TITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2002.