

By: **Senator Astle**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Hunting Licenses and Stamps**

3 FOR the purpose of eliminating certain hunting licenses and stamps; altering certain
4 hunting licenses and stamps; creating a Maryland migratory game bird stamp;
5 altering the fees for certain hunting stamps and licenses; altering the fees paid
6 to license agents for selling hunting licenses and stamps; providing that a
7 portion of the funds from the sale of certain licenses be used for processing deer
8 for the needy; repealing certain licensing exemptions for certain persons;
9 requiring that the proceeds from the sale of certain stamps be used for certain
10 purposes; altering the duties of a certain advisory committee; defining a certain
11 term; providing for the effective date of this Act; and generally relating to
12 hunting licenses and stamps.

13 BY renumbering
14 Article - Natural Resources
15 Section 10-101(l) through (bb), respectively
16 to be Section 10-101(m) through (cc), respectively
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Natural Resources
21 Section 10-101(a), 10-301(a), (c), (d), (e), (h), and 10-415(a) and (b)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

24 BY adding to
25 Article - Natural Resources
26 Section 10-101(l)
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2001 Supplement)

29 BY repealing and reenacting, with amendments,

1 Article - Natural Resources
2 Section 10-301(b), (f), and (g), 10-301.2, 10-302, 10-305, 10-308, 10-308.1,
3 10-308.2, and 10-415(c) and (d)
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2001 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That Section(s) 10-101(l) through (bb), respectively, of Article - Natural
8 Resources of the Annotated Code of Maryland be renumbered to be Section(s)
9 10-101(m) through (cc), respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Natural Resources**

13 10-101.

14 (a) In this title the following words have the meanings indicated.

15 (L) "MIGRATORY GAME BIRD" MEANS ANY WETLAND GAME BIRD, DOVE, OR
16 WOODCOCK OR ANY PART, EGG, OFFSPRING, OR DEAD BODY OF ANY OF THEM.

17 10-301.

18 (a) To provide a fund to pay the expense of protecting and managing wildlife,
19 and preventing unauthorized persons from hunting them, a person may not hunt or
20 attempt to hunt during open season and in any permitted manner any game birds and
21 mammals in the State without first having procured either a resident or nonresident
22 hunter's license. A person may not hunt or attempt to hunt nongame birds and
23 mammals in Baltimore County or Frederick County without first obtaining a license.
24 A permanent resident of a government reservation may obtain a resident hunter's
25 license.

26 (b) (1) The following persons are not required to obtain a hunter's license OR
27 BONUS DEER STAMP:

28 (i) With respect to hunting on farmland only:

29 1. Except as provided in paragraph (2) of this subsection, the
30 owner of the farmland and the owner's spouse, children, and children's spouse; and

31 2. A tenant and the tenant's spouse, children, and, if residing
32 on the farmland, children's spouse. A tenant is a person holding land under a lease, or
33 a sharecropper who resides in a dwelling on the land, but a tenant does not include
34 any employee of the owner or tenant;

1 (ii) Any resident serving in the armed forces of the United States
2 while on leave in the State, during the resident's leave period, if, while hunting, the
3 resident possesses a copy of the resident's official leave order; and

4 (iii) Any unarmed person participating in an organized foxhunt.

5 (2) The provisions of paragraph (1)(i)1 of this subsection do not apply to
6 a nonresident owner of farmland.

7 (c) A person may apply for a hunter's license to any person designated by the
8 Department. The application shall be on a form the Department prepares and
9 supplies. The applicant shall fill out, sign, and submit the application to the person
10 designated to issue the hunter's license. A person may apply by mail.

11 (d) The application shall contain the applicant's name, height, color of eyes
12 and hair, occupation, place of residence, and Social Security number. If the applicant
13 is a nonresident, the applicant also shall present the applicant's driver's license,
14 voter's card, or resident hunter's license.

15 (e) Before a hunting license may be issued the applicant for the license shall
16 sign a statement which says:

17 "I understand that this hunting license does not of itself permit me to hunt on
18 private property, and if I do so without permission of the owner, I may be subject to a
19 fine."

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

21 (i) A resident [consolidated] hunting license that enables the
22 purchaser to hunt all legal game birds and mammals during any appropriate season
23 in Maryland without the purchase of additional stamps, except that to hunt [wild
24 waterfowl] MIGRATORY GAME BIRDS the purchaser must also buy a Maryland
25 migratory [wild waterfowl] GAME BIRD stamp and TO HUNT WILD WATERFOWL THE
26 PURCHASER MUST ALSO BUY a federal migratory bird hunting and conservation
27 stamp.

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

35 (iii) A nonresident [basic] hunting license that enables the
36 purchaser to hunt all legal game birds and mammals during any appropriate season
37 without the purchase of additional stamps unless the purchaser is hunting [wild
38 waterfowl or deer during bow and arrow season or black powder season.] MIGRATORY
39 GAME BIRDS. This license enables the purchaser to hunt [wild waterfowl]
40 MIGRATORY GAME BIRDS only with the purchase of a Maryland migratory [wild

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

3 (vi) Complimentary license authorized to be issued under § 10-303
4 of this subtitleNo fee

5 [(vii)] (VI)..... Nonresident 3-day [hunting license] [\$35.00] \$75.00

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

8 (i) [Deer stamp..... \$9.50

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

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

11 (iv) Maryland migratory [wild waterfowl] GAME BIRD
12 stamp..... [\$6.00] \$9.00

13 [(v)] (II) [Resident bonus] BONUS deer stamp [for each
14 type of deer hunting season] [\$5.00] \$10.00

15 [(vi) Nonresident bonus deer stamp for each type of deer hunting
16 season \$25]

17 (g) The person designated to sell the hunting licenses and individual hunting
18 stamps shall issue the hunting licenses and individual hunting stamps and collect the
19 fee prescribed in subsection (f) of this section. A hunting license may not be issued to
20 any person under the age of 16 years without the written consent of the person's
21 parent or guardian. The Department shall furnish the hunting licenses and
22 individual hunting stamps to the designated person. The issuing person shall
23 countersign the license, and retain the duplicate copy of the license. The duplicate
24 copies and money collected every month shall be mailed to the Department on the
25 first day of the succeeding month each year. The designated person who sells and
26 issues the hunting licenses and individual hunting stamps shall retain as
27 compensation [50] 75 cents for each RESIDENT senior [consolidated annual]
28 HUNTING [license, senior consolidated lifetime license, resident and nonresident
29 basic, or nonresident 3-day hunting license,] LICENSE and individual hunting stamp
30 sold and issued and shall retain as compensation [\$1] \$1.50 for each [consolidated]
31 RESIDENT JUNIOR, RESIDENT REGULAR, NONRESIDENT hunting license AND
32 NONRESIDENT 3-DAY LICENSE sold and issued[, except a senior consolidated annual
33 license and a senior consolidated lifetime license].

34 (h) A hunting license shall be valid for the period August 1 through July 31, of
35 each year.

36 10-301.2.

37 (a) There is a patron's hunting license.

1 (b) The Department shall issue on a yearly basis a patron's hunting license to
2 any person who:

3 (1) Applies to the Department on a form provided by the Department;
4 and

5 (2) Pays \$500.

6 (c) The holder of a patron's hunting license may hunt any game birds or
7 mammals during any open season and in any manner permitted in the State without
8 obtaining any other license OR STAMP, except the federal [and Maryland] migratory
9 wild waterfowl [stamps] STAMP AND THE MARYLAND MIGRATORY GAME BIRD
10 STAMP.

11 10-302.

12 (a) Any person engaged in a retail business who desires to sell THE resident
13 HUNTING LICENSE, [or] EITHER nonresident [basic] hunting [licenses, consolidated
14 hunting licenses, nonresident 3-day hunting licenses,] LICENSE or individual
15 hunting stamps as an agent under the Department's control and supervision shall
16 apply to the Department on forms prepared and prescribed by the Department. The
17 Department may furnish resident and nonresident [basic] hunting [licenses,
18 consolidated hunting licenses, nonresident 3-day hunting licenses,] LICENSES OF
19 ANY TYPE and individual hunting stamps on consignment to any agent who provides
20 a bond or other security deemed sufficient and adequate by the Department to insure
21 payment for the resident and nonresident [basic] hunting [licenses, consolidated
22 hunting licenses, nonresident 3-day hunting licenses,] LICENSES OF ANY TYPE and
23 individual hunting stamps.

24 (b) (1) The agent shall fill out every license and duplicate license in a legible
25 and proper manner.

26 (2) [The agent shall date and affix any deer, bow and arrow, or black
27 powder stamp purchased on a basic hunting license in accordance with § 10-308 of
28 this subtitle.

29 (3)] The agent shall submit any necessary report of sale together with the
30 duplicate license after the first day of each month as long as the agent sells these
31 licenses in accordance with § 10-301 of this subtitle. The report and duplicate licenses
32 shall reach the Department by the seventh day of each succeeding month.

33 [(4)] (3) The Department shall reimburse any agent not operating on
34 consignment the sum paid for unissued resident and nonresident [basic] hunting
35 licenses OF ANY TYPE [consolidated hunting licenses, nonresident 3-day hunting
36 licenses,] and individual hunting stamps provided they are returned intact, and still
37 attached in the issuing books by June 30 of each year, and have been checked and
38 found to be correct by the Department. Every hunting license and individual hunting
39 stamp not returned by June 30 shall be deemed sold and not reimbursable unless
40 accompanied by a statement under oath stating why the hunting license or individual

1 hunting stamp is returned late. The Department, after review, may reimburse the
2 agent.

3 (c) A designated person may not make any false statement concerning any
4 date of issuance or other resident or nonresident [basic] hunting license OF ANY
5 TYPE [consolidated hunting license, nonresident 3-day hunting license,] or
6 individual hunting stamp data. Every hunting license book, duplicate individual
7 hunting license, or individual hunting stamp shall be available for any law
8 enforcement officer to inspect at any time during the regular business day. An agent
9 may not issue any hunting license or individual hunting stamp without receiving the
10 fees required by law. A receipt may not be issued in lieu of a hunting license or
11 individual hunting stamp.

12 (d) In addition to any other penalty provided for by the provisions of this title,
13 any agent convicted of violating the provisions of this section shall have the agent's
14 hunting license and individual hunting stamp issuing privilege rescinded.

15 10-305.

16 If any person loses the person's hunter's license, the person may make affidavit
17 stating the date the license was issued, its number, description, and the name of the
18 designated person who issued the license. Upon receipt of this information the
19 Department may issue a duplicate hunting license for a [\$1] \$10 fee.

20 10-308.

21 (a) [(1) Except as provided in paragraphs (2) and (3) of this subsection, in
22 addition to the basic hunting license, a person hunting deer in the State first shall
23 obtain the appropriate individual hunting stamp.

24 (2) A resident may hunt deer in the State during each season with a
25 consolidated hunting license.

26 (3) A nonresident may hunt deer in the State during regular firearms
27 season with a nonresident basic hunting license.

28 (b) (1) A hunting license or other individual hunting stamp is not required of
29 the following:

30 (i) Except as provided in paragraph (2) of this subsection, the
31 owner or tenant of farmland, the owner's or tenant's spouse and children, or the
32 spouse of any child who resides on the farmland. A tenant is a person holding land
33 under a lease, or a sharecropper who resides in a dwelling on the land, but a tenant
34 does not include any employee of the owner or tenant;

35 (ii) Any resident serving in the armed forces of the United States
36 while on leave in the State, during the resident's leave period, if, while hunting, the
37 resident possesses a copy of the resident's official leave order.

1 (2) The provisions of paragraph (1)(i) of this subsection do not apply to a
2 nonresident owner of farmland.

3 (c) A resident with a basic hunting license shall obtain a deer stamp for a fee
4 as provided in § 10-301(f)(6) of this subtitle. A resident or nonresident with a basic
5 hunting license hunting deer during the bow hunting season shall obtain a special
6 bow hunting deer stamp for a fee as provided in § 10-301(f)(6) of this subtitle. A
7 resident or nonresident with a basic hunting license hunting deer with a muzzle
8 loader during the muzzle loader deer season shall obtain a special black powder deer
9 stamp for a fee as provided in § 10-301(f)(6) of this subtitle.

10 (d) (1) A person may obtain the consolidated hunting license, the resident
11 and nonresident basic license, and individual hunting stamp from any person
12 designated by the Department.

13 (2) The issuing person designated shall retain the sum of 50 cents as
14 compensation for issuing each resident and nonresident basic hunting license and an
15 individual hunting stamp and \$1 as compensation for issuing each consolidated
16 hunting license. The balance of the fee is paid over and accounted for in the same
17 manner as hunting licenses.

18 (3) The Department shall use \$1 from the sale of each [consolidated]
19 RESIDENT REGULAR AND FULL SEASON NONRESIDENT hunting license [and, except
20 for the fee retained by the issuing person, all of the money derived from the sale of
21 bow and arrow and black powder stamps] as follows:

22 [(i)] (1) Up to 40 percent to:

23 [1.] (I) Provide bow hunter education;

24 [2.] (II) Acquire, construct, and maintain public archery
25 ranges; or

26 [3.] (III) Perform any study necessary to evaluate any
27 program or project related to bow or muzzle loader hunting; and

28 [(ii)] (2) The remaining percentage to:

29 [1.] (I) Establish an effective and efficient deer checking
30 system during the muzzle loader and bow hunting deer season;

31 [2.] (II) Acquire additional hunter access during the muzzle
32 loader and bow hunting season by:

33 [A.] 1. The opening of additional State-owned lands to
34 muzzle loader and bow hunting;

35 [B.] 2. The purchase of rights-of-way or access roads to
36 reach areas not open to muzzle loader and bow hunting;

1 [C.] 3. The acquisition of additional lands for muzzle loader
2 and bow hunting; and

3 [D.] 4. The administration of a permit system applicable to
4 newly opened areas; and

5 [3.] (III) Police hunting lands during the muzzle loader and
6 bow hunting season and provide additional law enforcement personnel as necessary
7 to accomplish additional hunter access under item [2] (II) of this [subparagraph]
8 ITEM.

9 [(e) The designated person shall write or stamp the date of issuance on the face
10 of every consolidated hunting license, resident and nonresident basic hunting license,
11 and individual hunting stamp issued under this section. Each individual hunting
12 stamp shall be affixed in the manner that the Department provides. The recipient
13 shall sign the consolidated hunting license or resident or nonresident basic hunting
14 license in ink.]

15 (B) THE DEPARTMENT SHALL USE \$1.00 FROM THE SALE OF EACH RESIDENT
16 REGULAR AND FULL SEASON NONRESIDENT HUNTING LICENSE TO PROVIDE
17 FUNDING FOR THE PROCESSING OF DEER FOR DONATION TO THE NEEDY.

18 10-308.1.

19 (a) In addition to [the consolidated hunting license, nonresident 3-day
20 hunting license, or resident or nonresident basic hunting license] ANY OTHER
21 REQUIREMENT, a person hunting [wild waterfowl] MIGRATORY GAME BIRDS in the
22 State first shall obtain a Maryland migratory [wild waterfowl] GAME BIRD stamp.

23 (b) [(1) A Maryland migratory wild waterfowl stamp is not required of the
24 following:

25 (i) Except as provided in paragraph (2) of this subsection, the
26 owner or tenant of farmland, the owner's or tenant's spouse and children, or the
27 spouse of any child who resides on the farmland, when hunting on that farmland. A
28 tenant is a person holding land under a lease, or a sharecropper who resides in a
29 dwelling on the land, but not an employee of the owner or tenant;

30 (ii) Any resident serving in the armed forces of the United States
31 while on leave in the State, during the resident's leave period, if, while hunting, the
32 resident possesses a copy of the resident's leave order; and

33 (iii) Any State resident over the age of 64 years.

34 (2) The provisions of paragraph (1)(i) of this subsection do not apply to a
35 nonresident owner of farmland.

36 (c) The Maryland migratory [wild waterfowl] GAME BIRD stamp shall be:

1 (1) 2 inches in length and 1 3/8 inches in width, or of another size
2 consistent with similar stamps issued by nearby states;

3 (2) Printed on white, dry-gummed 50-pound English finish paper, or on
4 paper of similar quality; and

5 (3) Perforated on all sides, with an attached tab.

6 [(d)] (C) (1) A person may obtain a Maryland migratory [wild waterfowl]
7 GAME BIRD stamp for a fee of [\$6] \$9.00 from any person designated by the
8 Department. The issuing person designated shall retain the sum of [10] 75 cents as
9 compensation for issuing each stamp. The balance of the fee is paid over and
10 accounted for to the State Treasurer. The Treasurer shall credit all such fees received
11 to the State Wildlife Management and Protection Fund, in accordance with § 10-209
12 of this title.

13 (2) The Department may sell expired stamps below face value to the
14 general public for a period of 3 years, after which time the Department shall shred
15 any unsold expired stamps. All revenues derived from the sale of these stamps shall
16 revert back to the Game Management Fund.

17 [(e)] (D) The Maryland migratory [wild waterfowl] GAME BIRD stamp shall
18 be affixed to the [consolidated hunting license, nonresident 3-day hunting license,
19 or] resident [and] OR nonresident [basic] hunting LICENSE, OF ANY TYPE, of the
20 person to whom the stamp is issued OR IF THE PERSON IS ENTITLED TO HUNT
21 WITHOUT A LICENSE, CARRIED ON THE PERSON. The recipient shall sign the stamp in
22 ink.

23 [(f)] (E) (1) All revenues accruing to the Wildlife Management and
24 Protection Fund from sales of the migratory [wild waterfowl] GAME BIRD stamps
25 shall be expended solely for the following purposes:

26 (i) [Waterfowl] MIGRATORY GAME BIRD projects included in an
27 approved State program to create, develop, enhance, maintain, and manage nesting
28 cover, winter foods, and other habitat components on public lands to satisfy the
29 habitat requirements of a broad range of wintering [waterfowl] MIGRATORY GAME
30 BIRDS and native [waterfowl] MIGRATORY GAME BIRD species; [and]

31 (ii) MIGRATORY GAME BIRD RESEARCH, MANAGEMENT, AND
32 SURVEYS; AND

33 (III) Not more than 30% to adopt and implement a program to
34 control the species *Phragmites communis* (phragmites) on private lands.

35 (2) To encourage waterfowl habitat conservation on private lands, the
36 Department shall implement a 10-year licensing agreement for approved projects on
37 privately owned lands detailing the landowner's responsibilities. Expenditures by
38 private landowners on private land for these waterfowl projects approved by the
39 Department and covered by the licensing agreement shall be considered a
40 contribution to the State.

1 (3) The Governor shall appoint a Migratory [Waterfowl] GAME BIRD
2 Advisory Committee of 9 members who have a practical knowledge of [waterfowl]
3 MIGRATORY GAME BIRD habitat conservation, [waterfowl] MIGRATORY GAME BIRD
4 ecology, [waterfowl] MIGRATORY GAME BIRD management, or [waterfowl]
5 MIGRATORY GAME BIRD hunting.

6 (4) The Committee shall advise the Department on:

7 (i) Matters relating to expenditures of funds derived from the sale
8 of [State] MARYLAND migratory [waterfowl] GAME BIRD stamps;

9 (ii) [Recommendations to the Migratory Waterfowl Advisory
10 Committee on matters relating to policy,] POLICY, regulations, and legislation
11 RELATED TO MIGRATORY GAME BIRDS; and

12 (iii) [Waterfowl] MIGRATORY GAME BIRD habitat conservation
13 projects.

14 10-308.2.

15 Notwithstanding any other provision of law, a nonresident may hunt snow geese
16 in this State without a resident or nonresident Maryland hunting license if:

17 (1) The nonresident possesses a valid [consolidated or similar] hunting
18 license from the nonresident's home state;

19 (2) The nonresident purchases a Maryland migratory [waterfowl] GAME
20 BIRD stamp; and

21 (3) The nonresident's home state allows a Maryland resident to hunt
22 snow geese without a nonresident hunting license from the home state in accordance
23 with the following conditions:

24 (i) The Maryland resident must possess a valid Maryland
25 [consolidated] hunting license; and

26 (ii) The Maryland resident must purchase a migratory waterfowl
27 stamp from the home state.

28 10-415.

29 (a) There are the following 3 seasons to hunt deer:

30 (1) Deer bow hunting season;

31 (2) Deer firearms season; and

32 (3) Deer muzzle loader season.

33 (b) (1) Every person killing a deer shall report with the deer to a designated
34 checking station within 24 hours after killing the deer.

1 (2) Notwithstanding any requirement of law, if the designated checking
2 stations are closed in the county where a person kills a deer, a Natural Resources
3 police officer shall authorize the person to report with the deer to a designated
4 checking station in another county.

5 (c) (1) Subject to subsection (d)(3) of this section, a person with a
6 [consolidated] hunting license also may purchase bonus deer stamps from the
7 Department.

8 (2) A bonus deer stamp allows the person with the [consolidated]
9 hunting license to hunt 1 deer for each stamp purchased in any of the following
10 hunting seasons for deer in the State:

11 (i) Deer bow hunting season;

12 (ii) Deer muzzle loader season; and

13 (iii) Deer firearms season.

14 (3) AN INDIVIDUAL WHO PURCHASES A BONUS DEER STAMP BUT DOES
15 NOT USE IT DURING A PARTICULAR SEASON MAY USE THAT STAMP DURING ANY
16 SUBSEQUENT SEASON IN THAT HUNTING LICENSE YEAR.

17 (4) [(i) Except as provided in subparagraph (ii) of this paragraph, the]
18 THE fee for each bonus deer stamp issued in accordance with this subsection shall be
19 [\$5.00] \$10.00 [for residents and \$25 for nonresidents].

20 [(ii) The fee for each bonus deer stamp issued under this subsection
21 shall be \$5.00 for an individual hunting deer on a federal facility.]

22 [(4)] (5) The Department may establish by regulation the type and
23 number of deer stamps issued under this subsection if necessary to control the deer
24 harvest in various areas of the State.

25 (d) [(1) A person with a basic hunting license and any individual hunting
26 stamp also may purchase bonus deer stamps for use during any deer hunting season.

27 (2) (i) Except as provided in subparagraph (ii) of this paragraph and
28 subject to paragraph (3) of this subsection, the bonus deer stamp allows the person
29 with the basic license to hunt 1 deer in each hunting season for which the person has
30 purchased an individual hunting stamp.

31 (ii) An individual who purchases a bonus deer stamp but does not
32 use it during a particular season may use that stamp during any subsequent season
33 in that hunting license year.

34 (3) (i) (1) The Department may issue a limited number of bonus
35 antlerless deer stamps for the purpose of regulating the harvest of antlerless deer in
36 a particular deer management region or zone.

1 [(ii)] (2) The fee to apply for a bonus antlerless deer stamp is \$5 for
2 residents and \$25 for nonresidents.

3 [(iii)] (3) The fee is nonrefundable if the applicant does not obtain
4 an antlerless deer stamp. If an individual obtains a bonus antlerless deer stamp, the
5 application fee for the stamp will be applied to the fee for the stamp and no additional
6 stamp fee will be required.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 August 1, 2002.