
By: **Senators Baker, Hafer, and Stoltzfus**
Introduced and read first time: February 14, 2002
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Wildlife and Inland Fisheries Commission - Establishment - Powers,**
3 **Functions, and Duties**

4 FOR the purpose of establishing the Wildlife and Inland Fisheries Commission
5 (WIFC) as an independent State agency; transferring certain powers, functions,
6 and duties related to the management of wildlife, certain fisheries, and certain
7 related funds from the Department of Natural Resources and the Department's
8 Secretary to the WIFC by a certain date; specifying certain duties and functions
9 for which the WIFC and the Department are jointly responsible; declaring
10 certain intents of the General Assembly; requiring the Governor, with the
11 approval of the General Assembly, to appoint certain individuals as members of
12 the WIFC by a certain date; providing for certain terms of WIFC members;
13 prohibiting compensation for the services of a WIFC member, but allowing for
14 reimbursement of certain expenses; specifying the terms of the initial members
15 of the WIFC; requiring certain meetings, officers, and functions of the WIFC;
16 providing for certain duties and functions of the WIFC Chairman; requiring the
17 appointment of a certain WIFC Executive Director; providing for certain duties
18 and functions of the Executive Director; authorizing the creation or dissolution
19 of certain advisory committees within the WIFC; providing for the
20 administration of certain advisory committees; requiring the Attorney General
21 to be the legal adviser to the WIFC; providing for the assignment of certain
22 assistant Attorneys General to the WIFC; establishing the Wildlife and Inland
23 Fisheries Commission Police Force within the WIFC; specifying certain powers,
24 functions, and duties of the WIFC Police Force; providing for the administration
25 of the WIFC Police Force in certain ways; providing for the transfer of certain
26 Department employees to the WIFC by a certain date; providing that the WIFC,
27 its Chairman, and its Executive Director are the successors of the Department
28 and its Secretary for certain purposes; providing for the continuity of certain
29 laws, regulations, contracts, permits, licenses, transactions, boards,
30 commissions, committees, and terms of office; making provisions of this Act
31 severable; requiring the publisher of the Annotated Code of Maryland to make
32 certain corrections necessitated by this Act; defining certain terms; making
33 certain technical corrections; providing for the effective dates of certain
34 provisions of this Act; and generally relating to the establishment of the Wildlife
35 and Inland Fisheries Commission and the transfer of certain powers, functions,

1 and duties related to the management of wildlife and certain fisheries from the
2 Department of Natural Resources.

3 BY repealing and reenacting, with amendments,

4 Article - Natural Resources

5 Section 1-101(b), 1-102(a) and (c), 1-103(a), 1-104(a), (h), and (j), 1-106, 1-202,
6 1-204(a), 1-702, 1-703, 1-705, 1-706(a), 4-202, 4-203, 4-204(b), 4-205,
7 4-207, 4-208, 4-210.1(b) through (e), (h), and (i), 4-211, 4-212, 4-214,
8 4-216(a) and (b), 4-2A-03 through 4-2A-07, 4-2A-08.1, 4-401 through
9 4-410, 4-502, 4-506.1(b) and (c), 4-509 through 4-511, 4-513, 4-602,
10 4-603, 4-604(d), (e), (g)(3), and (h), 4-606(a), (b), and (d), 4-607(a), 4-608
11 through 4-610, 4-611(a) and (b), 4-613(a), 4-614(a) and (d), 4-615, 4-616,
12 4-617(e), 4-620(a) and (b), 4-625 through 4-627, 4-11A-19(a) and (b),
13 4-11A-20(a), (b), and (c), 4-11A-21, 4-1201(c), 4-1203, 4-1204(a) and (b),
14 4-1205, 4-1206(a), 4-1208, 4-1209, 10-101, 10-202, 10-202.1(a), (b), and
15 (c)(1), 10-203, 10-205 through 10-210, 10-211(a), 10-2A-03 through
16 10-2A-06, 10-2A-06.1(d)(1) and (2), (e)(3) and (5), and (f), 10-2A-07(b)
17 and (c), 10-301(c), (g), (j) through (m), and (n)(1), (3), (7), and (8),
18 10-301.1(b), (c)(1) and (2), (d), (e), (f)(1), and (g), 10-301.2(b), 10-302(a)
19 and (b)(3) and (4), 10-303(a), 10-304 through 10-307, 10-308(d)(1) and (3)
20 and (e), 10-308.1(d) and (f)(2) and (4), 10-309(c), (d)(1) and (3), (e), (f), (i),
21 and (k)(1) and (3), 10-312(a), 10-313, 10-401(b), 10-402(c), 10-404(b)(4),
22 10-405, 10-406(b)(1)(iv), (4), and (7), 10-407 through 10-409, 10-411(c),
23 10-412(d), 10-413(c), (d), and (e)(1), (3), and (4), 10-414(a), 10-415(b)(2),
24 (c)(1) and (4), (d)(3)(i), (e), (f), and (i), 10-416(b)(1), (2), and (3)(ii) and (d),
25 10-417(a), 10-418(c), 10-420, 10-422, 10-423(b), 10-423.1(b)(1), (c), (d)(1),
26 and (f), 10-424.1, 10-425(a), (b), and (e) through (h), 10-506(a), (d), (f), and
27 (g), 10-507, 10-508, 10-509(b) and (c), 10-512, 10-602(b), 10-604(a),
28 10-605(a), 10-606(a), 10-607(c), (g), (h)(2), (i), (j), and (k)(1), 10-608(a)
29 through (c), 10-610, 10-612, 10-614, 10-615(b), 10-701, 10-801 through
30 10-803, 10-804(a), (b)(1), (c), and (d), 10-805, 10-806, 10-807(a), (b)(2),
31 and (c), 10-808, 10-902 through 10-904, 10-905(a)(1), (c), and (d),
32 10-906(a), (b), (c)(1), (2), (5), and (6), (d)(2), (3), and (5), and (f)(2),
33 10-907(a) through (c), 10-908, 10-909(a) through (c), 10-910(a), (f), and
34 (i), 10-911(a), 10-1002, 10-1003(a) and (e), 10-1004, 10-1005(b), (c), (e),
35 (f), and (h), 10-1006, 10-1101(d), 10-1103, 10-1104(a) and (b), 10-1105,
36 10-1106(a), and 10-1107(a), (b), and (c)(3)

37 Annotated Code of Maryland

38 (2000 Replacement Volume and 2001 Supplement)

39 BY adding to

40 Article - Natural Resources

41 Section 1A-101 through 1A-210, inclusive, to be under the new title "Title 1A.

42 Wildlife and Inland Fisheries Commission"

43 Annotated Code of Maryland

44 (2000 Replacement Volume and 2001 Supplement)

1 BY repealing
2 Article - Natural Resources
3 Section 4-204(c) and 10-204
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 the Laws of Maryland read as follows:

8 **Article - Natural Resources**

9 1-101.

10 (b) It is the intention of the General Assembly, in providing for a Department
11 of Natural Resources, to establish a State department which, EXCEPT FOR MATTERS
12 PERTAINING TO THE MANAGEMENT OF WILDLIFE AND INLAND FISHERIES UNDER
13 TITLE 1A OF THIS ARTICLE AND in addition to [its] THE DEPARTMENT'S other
14 functions, shall:

15 (1) Review and evaluate [all] natural resources policies, plans,
16 programs, and practices of State, county, regional, and federal agencies and
17 institutions;

18 (2) Coordinate natural resources activities within the State;

19 (3) Be a center for collecting and organizing information on natural
20 resources for the guidance of the Governor and the General Assembly; and

21 (4) Otherwise unify, coordinate, and promulgate policies, plans,
22 programs, and practices which insure the preservation, development, wise use, and
23 enjoyment of [all the] natural resources for greatest benefits to the State and its
24 citizens.

25 1-102.

26 (a) [The] EXCEPT FOR THE WILDLIFE AND INLAND FISHERIES COMMISSION
27 (WIFC) ESTABLISHED UNDER TITLE 1A OF THIS ARTICLE AND THE AUTHORITY AND
28 RESPONSIBILITIES SPECIFICALLY DELEGATED TO THE WIFC, THE Department shall
29 include all units, programs, boards, commissions, and advisory boards and
30 commissions referenced in this article.

31 (c) (1) Unless otherwise provided by this article, each advisory commission
32 created by law consists of five members appointed by the Governor, with the advice of
33 the Secretary, to serve at the pleasure of the Governor.

34 (2) (i) The Wildlife Advisory Commission is composed of 9 members
35 appointed by the Governor.

1 (ii) 1. The Governor shall solicit nominations for vacancies on
2 the Wildlife Advisory Commission from individuals or organizations that promote the
3 future of hunting and individuals or organizations that promote the preservation of
4 wildlife in the State, with geographical distribution being a prime consideration for
5 filling vacancies.

6 2. There shall be representation from the farming
7 community.

8 (iii) The term of a member is 4 years.

9 (iv) A member may not serve more than 2 terms on the Commission.

10 (v) The terms of members are staggered so that:

11 1. 3 shall end in 1987;

12 2. 3 shall end in 1988; and

13 3. 3 shall end in 1989.

14 (vi) At the end of a term, a member continues to serve until a
15 successor is appointed and qualifies.

16 (vii) A member who is appointed after a term has begun serves only
17 for the rest of the term and until a successor is appointed and qualifies.

18 (3)] A member shall be knowledgeable in the area of interest of the
19 advisory commission on which he serves.

20 [(4)] (3) Each advisory commission shall advise the Secretary or the
21 administration of the appropriate Department unit, pursuant to rules and regulations
22 the Secretary adopts.

23 [(5)] (4) The members of each advisory commission annually shall elect
24 a chairman of the commission and may adopt procedures to conduct its meetings.

25 [(6)] (5) An advisory commission member receives the compensation
26 provided in the Department budget. Every member shall be reimbursed for necessary
27 travel expenses incurred in performing any official duty, pursuant to rules and
28 regulations the Secretary adopts.

29 1-103.

30 (a) [The] EXCEPT FOR THE RESPONSIBILITIES OF THE WIFC, THE Secretary is
31 responsible for the coordination and direction of comprehensive planning in the area
32 of natural resources. In addition, he shall be apprised in full of plans, proposals,
33 projects, and programs of the units within the Department, and may approve,
34 disapprove, or modify any plan, proposal, project, or program, if that action
35 approving, disapproving, or modifying plans, proposals, projects, or programs is not
36 inconsistent with law.

1 1-104.

2 (a) (1) (I) The Secretary [is] AND THE WIFC ARE JOINTLY responsible for
3 the development of coordinated policies for the preservation, conservation,
4 enhancement, wise use, and perpetuation of the natural resources of the State.

5 (II) [He is] THE SECRETARY AND THE WIFC ARE JOINTLY
6 responsible for the efficient coordination of all the natural resources activities of the
7 State [including the settlement of].

8 (2) (I) THE SECRETARY SHALL RESOLVE conflicts that may arise
9 among units within the Department of Natural Resources.

10 (II) In the discharge of his responsibility, the Secretary shall:

11 [(1)] 1. Provide a forum of communication among natural resources
12 units and a source of information for the Governor and General Assembly as to the
13 preservation, conservation, development, and use of [all] the State's natural
14 resources;

15 [(2)] 2. Study and evaluate any plan, program, or activity or any
16 combination of plans, programs, or activities within one or more of the units of the
17 Department, and recommend any legislative, budgetary, or administrative changes to
18 provide more effective administration, clarify responsibilities, terminate obsolete
19 programs, establish desirable programs, or alter or amend programs to meet changed
20 or changing conditions;

21 [(3)] 3. Review federal statutes, policies, programs, and activities which
22 affect or may affect natural resources in the State THAT ARE UNDER THE
23 SUPERVISION OF THE DEPARTMENT and recommend to federal, State, and local
24 agencies and institutions procedures for the coordination of these programs;

25 [(4)] 4. Study the natural resources activities of the subdivisions of the
26 State IN THOSE AREAS THAT ARE UNDER THE SUPERVISION OF THE DEPARTMENT
27 and recommend procedures for coordination of [the] THOSE natural resources
28 activities of the State and its subdivisions;

29 [(5)] 5. Maintain a catalog classified by use, of public land acquired or
30 used in the preservation, conservation, development, management, or enjoyment of
31 the natural resources UNDER THE SUPERVISION OF THE DEPARTMENT; review and
32 approve all plans and proposals of the units of the Department for the acquisition of
33 additional land for such purposes, taking into account public land owned and
34 managed for identical or similar purposes by federal agencies and by counties,
35 municipalities, and other political subdivisions of the State;

36 [(6)] 6. Establish and maintain, for the use of the Department, a
37 natural resources library, cataloged according to a recognized library system and
38 containing legal, scientific, and administrative reports, books, documents,
39 photographs, records, and other information on the natural resources UNDER THE

1 SUPERVISION OF THE DEPARTMENT and THE ADMINISTRATION OF THESE natural
2 resources [administration]; and

3 [(7)] 7. Provide technical assistance to other State units, counties,
4 municipalities, corporations, organizations, groups, and individuals in planning,
5 organizing, and conducting leisure activities and recreation programs.

6 (h) [(1)] The authority, powers, duties, and functions granted to the Secretary
7 or the Department shall be exercised and performed by the Secretary or by any unit
8 or official within the Department designated by the Secretary.

9 [(2) (i)] The Secretary may delegate to a person the authority to issue
10 licenses pertaining to fishing or hunting.

11 [(ii)] The Secretary may not delegate the authority to issue a fishing
12 or hunting license to a clerk of a circuit court.]

13 (j) The Secretary may exercise or perform any power, duty, responsibility, or
14 function which any of the following units, or their successors, may exercise or
15 perform:

16 (1) [the] THE Maryland Geological Survey[, the Wildlife
17 Administration,];

18 (2) EXCEPT FOR THOSE POWERS, DUTIES, RESPONSIBILITIES, AND
19 FUNCTIONS SPECIFICALLY DELEGATED TO THE WIFC POLICE FORCE UNDER TITLE
20 1A, SUBTITLE 2 OF THIS ARTICLE, the Natural Resources Police [Force,] FORCE;

21 (3) [the] THE Forest and Park Service[, the Water Resource
22 Administration,];

23 (4) [the] THE Energy [Administration,] ADMINISTRATION; and

24 (5) [the] THE Tidewater Administration.

25 1-106.

26 (a) In this article the following words have the meanings indicated.

27 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
28 WILDLIFE AND INLAND FISHERIES COMMISSION.

29 (C) "Informational meeting" means a meeting, open to the public, at which the
30 applicant or the Department of Natural Resources presents information concerning a
31 permit or certificate application. An informational meeting is not a contested case
32 hearing nor an agency hearing under § 10-202(d) of the State Government Article.

33 [(c)] (D) "Public hearing" means a meeting, open to the public, at which the
34 Department of Natural Resources receives oral and written comments concerning a
35 decision to issue or deny a permit or certificate. A public hearing is not a contested

1 case hearing nor an agency hearing under § 10-202(d) of the State Government
2 Article.

3 (E) "WIFC" MEANS THE WILDLIFE AND INLAND FISHERIES COMMISSION
4 ESTABLISHED UNDER TITLE 1A OF THIS ARTICLE.

5 1-202.

6 [The] EXCEPT FOR THE RESPONSIBILITIES OF THE WIFC AND THE WIFC
7 POLICE FORCE UNDER TITLE 1A OF THIS ARTICLE, THE Secretary is responsible for
8 the enforcement of all natural resource laws of the State, including any rules and
9 regulations adopted pursuant to this article.

10 1-204.

11 (a) (1) (I) In addition to any other powers conferred by this title, the
12 Secretary and every Natural Resources police officer shall have all the powers
13 conferred upon police officers of the State.

14 (II) These powers may be exercised anywhere within the State.

15 (2) [The] EXCEPT FOR THE ENFORCEMENT RESPONSIBILITIES OF THE
16 WIFC AND THE WIFC POLICE FORCE, THE Natural Resources Police Force specifically
17 is charged with enforcing the natural resource laws of the State.

18 1-702.

19 (a) There is a State Chesapeake Bay and Endangered Species Fund.

20 (b) (1) The net proceeds from contributions under the income tax checkoff
21 system and any other donations to the Fund shall be credited to the Fund.

22 (2) The Secretary AND THE WIFC shall JOINTLY administer the Fund.

23 (3) The Fund shall be used only as provided in §§ 1-703 through 1-705 of
24 this subtitle.

25 (c) The Fund shall be maintained for the purposes stated in this subtitle and
26 unspent portions of the Fund shall remain in the Fund and may not revert to the
27 General Fund of the State.

28 (d) Moneys expended from the Fund for the Chesapeake Bay Trust and
29 Endangered Species Conservation Programs are supplemental and are not intended
30 to take the place of funding that would otherwise be appropriated to the WIFC, TO THE
31 Department of Natural Resources for the Trust [or], OR TO THE WIFC OR THE
32 DEPARTMENT for those Programs.

1 1-703.

2 (a) The Secretary AND THE WIFC may JOINTLY distribute not more than 5% of
3 the net proceeds of the Fund to a promotional account to be used to promote further
4 donations to the Fund.

5 (b) After making the distribution allowed under subsection (a) of this section,
6 the Secretary AND THE WIFC shall distribute the remainder of the net proceeds of the
7 Fund JOINTLY as follows:

8 (1) 50% to the Chesapeake Bay Trust established under § 8-1901 of this
9 article, to be used by the Trust only as provided in § 1-704 of this subtitle; and

10 (2) 50% to an endangered species account ADMINISTERED BY THE WIFC,
11 to be used only to conserve nongame, threatened and endangered species as provided
12 in § 1-705 of this subtitle.

13 1-705.

14 (a) The [Secretary] WIFC shall use the funds credited to the endangered
15 species account under § 1-703 of this subtitle only to promote the conservation,
16 propagation, and habitat protection of nongame, threatened or endangered species,
17 including:

18 (1) The acquisition, through absolute purchase or the purchase of
19 easements, of habitats necessary to conserve, protect, or propagate nongame,
20 threatened or endangered species;

21 (2) The monitoring, surveying, and protection of nest sites of bald eagles,
22 Delmarva fox squirrels, peregrine falcons, and piping plovers;

23 (3) The promotion of voluntary protection of habitat for threatened and
24 endangered species by monitoring information and management assistance to private
25 landowners;

26 (4) The initiation of surveys and recovery programs, including habitat
27 restoration or protection, for other threatened or endangered species;

28 (5) The protection of threatened or endangered species in natural
29 heritage areas identified under the Natural Heritage Program;

30 (6) The surveying of nongame birds, mammals, reptiles, and amphibians
31 not currently receiving review, particularly those species whose population status is
32 questionable, such as the bog turtle;

33 (7) The development and implementation of an urban wildlife program
34 to provide individuals in urban and suburban areas the opportunity to observe
35 wildlife; and

1 (8) The development and implementation of a public education and
2 information program to educate the public and school children about wildlife and
3 habitat conservation.

4 (b) (1) In developing the wildlife conservation programs under this section,
5 the [Secretary] WIFC shall solicit the advice of the Threatened and Endangered
6 Species Committee established in the Department.

7 (2) The [Secretary] WIFC shall obtain recommendations from the
8 Natural Heritage Program in the Department as to implementation of threatened and
9 endangered species conservation programs under this section.

10 1-706.

11 (a) On or before August 31 of each year, the Secretary AND THE WIFC shall
12 submit a JOINT report to the General Assembly, pursuant to § 2-1246 of the State
13 Government Article, on the administration of the Chesapeake Bay and Endangered
14 Species Fund.

15 TITLE 1A. WILDLIFE AND INLAND FISHERIES COMMISSION.

16 SUBTITLE 1. GENERAL PROVISIONS.

17 1A-101.

18 (A) (1) IN ESTABLISHING THE WILDLIFE AND INLAND FISHERIES
19 COMMISSION (WIFC), IT IS THE INTENTION OF THE GENERAL ASSEMBLY THAT THE
20 WIFC SHALL:

21 (I) BE SOLELY RESPONSIBLE TO THE GENERAL ASSEMBLY FOR
22 THE PRESERVATION, CONSERVATION, ENHANCEMENT, AND OVERALL MANAGEMENT
23 OF MARYLAND'S BOUNTIFUL WILDLIFE AND INLAND FISHERIES RESOURCES;

24 (II) BALANCE THE RESPONSIBLE STEWARDSHIP OF THESE
25 RESOURCES WITH THEIR ECONOMIC BENEFITS; AND

26 (III) PROMOTE RECREATIONAL ACTIVITIES ASSOCIATED WITH
27 WILDLIFE AND INLAND FISHERIES FOR THE ENJOYMENT AND GENERAL WELFARE
28 OF ALL CITIZENS OF THE STATE.

29 (2) THE WIFC MAY EXERCISE OR PERFORM ANY POWER, DUTY,
30 RESPONSIBILITY, OR FUNCTION WHICH THE WILDLIFE ADMINISTRATION OR THE
31 WATER RESOURCE ADMINISTRATION, OR THEIR SUCCESSORS, MAY EXERCISE OR
32 PERFORM.

33 (B) IT IS ALSO THE INTENTION OF THE GENERAL ASSEMBLY THAT THE WIFC
34 AND THE DEPARTMENT OF NATURAL RESOURCES SHALL COLLABORATE IN ALL
35 AREAS OF MUTUAL CONCERN.

1 1A-102.

2 (A) (1) THERE IS A WILDLIFE AND INLAND FISHERIES COMMISSION.

3 (2) THE WIFC:

4 (I) IS AN INDEPENDENT AGENCY OF THE STATE GOVERNMENT;
5 AND

6 (II) MAY NOT BE PLACED BY THE GOVERNOR IN ANY PRINCIPAL
7 DEPARTMENT.

8 (B) (1) THE GOVERNOR, WITH THE APPROVAL OF THE GENERAL ASSEMBLY,
9 SHALL APPOINT THE MEMBERS OF THE WIFC AS FOLLOWS:

10 (I) ONE MEMBER AT LARGE; AND

11 (II) ONE MEMBER WHO RESIDES IN EACH OF THE FOLLOWING
12 AREAS OF THE STATE:

13 1. ALLEGANY COUNTY, FREDERICK COUNTY, GARRETT
14 COUNTY, OR WASHINGTON COUNTY;

15 2. HOWARD COUNTY, MONTGOMERY COUNTY, OR PRINCE
16 GEORGE'S COUNTY;

17 3. BALTIMORE CITY, BALTIMORE COUNTY, CARROLL
18 COUNTY, CECIL COUNTY, OR HARFORD COUNTY;

19 4. ANNE ARUNDEL COUNTY, CALVERT COUNTY, CHARLES
20 COUNTY, OR ST. MARY'S COUNTY;

21 5. CAROLINE COUNTY, KENT COUNTY, TALBOT COUNTY, OR
22 QUEEN ANNE'S COUNTY; AND

23 6. DORCHESTER COUNTY, SOMERSET COUNTY, WICOMICO
24 COUNTY, OR WORCESTER COUNTY.

25 (2) THE GOVERNOR MAY DISCHARGE A MEMBER OF THE WIFC.

26 (3) (I) IF A MEMBER OF THE WIFC IS DISCHARGED OR IF A MEMBER
27 RESIGNS OR DIES, THE GOVERNOR SHALL APPOINT A SUCCESSOR WITHIN 60 DAYS OF
28 THE EFFECTIVE DATE OF THE MEMBER'S DISCHARGE, RESIGNATION, OR DEATH.

29 (II) IN THE EVENT OF THE GOVERNOR'S APPOINTMENT OF A
30 SUCCESSOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LEGISLATIVE
31 POLICY COMMITTEE MAY ACT IN PLACE OF THE FULL GENERAL ASSEMBLY IN THE
32 APPROVAL OR DISAPPROVAL OF THE APPOINTMENT.

33 (C) EACH MEMBER OF THE WIFC SHALL:

1 (1) BE A CITIZEN OF THE STATE;

2 (2) HAVE:

3 (I) GENERAL KNOWLEDGE OF THE STATE'S WILDLIFE OR
4 FISHERIES RESOURCES; AND

5 (II) EXPERIENCE AS A COMMERCIAL GUIDE FOR WILDLIFE OR
6 FISHING ACTIVITIES OR IN RECREATIONAL HUNTING OR FISHING; AND

7 (3) ABIDE BY PRINCIPLES OF RESOURCE CONSERVATION AND SOUND
8 WILDLIFE AND FISHERY MANAGEMENT.

9 (D) (1) A MEMBER OF THE WIFC SHALL SERVE A TERM OF 4 YEARS, WHICH IS
10 RENEWABLE FOR A SECOND TERM.

11 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
12 TERMS PROVIDED FOR MEMBERS OF THE WIFC ON JULY 1, 2002.

13 (3) AN INDIVIDUAL WHO IS APPOINTED TO SERVE THE UNEXPIRED
14 TERM OF ANOTHER INDIVIDUAL SHALL REMAIN ELIGIBLE FOR TWO FULL 4-YEAR
15 APPOINTMENTS.

16 (E) A MEMBER OF THE WIFC MAY NOT BE COMPENSATED FOR THE MEMBER'S
17 SERVICE, BUT SHALL BE REIMBURSED FOR EXPENSES RELATED TO WIFC ACTIVITIES.

18 1A-103.

19 (A) (1) THE OFFICERS OF THE WIFC SHALL INCLUDE:

20 (I) THE CHAIRMAN;

21 (II) THE VICE CHAIRMAN; AND

22 (III) THE SECRETARY.

23 (2) OFFICERS SHALL:

24 (I) BE ELECTED BY THE MEMBERS OF THE WIFC AT THE FIRST
25 MEETING OF EACH CALENDAR YEAR; AND

26 (II) SERVE A TERM OF 1 YEAR.

27 (B) (1) THE WIFC SHALL MEET AT LEAST ONCE EVERY 2 MONTHS AND AT
28 ANY OTHER TIME DESIGNATED BY THE CHAIRMAN.

29 (2) THE PRESENCE OF FIVE MEMBERS, INCLUDING THE CHAIRMAN OR
30 VICE CHAIRMAN, SHALL CONSTITUTE A MEETING QUORUM.

31 (C) (1) THE MEMBERS OF THE WIFC, ACTING THROUGH THE CHAIRMAN,
32 ARE RESPONSIBLE FOR:

1 (I) THE FORMULATION AND ENFORCEMENT OF ALL POLICY
2 RELATED TO THE OVERSIGHT, REGULATION, MANAGEMENT, AND STEWARDSHIP OF
3 THE STATE'S WILDLIFE AND INLAND FISHERY RESOURCES; AND

4 (II) THE ADOPTION OF WIFC REGULATIONS AND ANY OTHER RULES
5 PROMULGATED BY A UNIT WITHIN THE WIFC.

6 (2) THE CHAIRMAN, OR THE CHAIRMAN'S DESIGNEE, SHALL REPRESENT
7 THE WIFC AT HEARINGS OR MEETINGS OF THE CONGRESS OF THE UNITED STATES
8 AND THE GENERAL ASSEMBLY OF MARYLAND, STATE AND INTERSTATE
9 CONFERENCES, AND AT LOCAL MEETINGS OR HEARINGS PERTAINING TO ANY
10 MATTER OF CONCERN TO THE WIFC.

11 (D) IN ORDER TO INCREASE EFFICIENCY AND ECONOMY IN THE
12 MANAGEMENT OF WILDLIFE AND INLAND FISHERY RESOURCES IN THE STATE, THE
13 MEMBERS OF THE WIFC, ACTING THROUGH THE CHAIRMAN, MAY TRANSFER, ASSIGN,
14 OR REASSIGN ANY FUNCTION OR ACTIVITY OF ANY UNIT WITHIN THE WIFC,
15 TOGETHER WITH THE STAFF, FUNDS AND EQUIPMENT ASSOCIATED WITH THAT
16 FUNCTION OR ACTIVITY, EITHER TO THE OFFICE OF THE EXECUTIVE DIRECTOR OR
17 TO ANY OTHER UNIT WITHIN THE JURISDICTION OF THE WIFC.

18 1A-104.

19 (A) THE WIFC SHALL:

20 (1) BE ACCOUNTABLE FOR APPROPRIATE POLICIES, ACTIONS, AND
21 PROCEEDINGS RELATED TO THE RESPONSIBLE AND COORDINATED PROTECTION,
22 CONSERVATION, MANAGEMENT, USE, AND ENHANCEMENT OF THE STATE'S
23 WILDLIFE AND INLAND FISHERIES RESOURCES;

24 (2) EMPLOY, DIRECT, AND SUPERVISE THE EXECUTIVE DIRECTOR OF
25 THE WIFC AND ANY ADDITIONAL STAFF DEEMED NECESSARY BY THE WIFC;

26 (3) OVERSEE THE WIFC POLICE;

27 (4) UNDER § 1A-106 OF THIS SUBTITLE AND AS APPROPRIATE, APPOINT
28 ADVISORY COMMITTEES TO ASSIST THE WIFC OR THE EXECUTIVE DIRECTOR;

29 (5) PREPARE AND SUBMIT ANNUAL AND SUPPLEMENTAL BUDGETS TO
30 THE GENERAL ASSEMBLY FOR THE OPERATION OF THE WIFC;

31 (6) APPLY FOR, ACCEPT, AND ADMINISTER FOR THE STATE ANY
32 GENERAL AND SPECIAL FUNDS, FEDERAL FUNDS, OR ANY OTHER REVENUES
33 ASSOCIATED WITH WILDLIFE AND INLAND FISHERY LICENSE FEES, AND ANY OTHER
34 FUNDS RELATED TO WIFC ACTIVITIES;

35 (7) ADOPT BYLAWS AND ADMINISTRATIVE PRACTICES FOR THE
36 OPERATION OF THE WIFC AND ITS BUSINESS ACTIVITIES; AND

37 (8) WITH OVERSIGHT BY THE COMPTROLLER, ESTABLISH AND MANAGE:

1 (I) AN ENDOWMENT FUND FOR THE RECEIPT OF ASSETS, GIFTS,
2 GRANTS, AND ANY OTHER CONTRIBUTIONS TO BE USED FOR WIFC PURPOSES; AND

3 (II) A CONSERVATION FUND:

4 1. FOR THE RECEIPT OF ASSETS, GIFTS, GRANTS, AND ANY
5 OTHER CONTRIBUTIONS TO BE USED FOR THE PURPOSE OF CONSERVATION
6 EDUCATION AND ANY OTHER CONSERVATION RELATED ACTIVITIES; AND

7 2. THAT IS AUTHORIZED TO ISSUE AND SELL WILDLIFE AND
8 INLAND FISHERY EMBLEMS AND OTHER SIMILAR ITEMS.

9 (B) THE WIFC MAY DELEGATE THE AUTHORITY TO ISSUE A LICENSE OR A
10 STAMP PERTAINING TO INLAND FISHING OR HUNTING TO ANY PERSON EXCEPT A
11 CLERK OF THE CIRCUIT COURT.

12 1A-105.

13 (A) (1) THE ADMINISTRATIVE HEAD OF THE WIFC IS THE EXECUTIVE
14 DIRECTOR, WHO SHALL BE APPOINTED BY THE CHAIRMAN WITH THE ADVICE AND
15 CONSENT OF THE OTHER MEMBERS OF THE WIFC.

16 (2) THE EXECUTIVE DIRECTOR SHALL BE AN INDIVIDUAL WITH
17 ADMINISTRATIVE ABILITY, WHOSE PROFESSIONAL EXPERIENCE AND PERSONAL
18 REPUTATION DEMONSTRATE A COMMITMENT TO THE RESPONSIBLE MANAGEMENT
19 OF WILDLIFE AND INLAND FISHERIES.

20 (B) (1) THE EXECUTIVE DIRECTOR SHALL COUNSEL AND ADVISE THE
21 MEMBERS OF THE WIFC ON ALL MATTERS PERTINENT TO THE WIFC.

22 (2) THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR CARRYING OUT
23 THE POLICIES OF THE WIFC IN ALL AREAS OF MANAGEMENT, RESEARCH AND
24 DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT RELATED TO THE
25 STEWARDSHIP OF WILDLIFE AND INLAND FISHERIES.

26 (C) THE EXECUTIVE DIRECTOR:

27 (1) SHALL RECEIVE THE SALARY AND HAVE THE ASSISTANTS,
28 EMPLOYEES, AND PROFESSIONAL CONSULTANTS AUTHORIZED BY THE WIFC AND
29 PROVIDED IN THE STATE BUDGET;

30 (2) IS RESPONSIBLE FOR:

31 (I) THE BUDGET OF THE EXECUTIVE DIRECTOR'S OFFICE AND, AS
32 DETERMINED BY THE WIFC, FOR THE BUDGETS OF ANY OTHER UNITS WITHIN THE
33 WIFC;

34 (II) OPERATION OF THE EXECUTIVE DIRECTOR'S OFFICE AND THE
35 ESTABLISHMENT OF GUIDELINES AND PROCEDURES TO PROMOTE ITS ORDERLY AND
36 EFFICIENT ADMINISTRATION; AND

1 (III) THE SETTLEMENT OF CONFLICTS THAT MAY ARISE AMONG
2 WIFC UNITS FOR WHICH THE EXECUTIVE DIRECTOR IS RESPONSIBLE; AND

3 (3) MAY ESTABLISH AREAS OF RESPONSIBILITY WITHIN THE EXECUTIVE
4 DIRECTOR'S OFFICE AND MAY REORGANIZE OR ABOLISH THESE AREAS AS
5 NECESSARY.

6 (D) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE EXECUTIVE
7 DIRECTOR SHALL APPOINT AND REMOVE ALL OTHER PERSONNEL IN ACCORDANCE
8 WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

9 (2) THE EXECUTIVE DIRECTOR MAY DELEGATE AUTHORITY TO APPOINT
10 OR REMOVE PERSONNEL OF ANY UNIT TO THE ADMINISTRATOR OF THE UNIT.

11 (E) THE EXECUTIVE DIRECTOR SHALL:

12 (1) PROVIDE A FORUM OF COMMUNICATION AMONG NATURAL
13 RESOURCES UNITS AND A SOURCE OF INFORMATION FOR THE GOVERNOR AND
14 GENERAL ASSEMBLY AS TO THE PRESERVATION, CONSERVATION, DEVELOPMENT,
15 AND USE OF ALL THE STATE'S WILDLIFE AND INLAND FISHERY RESOURCES;

16 (2) REVIEW FEDERAL STATUTES, POLICIES, PROGRAMS, AND ACTIVITIES
17 WHICH AFFECT OR MAY AFFECT WILDLIFE AND INLAND FISHERY RESOURCES IN
18 THE STATE AND RECOMMEND TO FEDERAL, STATE, AND LOCAL AGENCIES AND
19 INSTITUTIONS PROCEDURES FOR THE COORDINATION OF THESE PROGRAMS;

20 (3) STUDY THE WILDLIFE AND INLAND FISHERY ACTIVITIES OF THE
21 SUBDIVISIONS OF THE STATE AND RECOMMEND PROCEDURES FOR COORDINATION
22 OF THESE ACTIVITIES WITHIN THE STATE AND AMONG ITS SUBDIVISIONS;

23 (4) MAINTAIN A CATALOG, CLASSIFIED BY USE, OF PUBLIC LAND
24 ACQUIRED OR USED IN THE PRESERVATION, CONSERVATION, DEVELOPMENT,
25 MANAGEMENT, OR ENJOYMENT OF WILDLIFE AND INLAND FISHERIES;

26 (5) ESTABLISH AND MAINTAIN, FOR THE USE OF THE WIFC, A WILDLIFE
27 AND INLAND FISHERY RESOURCES LIBRARY, CATALOGED ACCORDING TO A
28 RECOGNIZED LIBRARY SYSTEM AND CONTAINING LEGAL, SCIENTIFIC, AND
29 ADMINISTRATIVE REPORTS, BOOKS, DOCUMENTS, PHOTOGRAPHS, RECORDS, AND
30 OTHER PERTINENT INFORMATION; AND

31 (6) PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE UNITS,
32 COUNTIES, MUNICIPALITIES, CORPORATIONS, ORGANIZATIONS, GROUPS, AND
33 INDIVIDUALS IN PLANNING, ORGANIZING, AND CONDUCTING LEISURE ACTIVITIES
34 AND RECREATION PROGRAMS RELATED TO WILDLIFE AND INLAND FISHERIES.

35 (F) THE EXECUTIVE DIRECTOR SHALL PUBLISH FOR FISCAL YEAR 2004 AND
36 EACH ALTERNATE FISCAL YEAR THEREAFTER A PRINTED REPORT, INCLUDING:

37 (1) A REVIEW OF STUDIES, DELIBERATIONS, CONCLUSIONS, AND
38 RECOMMENDATIONS OF THE WIFC;

1 (2) ALL ANNUAL REPORTS SUBMITTED BY THE SEPARATE UNITS WITHIN
2 THE WIFC AND THE EXECUTIVE DIRECTOR'S OFFICE; AND

3 (3) A REVIEW OF ANY OTHER WILDLIFE AND INLAND FISHERY
4 ACTIVITIES OF INTEREST OR CONCERN TO THE STATE AND ITS CITIZENS.

5 (G) THE OFFICE OF EXECUTIVE DIRECTOR SHALL HAVE A SEAL FOR
6 PURPOSES OF AUTHENTICATION OF WIFC RECORDS.

7 1A-106.

8 (A) (1) (I) AS NECESSARY AND APPROPRIATE, THE MEMBERS OF THE
9 WIFC, ACTING THROUGH THE CHAIRMAN OR THE EXECUTIVE DIRECTOR, MAY
10 CREATE OR DISSOLVE AN ADVISORY COMMITTEE FOR THE WIFC OR ANY OF ITS
11 UNITS.

12 (II) THE SIZE OF THE ADVISORY COMMITTEE SHALL BE
13 DETERMINED ON A CASE-BY-CASE BASIS.

14 (III) MEMBERS OF EACH ADVISORY COMMITTEE SHALL BE
15 REPRESENTATIVE OF THE DIFFERENT PROFESSIONAL AREAS OR FIELDS OF
16 ENDEAVOR WITH WHICH THE WIFC IS CONCERNED.

17 (2) EACH ADVISORY COMMITTEE SHALL ADVISE, AS APPROPRIATE, THE
18 CHAIRMAN, THE EXECUTIVE DIRECTOR, OR A UNIT'S ADMINISTRATIVE HEAD,
19 PURSUANT TO RULES AND REGULATIONS ADOPTED BY THE WIFC.

20 (3) THE MEMBERS OF EACH ADVISORY COMMITTEE SHALL ANNUALLY
21 ELECT A CHAIRMAN OF THE COMMITTEE AND MAY ADOPT PROCEDURES TO
22 CONDUCT COMMITTEE MEETINGS.

23 (4) (I) AN ADVISORY COMMITTEE MEMBER RECEIVES THE
24 COMPENSATION PROVIDED IN THE WIFC BUDGET.

25 (II) EACH MEMBER SHALL BE REIMBURSED FOR ALL PERSONAL
26 EXPENSES, INCLUDING TRAVEL, THAT ARE RELATED TO THE ACTIVITIES OF THE
27 COMMITTEE.

28 (B) (1) THE WILDLIFE ADVISORY COMMITTEE IS COMPOSED OF NINE
29 MEMBERS APPOINTED BY THE CHAIRMAN, IN CONSULTATION WITH THE MEMBERS
30 OF THE WIFC.

31 (2) (I) THE CHAIRMAN SHALL SOLICIT NOMINATIONS FOR VACANCIES
32 ON THE WILDLIFE ADVISORY COMMITTEE FROM INDIVIDUALS OR ORGANIZATIONS
33 THAT PROMOTE THE FUTURE OF HUNTING AND THE PRESERVATION OF WILDLIFE IN
34 THE STATE, WITH GEOGRAPHICAL DISTRIBUTION BEING A PRIME CONSIDERATION
35 FOR FILLING VACANCIES.

36 (II) THERE SHALL BE REPRESENTATION FROM THE FARMING
37 COMMUNITY.

1 (3) (I) THE TERM OF A MEMBER IS 4 YEARS.

2 (II) A MEMBER MAY NOT SERVE MORE THAN TWO TERMS ON THE
3 COMMISSION.

4 (III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
5 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

6 (IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
7 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
8 AND QUALIFIES.

9 1A-107.

10 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISER TO THE WIFC.

11 (B) THE ATTORNEY GENERAL SHALL ASSIGN THE NUMBER OF ASSISTANT
12 ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE ASSIGNED TO THE UNITS OF THE
13 WIFC.

14 (C) (1) ONE OF THE ASSISTANT ATTORNEYS GENERAL SHALL BE
15 DESIGNATED BY THE ATTORNEY GENERAL AS COUNSEL TO THE WIFC.

16 (2) THE COUNSEL TO THE DEPARTMENT SHALL HAVE NO OTHER DUTY
17 THAN TO RENDER, SUBJECT TO THE DISCRETION AND CONTROL OF THE ATTORNEY
18 GENERAL, THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY THE CHAIRMAN,
19 THE EXECUTIVE DIRECTOR, AND THE OTHER OFFICIALS OF THE WIFC AND, ALSO
20 SUBJECT TO THE DISCRETION AND CONTROL OF THE ATTORNEY GENERAL, TO
21 SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE WIFC.

22 (D) AFTER THE ATTORNEY GENERAL HAS DESIGNATED AN ASSISTANT
23 ATTORNEY GENERAL TO SERVE AS COUNSEL TO THE WIFC, THE ATTORNEY GENERAL
24 MAY NOT REASSIGN THE COUNSEL WITHOUT CONSULTATION WITH THE CHAIRMAN
25 AND THE EXECUTIVE DIRECTOR.

26 SUBTITLE 2. WILDLIFE AND INLAND FISHERIES COMMISSION POLICE FORCE.

27 1A-201.

28 THERE IS A WILDLIFE AND INLAND FISHERIES POLICE FORCE IN THE WIFC.

29 1A-202.

30 THE WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR AND THE WIFC
31 POLICE FORCE, IS RESPONSIBLE FOR THE ENFORCEMENT OF ALL NATURAL
32 RESOURCE LAWS, RULES, AND REGULATIONS PERTAINING TO WILDLIFE AND
33 INLAND FISHERIES IN THE STATE.

1 1A-203.

2 (A) (1) THE EXECUTIVE DIRECTOR SHALL, WITHIN THE LIMITS OF ANY
3 APPROPRIATION MADE FOR THIS PURPOSE, APPOINT POLICE OFFICERS AS THE
4 EXECUTIVE DIRECTOR DEEMS NECESSARY FOR THE EFFICIENT ADMINISTRATION OF
5 THE WIFC POLICE FORCE.

6 (2) ALL APPOINTMENTS SHALL BE MADE FROM A LIST OF ELIGIBLE
7 PERSONS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE STATE
8 PERSONNEL AND PENSIONS ARTICLE.

9 (B) THE EXECUTIVE DIRECTOR SHALL ISSUE TO EACH PERSON APPOINTED AS
10 A POLICE OFFICER A COMMISSION AND BADGE STATING "WIFC POLICE OFFICER".

11 (C) EXCEPT WHEN ON DETECTIVE DUTY, EVERY POLICE OFFICER SHALL
12 WEAR IN PLAIN VIEW A "WIFC POLICE OFFICER" BADGE WHEN ACTING IN AN
13 OFFICIAL CAPACITY.

14 (D) THE BADGE IS THE PROPERTY OF THE STATE AND, UPON THE
15 TERMINATION OF THE COMMISSION OF ANY POLICE OFFICER, IT SHALL BE
16 RETURNED WITH THE COMMISSION TO THE EXECUTIVE DIRECTOR.

17 (E) (1) ALL WIFC POLICE OFFICERS, INCLUDING PERSONS APPOINTED FOR
18 TRAINING PRIOR TO REGULAR ASSIGNMENT AS A POLICE OFFICER, SHALL REMAIN
19 IN A PROBATIONARY STATUS FOR A PERIOD OF 2 YEARS FROM THE DATE OF INITIAL
20 APPOINTMENT TO THE WIFC POLICE FORCE.

21 (2) THE EXECUTIVE DIRECTOR MAY DISCHARGE AN EMPLOYEE IN
22 PROBATIONARY STATUS FOR ANY CAUSE WHICH IS DEEMED SUFFICIENT IN THE
23 SOLE DISCRETION OF THE EXECUTIVE DIRECTOR.

24 (F) IN CASES OF INCONSISTENCY BETWEEN THIS SUBTITLE AND THE
25 PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE PROVISIONS
26 OF THIS SUBTITLE SHALL CONTROL AS TO ALL MATTERS RELATING TO THE WIFC
27 POLICE FORCE.

28 1A-204.

29 (A) (1) (I) IN ADDITION TO ANY OTHER POWERS CONFERRED BY THIS
30 TITLE, THE EXECUTIVE DIRECTOR AND EVERY WIFC POLICE OFFICER SHALL HAVE
31 ALL THE POWERS CONFERRED UPON POLICE OFFICERS OF THE STATE.

32 (II) THESE POWERS MAY BE EXERCISED ANYWHERE WITHIN THE
33 STATE.

34 (2) THE WIFC POLICE FORCE SPECIFICALLY IS CHARGED WITH
35 ENFORCING ALL OF THE NATURAL RESOURCE LAWS OF THE STATE THAT PERTAIN
36 TO THE CONSERVATION AND MANAGEMENT OF WILDLIFE AND INLAND FISHERIES.

1 (B) EVERY POLICE OFFICER APPOINTED UNDER § 1A-203 OF THIS SUBTITLE
2 SHALL PERFORM DUTIES THE EXECUTIVE DIRECTOR DESIGNATES.

3 (C) ANY LAW ENFORCEMENT EMPLOYEE OF THE WIFC WHO WORKS
4 OVERTIME FOR ANY REASON, WHETHER OR NOT THE EMPLOYEE RECEIVES
5 MONETARY PAYMENT FOR THAT OVERTIME WORK, SHALL BE CONSIDERED TO BE
6 EMPLOYED BY THIS STATE DURING THOSE HOURS FOR PURPOSES OF ALL OTHER
7 EMPLOYEE ENTITLEMENTS.

8 1A-205.

9 (A) IF A WIFC POLICE OFFICER APPREHENDS A PERSON FOR VIOLATING ANY
10 LAW PUNISHABLE AS A MISDEMEANOR, THE OFFICER MAY PREPARE AND SIGN A
11 WRITTEN CITATION CONTAINING A NOTICE TO APPEAR IN COURT, THE NAME AND
12 ADDRESS OF THE PERSON CHARGED, APPROPRIATE LICENSE NUMBERS, IF ANY, THE
13 OFFENSE CHARGED, THE TIME AND PLACE THE PERSON SHALL APPEAR IN COURT,
14 AND OTHER PERTINENT INFORMATION REQUIRED BY THE EXECUTIVE DIRECTOR.

15 (B) (1) THE PERSON CHARGED MAY GIVE A WRITTEN PROMISE TO APPEAR
16 IN COURT BY SIGNING THE CITATION PREPARED BY THE OFFICER.

17 (2) IN THIS EVENT, THE OFFICER IS NOT REQUIRED TO TAKE THE
18 PERSON INTO PHYSICAL CUSTODY FOR THE VIOLATION UNLESS THE PERSON
19 CHARGED DOES NOT FURNISH SATISFACTORY EVIDENCE OF IDENTITY OR THE
20 OFFICER HAS REASONABLE GROUNDS TO BELIEVE THE PERSON CHARGED WILL
21 DISREGARD A WRITTEN PROMISE TO APPEAR.

22 (C) A PERSON MAY NOT VIOLATE A WRITTEN PROMISE TO APPEAR IN COURT
23 UNLESS SUFFICIENT COLLATERAL FOR THE OFFENSE IS POSTED, THE FINE IS PAID
24 IN ADVANCE OF TRIAL, OR THE PERSON IS REPRESENTED BY COUNSEL IN COURT.

25 (D) (1) IF A PERSON FAILS TO COMPLY WITH THE NOTICE TO APPEAR IN A
26 CITATION ISSUED UNDER THIS SECTION, THE COURT MAY:

27 (I) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,
28 ISSUE A WARRANT FOR THE PERSON'S ARREST; OR

29 (II) AFTER 5 DAYS, NOTIFY THE CLERK OF THE COURT OF THE
30 PERSON'S NONCOMPLIANCE.

31 (2) ON RECEIPT OF NOTICE OF NONCOMPLIANCE FROM THE COURT,
32 THE CLERK SHALL NOTIFY THE PERSON BY MAIL AT THE ADDRESS INDICATED ON
33 THE CITATION THAT A WARRANT FOR THE PERSON'S ARREST MAY BE ISSUED BY THE
34 COURT UNLESS, BY THE END OF THE 15TH DAY AFTER THE DATE ON WHICH THE
35 NOTICE IS MAILED, THE PERSON:

36 (I) PAYS THE FINE ON THE ORIGINAL CHARGE AS PROVIDED FOR
37 IN THE ORIGINAL CITATION AND A FINE OF \$100 FOR FAILING TO APPEAR; OR

1 (II) POSTS BOND OR A PENALTY DEPOSIT AND REQUESTS A NEW
2 TRIAL DATE.

3 (3) IF A PERSON FAILS TO PAY THE FINES OR POST THE BOND OR
4 PENALTY DEPOSIT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT MAY
5 ISSUE A WARRANT.

6 (4) WHEN THE ORIGINAL OFFENSE IS NOT PUNISHABLE BY
7 INCARCERATION, A WARRANT MAY NOT BE ISSUED FOR THE PERSON UNDER THIS
8 SUBSECTION UNTIL 20 DAYS AFTER THE ORIGINAL TRIAL DATE.

9 1A-206.

10 A PERSON MAY NOT WILLFULLY FAIL OR REFUSE TO COMPLY WITH ANY
11 LAWFUL OR REASONABLE ORDER OR DIRECTION OF ANY WIFC POLICE OFFICER OR
12 ANY LAW ENFORCEMENT OFFICER IN CONNECTION WITH THE ENFORCEMENT OF
13 ANY PROVISIONS OF LAW REQUIRED TO BE ENFORCED BY THE EXECUTIVE
14 DIRECTOR OR THE WIFC.

15 1A-207.

16 A PERSON MAY NOT FALSELY REPRESENT ONESELF AS BEING A WIFC POLICE
17 OFFICER, WITH FRAUDULENT DESIGN UPON PERSON OR PROPERTY, OR TO HAVE,
18 USE, WEAR, OR DISPLAY, WITHOUT AUTHORITY OF THE EXECUTIVE DIRECTOR, ANY
19 UNIFORM, SHIELD, BUTTON, ORNAMENT, OR SHOULDER PATCH OF THE WIFC, OR TO
20 HAVE ANY SIMULATION OR IMITATIONS OF THESE ARTICLES FOR THE PURPOSE OF
21 DECEPTION.

22 1A-208.

23 (A) EVERY SHERIFF AND LAW ENFORCEMENT OFFICER HAS THE POWERS OF
24 A WIFC POLICE OFFICER.

25 (B) WHENEVER A MEMBER OF THE WIFC, THE EXECUTIVE DIRECTOR, OR ANY
26 WIFC POLICE OFFICER REQUIRES THE ADVICE AND ASSISTANCE OF THE STATE'S
27 ATTORNEYS, SHERIFFS OF THE SEVERAL COUNTIES OF THE STATE OR BALTIMORE
28 CITY, OR ANY LAW ENFORCEMENT OFFICER, THESE OFFICERS SHALL RENDER THE
29 REQUIRED ASSISTANCE AS IN OTHER STATE CASES.

30 (C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE SHERIFF OF
31 BALTIMORE COUNTY.

32 1A-209.

33 (A) (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS
34 GUILTY OF A MISDEMEANOR.

35 (2) UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT
36 EXCEEDING \$500, OR IMPRISONMENT NOT EXCEEDING 3 MONTHS, OR BOTH, WITH
37 COSTS IMPOSED IN THE DISCRETION OF THE COURT.

1 (B) ANY VIOLATION OF ANY RULE OR REGULATION, OR RESTRICTION
2 ADOPTED UNDER THIS SUBTITLE SHALL CONSTITUTE A MISDEMEANOR AND BE
3 PUNISHABLE AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.

4 1A-210.

5 (A) (1) WHEN, IN THE OPINION OF THE LEGALLY CONSTITUTED
6 AUTHORITIES OF MARYLAND, THERE HAS OCCURRED ON THE WATERS OF
7 MARYLAND A VIOLATION OF THIS ARTICLE, OR WHEN, IN THE OPINION OF THE
8 LEGALLY CONSTITUTED AUTHORITIES OF VIRGINIA, THERE HAS OCCURRED ON THE
9 WATERS OF VIRGINIA A VIOLATION OF THE LAWS OF VIRGINIA ENFORCEABLE UNDER
10 § 28.2-900, CODE OF VIRGINIA, THE LEGALLY CONSTITUTED AUTHORITIES OF THE
11 STATE IN WHICH THE OFFENSE WAS COMMITTED MAY PURSUE THE OFFENDER UP
12 TO AND ACROSS THE MARYLAND-VIRGINIA BOUNDARY INTO THE STATE IN WHICH
13 THE OFFENDER FLEES.

14 (2) IF A CAPTURE IS MADE IN CONTINUOUS PURSUIT UNDER THE
15 AUTHORITY OF PARAGRAPH (1) OF THIS SUBSECTION, THE OFFENDER, VESSEL, AND
16 PROPERTY SHALL BE DEALT WITH AS AUTHORIZED BY THE LAWS OF THE STATE IN
17 WHICH THE OFFENSE WAS COMMITTED.

18 (B) THIS SECTION SHALL BE IN EFFECT AS LONG AS THE COMMONWEALTH OF
19 VIRGINIA HAS IN FORCE SIMILAR LEGISLATION AUTHORIZING LEGALLY
20 CONSTITUTED AUTHORITIES OF MARYLAND TO PURSUE AND MAKE ARRESTS IN
21 VIRGINIA FOR VIOLATIONS OF THE LAWS OF MARYLAND.

22 4-202.

23 (A) The [Secretary] WIFC is responsible for conservation management of [the
24 fish, fisheries, fish resources and aquatic life within the State.] INLAND FISH,
25 FISHERIES, FISH RESOURCES, AND AQUATIC LIFE OF THE STATE.

26 (B) THE SECRETARY IS RESPONSIBLE FOR CONSERVATION MANAGEMENT OF
27 TIDAL AND ESTUARINE FISH, FISHERIES, FISH RESOURCES, AND AQUATIC LIFE OF
28 THE STATE.

29 4-203.

30 Every right, power, duty, obligation, and function previously conferred upon or
31 exercised by the Department of Game and Inland Fish or the Fish and Wildlife
32 Administration is transferred to and may be exercised by the [Department] WIFC.
33 Every reference to the Department of Game and Inland Fish or the Fish and Wildlife
34 Administration which appears in the Code, in any other State law, or in any
35 ordinance, resolution, rule, regulation, legal action, directive, or document, means the
36 [Department] WIFC.

37 4-204.

38 (b) (1) There is a Sport Fisheries Advisory Commission [in] THAT SERVES
39 THE JOINT INTERESTS OF the Department AND THE WIFC.

1 (2) The Commission shall provide ADVICE ON RECREATIONAL
2 FISHERIES MATTERS TO the Department AND THE WIFC [advice on recreational
3 fisheries matters].

4 (3) The Commission is composed of 12 members appointed and serving
5 in accordance with the provisions of § 1-102(c) of this article. The experience and
6 backgrounds of Commission members shall represent the diversified angling
7 interests and waters of the State.

8 (4) (i) The term of a member is 4 years and a member may be
9 reappointed.

10 (ii) At the end of a term, a member continues to serve until a
11 successor is appointed and qualifies.

12 (iii) A member who is appointed after a term has begun serves only
13 for the rest of the term and until a successor is appointed and qualifies.

14 [(c) Notwithstanding any other provision of this section, a member of the Fish
15 and Wildlife Commission as of June 30, 1972, may serve the unexpired remainder of
16 his term as a member of an advisory commission created by law.]

17 4-205.

18 (a) The Department OR THE WIFC may operate, sell, buy, lease, exchange,
19 rent, or repair any vehicle, vessel, boat, net, or other equipment necessary for its
20 work. It may equip a vehicle, vessel, or boat, which it owns or operates, with any
21 required arms, ammunition, or equipment. The [Department's] authority OF THE
22 DEPARTMENT AND OF THE WIFC under this subsection [is] ARE subject to the
23 provisions of law concerning budget and procurement.

24 (b) The Department OR THE WIFC may contract for research or scientific
25 investigation with the Natural Resources Institute of the University of Maryland, the
26 Chesapeake Bay Institute of the Johns Hopkins University, or any other appropriate
27 research organization.

28 (c) The Department OR THE WIFC, in accordance with the provisions of this
29 title, may conduct demonstrations of extended duration to improve fisheries and for
30 any other purpose necessary to carry out its duties. The Department OR THE WIFC
31 also may import fish or any other organism of any variety for experimental purpose.

32 (d) The Department OR THE WIFC, AS APPROPRIATE, shall inspect fish caught
33 or sold in the State and enforce the cull laws and other protective measures. This
34 subsection may not be construed to interfere with any inspections made by the
35 Department of Health and Mental Hygiene.

36 (e) The Department OR THE WIFC, AS APPROPRIATE, shall inspect the waters
37 of the State in order to stock them with food fish which in its judgment are most
38 advantageous.

1 (f) The Department OR THE WIFC, AS APPROPRIATE, may negotiate any
2 agreement with any other state concerning catching fish, the size of fish, and opening
3 and closing fishing seasons.

4 (g) The Department OR THE WIFC, AS APPROPRIATE, may use any funds the
5 federal government makes available, and any gift, for any purpose necessary to
6 rehabilitate the seafood industry, subject to budgetary limitations.

7 (h) The Department OR THE WIFC may establish and conduct an extension
8 service for persons engaged in seafood production to apprise them of the Department's
9 objectives and programs, the principles of natural resources conservation and
10 management, current problems affecting seafood production, and any other matter
11 considered significant in development of full potential of the State's seafood resources.

12 (i) The Department may issue a new commercial fishing license when the
13 license is forfeited.

14 (j) The Department AND THE WIFC may JOINTLY define the boundaries of
15 tidal and nontidal waters within the jurisdiction of the State, and promulgate them
16 by rule or regulation.

17 (k) The Department AND THE WIFC shall JOINTLY propose a separate
18 fisheries resource management program and shall make recommendations to the
19 General Assembly for legislation for implementation of the program for the following
20 bodies of water and their tributaries:

- 21 (1) Assawoman Bay and the Isle of Wight;
- 22 (2) Chincoteague Bay;
- 23 (3) Sinepuxent Bay;
- 24 (4) St. Martin River; and
- 25 (5) Atlantic Ocean adjacent to Worcester County.

26 4-207.

27 The State assents to the provisions of the act of Congress entitled "An act to
28 provide that the United States shall aid the states in fish restoration and
29 management projects, and for other purposes," approved August 9, 1950, Public Law
30 681, Eighty-First Congress, 64 Stat. 658. The Department AND THE WIFC shall
31 perform every act necessary to conduct and establish cooperative fish restoration
32 projects, as defined in this act of Congress, in compliance with act and rules and
33 regulations the Secretary of the Interior promulgates pursuant to it.

34 4-208.

35 There is a State Fisheries Management and Protection Fund in the
36 [Department] WIFC. Any money received from any fish and fisheries license, stamp,

1 permit, or application fee as provided in this title, unless otherwise provided shall be
2 credited to the Fund and used only for the scientific investigation, protection,
3 propagation, and management of nontidal finfish.

4 4-210.1.

5 (b) An applicant for a license shall:

6 (1) Submit to the [Department] WIFC an application on the form that
7 the [Department] WIFC requires;

8 (2) Pay to the [Department] WIFC an application fee of:

9 (i) \$20 for residents or \$50 for nonresidents to operate in nontidal
10 freshwater; and

11 (ii) \$50 for residents or \$100 for nonresidents to operate in nontidal
12 freshwater and the areas of tidal water designated in subsection (f) of this section;
13 and

14 (3) Possess any necessary fishing licenses and stamps.

15 (c) Before a freshwater fishing guide license expires, the licensee may renew
16 the license for an additional [1 year] 1-YEAR term. The licensee may renew a
17 freshwater fishing guide permit if the licensee:

18 (1) Otherwise is entitled to hold the license;

19 (2) Submits to the [Department] WIFC a renewal application on the
20 form that the [Department] WIFC requires; and

21 (3) Submits to the [Department] WIFC the annual license application
22 fee under subsection (b) of this section.

23 (d) (1) All fees collected by the [Department] WIFC pursuant to this section
24 shall be used for monitoring the freshwater fishery, including the capture and tagging
25 of black bass in order to develop information and methods to sustain a healthy black
26 bass population.

27 (2) The [Department] WIFC shall publicly report annually the amounts
28 collected and the expenditures under this section.

29 (e) [Beginning January 1, 2000 the Department] THE WIFC may issue a
30 freshwater fishing guide license which shall be valid for not more than 1 year and
31 shall expire on December 31 of each year following the date of issuance.

32 (h) An applicant for a freshwater fishing license that will be used in tidal
33 waters must demonstrate to THE WIFC AND THE Department that the applicant has
34 obtained the appropriate federal licenses.

1 (i) The [Department] WIFC shall adopt regulations necessary to implement
2 this section including regulations that:

3 (1) Prohibit a person from furnishing any service as a fishing guide that
4 requires operating a boat or vessel as part of that service without complying with
5 appropriate federal regulations governing the operation of a vessel carrying
6 passengers for hire;

7 (2) Limit to 150 the number of freshwater fishing guide licenses that will
8 be issued annually that allow a person to operate in nontidal freshwater and tidal
9 water areas designated in subsection (f) of this section;

10 (3) Allocate not more than 20% to nonresidents of the 150 freshwater
11 fishing guide licenses that allow a person to operate in nontidal freshwater and tidal
12 areas designated in subsection (f) of this section; and

13 (4) Establish provisions for maintaining a waiting list for applicants in
14 excess of the maximum number of fishing guide licenses that allow a person to
15 operate in nontidal freshwater and tidal areas designated in subsection (f) of this
16 section.

17 4-211.

18 (a) (1) Any person who desires to commercially practice the art of taxidermy
19 or who desires to mount or preserve any species of finfish for a person other than
20 himself first shall obtain a taxidermist and fur-tanning license.

21 (2) A taxidermist and fur-tanning license also shall permit the holder:

22 (i) To mount, preserve, or tan any species of wildlife legally
23 acquired; and

24 (ii) Except as provided in paragraph (3) of this subsection, with the
25 written approval of the [Department] WIFC for each specimen, to sell or dispose of
26 any tanned, cured, or mounted specimen legally acquired but unclaimed by the
27 customer within 30 days after written notice to the customer by certified mail.

28 (3) A license holder may not sell or dispose of any tanned, cured, or
29 mounted specimen that is not permitted to be fished in the State.

30 (b) (1) A person desiring a taxidermist and fur-tanning license shall:

31 (i) Apply on forms the [Secretary] EXECUTIVE DIRECTOR
32 supplies;

33 (ii) Pay a \$50 annual license fee; and

34 (iii) Provide recent work samples for examination by the
35 [Department] WIFC.

1 (2) Upon receipt of the application and license fee, and examination of
2 work samples, the [Secretary] EXECUTIVE DIRECTOR may issue the license
3 permitting the practice of taxidermy or fur-tanning, as provided in the license, if the
4 work samples meet minimum professional standards, as determined by the
5 [Department] WIFC.

6 (c) A taxidermist and fur-tanning license:

7 (1) Shall expire on June 30 following the date of issuance; and

8 (2) May be renewed by providing information on forms the [Secretary]
9 EXECUTIVE DIRECTOR supplies and paying the \$50 annual license fee.

10 (d) Each taxidermist or fur-tanner shall keep a ledger on a form provided by
11 the [Department] WIFC indicating the name, address, telephone number, and current
12 angling or fishing license number of each person, from whom finfish were purchased
13 or received within or outside the State, the date of purchase or receipt and the
14 quantity of each species of finfish purchased or received and the date the species was
15 delivered or returned to the customer. The ledger shall indicate the country, state, and
16 county or political subdivision in which the finfish were caught, along with the date
17 the finfish were caught and identify any appropriate official possession tag or bill of
18 sale. The tag or bill of sale shall be attached to the finfish. The licensee must also
19 include in the ledger the same information with regard to any finfish caught by the
20 licensee. The ledger shall cover all transactions from date of issuance of the
21 taxidermist and fur-tanner's license until date of expiration and shall be kept
22 up-to-date. In addition to any other penalty provided by this subtitle, any person
23 failing to maintain or keep up-to-date a ledger required by this subsection or making
24 false entries may have his license revoked for a period not to exceed 5 years.

25 (e) The licensee shall allow any [Natural Resources] WIFC police officer or
26 any law enforcement officer to enter at all reasonable hours for the following
27 purposes:

28 (1) To inspect the premises and holding facilities where operations are
29 being carried on;

30 (2) To inspect finfish; and

31 (3) To inspect records.

32 (f) In addition to any other penalty provided by the provisions of this title, any
33 person convicted of violating any provision of this subtitle shall be fined \$5 for each
34 specimen of finfish or any part of them mounted or possessed for mounting.

35 4-212.

36 Notwithstanding any other provision of this title, the Secretary OR THE
37 EXECUTIVE DIRECTOR, AS APPROPRIATE, may grant certificates to any properly
38 accredited person of known scientific attainment, permitting him to collect fish, fish
39 eggs, crustaceans, or mollusks for scientific purposes only. To obtain a certificate the

1 applicant shall submit proof of necessity and pay a \$25 fee to the Department OR THE
2 WIFC, AS APPROPRIATE. The fee shall be deposited to the credit of the State Fisheries
3 Management and Protection Fund. The certificate expires December 31 of the issuing
4 year. On proof that the holder of the certificate has captured or killed any fish, fish
5 eggs, crustaceans, or mollusks for other than scientific purposes, the certificate is
6 void.

7 Nothing contained within this subtitle shall preempt, restrict or supersede the
8 authority of the Secretary of Health and Mental Hygiene as provided by law.

9 4-214.

10 By regulation, the Secretary OR THE WIFC may establish up to 3 free fishing
11 days each calendar year when a person may catch [finfish] FINFISH, AS
12 APPROPRIATE, in the tidal [and] OR nontidal waters of the State for recreational
13 purposes without an angler's license or Chesapeake Bay sport fishing license.

14 4-216.

15 (a) The Department AND THE WIFC shall JOINTLY establish a resident
16 consolidated senior sport fishing license, to be issued to residents of Maryland
17 beginning in the calendar year in which they attain the age of 65.

18 (b) The resident consolidated senior sport fishing license may be obtained
19 from the [Department] DEPARTMENT, THE WIFC, or from any authorized agent of the
20 Department OR OF THE WIFC. The annual fee for the license is \$5. As compensation,
21 an agent shall retain 50 cents for each license issued.

22 4-2A-03.

23 (a) [The] AS APPROPRIATE, THE Secretary OR THE WIFC shall conduct
24 investigations of the fish resources of the State in order to develop information
25 relating to population, distribution, habitat needs, limiting factors, and other
26 biological and ecological data to determine conservation measures necessary for their
27 continued ability to sustain themselves successfully. On the basis of these
28 determinations the Secretary OR THE WIFC shall issue proposed rules and regulations
29 [not later than July 1, 1976] and develop conservation programs designed to insure
30 the continued ability of fish deemed in need of conservation to perpetuate themselves
31 successfully. [The] AS APPROPRIATE, THE Secretary OR THE WIFC shall conduct
32 ongoing investigations of the fish resources of the State and may amend these rules
33 and regulations.

34 (b) [The] AS APPROPRIATE, THE Secretary OR THE WIFC, by rules and
35 regulations, shall adopt limitations relating to taking, possession, transportation,
36 exportation, processing, sale or offer for sale, or shipment necessary to conserve fish.

37 (c) Except as provided in rules and regulations adopted by the Secretary OR
38 THE WIFC, no person may take, possess, transport, export, process, sell, offer for sale,
39 or ship any fish deemed by the Department OR THE WIFC to be in need of conservation
40 pursuant to this section, nor may any common or contract carrier knowingly

1 transport or receive for shipment any fish deemed by the Secretary OR THE WIFC to
2 be in need of conservation pursuant to this section.

3 4-2A-04.

4 (a) Any species of fish determined to be an endangered species pursuant to the
5 Endangered Species Act shall be deemed to be an endangered species under the
6 provisions of this subtitle and any species of fish determined to be a threatened
7 species pursuant to the Endangered Species Act shall be deemed to be a threatened
8 species under the provisions of this subtitle. [The] AS APPROPRIATE, THE Secretary
9 OR THE WIFC may determine, in accordance with this section, that any threatened
10 species is an endangered species throughout all or any portion of the range of the
11 species within the State.

12 (b) In addition to the species deemed to be endangered or threatened pursuant
13 to the Endangered Species Act AND AS APPROPRIATE, the Secretary OR THE WIFC, by
14 rule or regulation, shall determine whether any species of fish normally occurring
15 within the State is an endangered or threatened species due to any of the following
16 factors:

17 (1) The present or threatened destruction, modification, or curtailment
18 of its habitat or range;

19 (2) Overutilization for commercial, sporting, scientific, educational, or
20 other purposes;

21 (3) Disease or predation;

22 (4) The inadequacy of existing regulatory mechanisms; or

23 (5) Other natural or manmade factors affecting its continued existence
24 within the State.

25 (c) The Secretary AND THE WIFC shall make determinations required by
26 subsection (b) on the basis of the best scientific, commercial, and other data available
27 and after consultation, as appropriate, with federal agencies, other interested State
28 agencies, other states having a common interest in the species, and interested
29 persons and organizations. In determining whether any species of fish is an
30 endangered species or a threatened species, the Secretary OR THE WIFC, AS
31 APPROPRIATE, shall take into consideration any actions being carried out or about to
32 be carried out by the federal government, other states, other agencies of this State, or
33 political subdivisions, or by any other person, which may affect the species under
34 consideration.

35 (d) Except with respect to species of fish determined to be endangered or
36 threatened species under the provisions of subsection (a), the Secretary OR THE WIFC
37 may not add a species to nor remove a species from any list published unless [he]
38 THE SECRETARY OR THE WIFC first:

39 (1) Publishes a public notice of the proposed action;

1 (2) Furnishes notice of the proposed action to the Governor of any state
2 sharing a common border with this State and in which the subject species is known to
3 exist; and

4 (3) Allows at least 30 days following publication for comment from the
5 public and other interested parties.

6 (e) Notwithstanding the provisions of subsection (d), if the Department OR
7 THE WIFC determines that an emergency situation exists involving the continued
8 existence of the species as a viable component of the State's fish population it may add
9 the species to the lists if it publishes a public notice that an emergency situation
10 exists together with a summary of facts which support this determination.

11 (f) [The] AS APPROPRIATE, THE Secretary OR THE WIFC shall adopt rules and
12 regulations containing a list of all species of fish normally occurring within the State
13 determined to be endangered species and a list of all species determined to be
14 threatened species. Each list shall refer to the species by scientific and common
15 names and shall specify with respect to each species over what portion of its range it
16 is endangered or threatened.

17 (g) (1) For any species of fish that the Secretary OR THE WIFC has
18 determined to be endangered or threatened under subsection (b) of this section and on
19 which the Secretary OR THE WIFC has declared a moratorium on catching, sale, or
20 possession, AS APPROPRIATE, the Secretary OR THE WIFC shall make an annual
21 status report on or before December 1 to the General Assembly, as provided in §
22 2-1246 of the State Government Article, and to the Governor.

23 (2) The [Secretary's] report shall contain:

24 (i) Field studies on spawning stock size;

25 (ii) Measurement of egg deposition on spawning grounds;

26 (iii) Measurements of mortality rates of fish eggs, larvae, and
27 juveniles on spawning grounds, nursery areas and spawning rivers;

28 (iv) Bioassays on eggs and larvae collected from spawning fish;

29 (v) Measurements of heavy metals, PCBs, acid rain leachates,
30 sediments, and other distresses to the habitat;

31 (vi) Studies on acid rain;

32 (vii) Studies on the role of fish diseases;

33 (viii) Trend analyses and recommendations for future management
34 actions; and

35 (ix) A recommendation to continue for 1 year or to discontinue the
36 moratorium on the catching, sale, or possession of the fish.

1 4-2A-05.

2 (a) Except with respect to species of fish determined to be endangered or
3 threatened pursuant to the Endangered Species Act, AS APPROPRIATE, the Secretary
4 OR THE WIFC, upon the petition of an interested person, shall conduct a review of any
5 listed or unlisted species proposed to be removed from or added to the lists published
6 pursuant to § 4-2A-04(f), if [he] THE SECRETARY OR THE WIFC makes and publishes
7 a public notice that the person has presented substantial evidence which warrants a
8 review.

9 (b) When any species of fish is listed as a threatened species pursuant to §
10 4-2A-04(f), AS APPROPRIATE, the Secretary OR THE WIFC shall adopt regulations
11 necessary and advisable to provide for the conservation of the species. The Secretary
12 OR THE WIFC, AS APPROPRIATE, by regulation, shall prohibit with respect to any
13 threatened species of fish any act prohibited under subsection (c).

14 (c) Except as provided in subsection (f), with respect to any endangered
15 species of fish, no person may:

16 (1) Export the species from the State;

17 (2) Take the species within the State;

18 (3) Possess, process, sell, or offer for sale, deliver, carry, transport, or
19 ship the species by any means; or

20 (4) Violate any regulation pertaining to the conservation of the species or
21 to any threatened species of wildlife listed pursuant to this subsection and adopted by
22 the Secretary OR BY THE WIFC pursuant to authority provided by this section.

23 (d) Except as provided in subsection (f), with respect to any endangered
24 species of fish, no person may:

25 (1) Export the species from the State;

26 (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship
27 the species by any means; or

28 (3) Violate any regulation pertaining to the species or to any threatened
29 species of fish listed pursuant to § 4-2A-04(f) and adopted by the Secretary OR BY
30 THE WIFC, AS APPROPRIATE.

31 (e) If any endangered species of fish which enters the State from another state
32 or from a point outside the territorial limits of the United States and which is being
33 transported to a point within or beyond the State may be so entered and transported
34 without restriction in accordance with the terms of any federal permit or permit
35 issued under the laws or regulations of another state.

36 (f) (1) Subject to paragraph (2) of this subsection, the [Secretary] WIFC
37 may issue a permit, under [the] PRESCRIBED terms and conditions [he prescribes],

1 to allow any act otherwise prohibited by subsections (c) and (d) for scientific purposes,
2 to enhance the propagation or survival of the affected species, and on or after January
3 1, 1990, for aquaculture involving the affected species in nontidal ponds, lakes, or
4 impoundments.

5 (2) Notwithstanding the provisions of paragraph (1), on or after June 1,
6 1989, the [Secretary] WIFC may issue a permit to allow the purchase of striped bass
7 or striped bass hybrid from out-of-state sources for possession and raising in
8 aquaculture operations in nontidal ponds, lakes, or impoundments in the State.

9 4-2A-06.

10 (a) [The] AS APPROPRIATE, THE Secretary AND THE WIFC shall establish
11 programs, including acquisition of land or aquatic habitat or interests therein,
12 necessary for the conservation of threatened or endangered species of fish. The
13 Secretary AND THE WIFC shall use all vested authority to carry out the provisions of
14 this subsection.

15 (b) In carrying out programs authorized by this section, AS APPROPRIATE, the
16 Secretary OR THE WIFC shall consult with other states having a common interest in
17 particular species of endangered or threatened species of fish and may enter into
18 agreements with federal agencies, other states, political subdivisions of this State, or
19 with individuals with respect to programs designed to conserve endangered or
20 threatened species of fish including agreements for administration and management
21 of any that are established under this section or utilized for conservation of
22 endangered or threatened species of fish.

23 (c) The Governor shall review other programs administered by him and utilize
24 these programs in furtherance of the purposes of this subtitle. All State departments
25 and agencies, in consultation with and with the assistance of the Secretary OR THE
26 WIFC, AS APPROPRIATE, shall utilize their authorities in furtherance of the purposes
27 of this subtitle by carrying out programs for the conservation of endangered species
28 and threatened species listed pursuant to § 4-2A-04 (f) and by taking any action
29 necessary to insure that actions authorized, funded, or carried out by them do not
30 jeopardize the continued existence of the endangered species or threatened species or
31 result in the destruction or modification of habitat of the species which is deemed by
32 the Secretary OR THE WIFC to be critical.

33 (d) The Secretary AND THE WIFC shall JOINTLY adopt rules and regulations
34 necessary to implement this section.

35 4-2A-07.

36 (a) Any person who violates the provisions of § 4-2A-05, or fails to procure
37 any permit required by § 4-2A-05, or who violates the terms of any permit shall be
38 fined not more than \$1,000 or be imprisoned not more than one year, or both.

39 (b) Any Natural Resources OR WIFC police officer or any OTHER law
40 enforcement officer may conduct searches as provided by law, and execute a warrant
41 to search for and seize any equipment, business records, merchandise, fish taken,

1 used or possessed in connection with a violation of any subsection. Any Natural
2 Resources OR WIFC police officer or OTHER law enforcement officer, without a
3 warrant, may arrest any person who the officer has probable cause to believe is
4 violating, in his presence or view, this subtitle, any rule or regulation, or permit
5 provided for by this subtitle. Any Natural Resources OR WIFC police officer or OTHER
6 law enforcement officer who has made an arrest of a person in connection with any
7 violation may search the person, premises, or business records at the time of arrest
8 and may seize any fish, records, or property taken, or used in connection with any
9 violation.

10 (c) Equipment, merchandise, fish or records seized under the provisions of
11 subsection (b) shall be held by any Natural Resources OR WIFC police officer or OTHER
12 law enforcement officer pending disposition of court proceedings, and thereafter shall
13 be forfeited to the State for destruction or disposition as the Secretary OR THE
14 EXECUTIVE DIRECTOR may deem appropriate. Prior to forfeiture the Secretary OR
15 THE EXECUTIVE DIRECTOR may direct the transfer of fish so seized to a qualified
16 zoological, educational, or scientific institution for safekeeping, costs to be assessable
17 to the defendant. The Secretary AND THE WIFC may issue JOINT rules and
18 regulations to implement this section.

19 4-2A-08.1.

20 The [Department] WIFC shall adopt regulations allowing the catching of
21 hybrids of striped bass under certain conditions in freshwater impoundments in the
22 State as long as, during the time any moratorium on the taking and sale of striped
23 bass is in effect under the Endangered Species of Fish Conservation Act, the
24 regulations also prohibit the sale in the State for any purpose of the hybrids of striped
25 bass that are caught under the authority of the regulations.

26 4-401.

27 The Department may acquire, by purchase, lease, condemnation, or gift, title or
28 control of any TIDAL OR ESTUARINE area of water or land in the State suitable to
29 protect, propagate, or manage fish. THE WIFC MAY ACQUIRE, BY PURCHASE, LEASE,
30 CONDEMNATION, OR GIFT, TITLE OR CONTROL OF ANY INLAND AREA OF WATER OR
31 LAND IN THE STATE SUITABLE TO PROTECT, PROPAGATE, OR MANAGE FISH. The area
32 of water or land shall be known as a State fish refuge. Any area of water or land in
33 Garrett County or Allegany County greater than 100 acres may be acquired only with
34 the approval of that county. This requirement does not apply to any areas which have
35 previously been authorized for acquisition by the General Assembly. The Department
36 OR THE WIFC may purchase or erect any structure necessary for fish management,
37 and may purchase or lease any area of water or land, excluding the ownership of and
38 the right to drill any mineral, oil, or gas.

39 4-402.

40 The title to any area of water or land acquired by purchase, gift, or
41 condemnation shall be taken in the name of the State for the [Department's] use OF
42 THE DEPARTMENT OR THE WIFC, AS APPROPRIATE. The entire control of the area of

1 water or land shall be under the State's direction. The Secretary OR THE WIFC may
2 expend from the State Fisheries Management and Protection Fund any amount
3 necessary to purchase or condemn an area of water or land.

4 4-403.

5 (a) If the Department OR THE WIFC considers it in the State's best interest
6 and the Governor consents, it may exchange any area of water or land or part it owns,
7 together with any improvement on it, for any privately owned area of water or land
8 equal to or greater in value than the area of water or land the Department OR THE
9 WIFC exchanges and adapts for fish refuge and management. Also, the Department
10 OR THE WIFC may sell any area of water or land or part it owns to the person who
11 offers the highest price.

12 (b) The Department AND THE WIFC may use the acquired area of water or
13 land as a State park.

14 (c) The Attorney General shall prepare any deed necessary to complete the
15 exchange or sale of the area of water or land. The Secretary OR THE WIFC, AS
16 APPROPRIATE, shall execute the deed. The proceeds of any sale shall be deposited
17 with the State Comptroller and placed to the credit of the State Fisheries
18 Management and Protection Fund.

19 4-404.

20 An acquired area of water or land may be used to create and maintain State fish
21 refuges, or for fish management. The Department OR THE WIFC, AS APPROPRIATE,
22 may grant a right-of-way on or across any acquired area of water or land if the grant
23 does not adversely affect the protection and management of fish. The Department OR
24 THE WIFC, AS APPROPRIATE, may appoint a caretaker of the area of water or land and
25 make an agreement with the caretaker for proper care and management of the fish
26 refuge.

27 4-405.

28 The Department OR THE WIFC, AS APPROPRIATE, may establish and maintain
29 any State fish refuge to protect and propagate fish throughout the State. The
30 Department OR THE WIFC may locate, with the consent of the Governor and of the
31 superintendent in charge of any federally or State-owned area of water or land, any
32 State fish refuge on State-owned or federally-owned water or land. The boundaries of
33 each fish refuge shall be clearly marked. At each refuge boundary, a notice shall be
34 posted in a conspicuous place informing the public the area of water or land is a
35 "State fish refuge -- fishing is unlawful," and any other information or rules and
36 regulations the Department OR THE WIFC, AS APPROPRIATE, considers advisable.

37 4-406.

38 (a) If a person who owns or controls any suitable area of water or land desires
39 to have it set aside as a fish refuge, he may apply to the Department OR THE WIFC, AS
40 APPROPRIATE, giving a description of the area of water or land, including a specific

1 location, map, or sketch showing an outline of the area of water or land and the
2 location of any structure or improvement, and the nature of the area of land or water,
3 such as woodland, abandoned farmland, or cultivated land, or lake, pond, marsh, or
4 impounded stream.

5 (b) The Department OR THE WIFC, AS APPROPRIATE, may examine the area of
6 water or land to determine if it is suitable for fish protection and management. If the
7 area of water or land is acceptable as a fish refuge, the Department OR THE WIFC, AS
8 APPROPRIATE, shall notify the owner of this fact. The owner shall sign a lease vesting
9 the State with every fishing right in the area without charge. The lease also shall
10 provide that neither the owner, his family, agents, tenants, nor any other person may
11 fish in the area of water or land and that, he will make every effort to protect the fish
12 refuge from forest fires, fishing, or any violation of any State conservation law. The
13 lease or agreement shall continue in force for an uninterrupted period of at least 5
14 years.

15 (c) If the person who owns or controls the area of water or land named in any
16 lease on which there is no charge sells the area of water or land, the area is released
17 from the operation of the lease unless the purchaser agrees to allow it to remain
18 under the lease. Either the Department OR THE WIFC, AS APPROPRIATE, or the owner
19 of the area of water or land may rescind any lease for which there is no charge made
20 pursuant to this section after giving 90 days written notice of intent to terminate the
21 lease to the other party.

22 4-407.

23 The Department AND THE WIFC may EACH adopt and promulgate, and post,
24 rules and regulations for the proper use and administration of any State fish refuge it
25 controls or owns.

26 4-408.

27 The Department OR THE WIFC, AS APPROPRIATE, may erect and maintain any
28 suitable fish hatchery, nursery, pond, or rearing station to propagate fish in order to
29 manage the waters of the State. Hatcheries, nurseries, ponds, and rearing stations
30 shall be maintained by Department OR WIFC funds, AS APPROPRIATE.

31 4-409.

32 The [Department] WIFC may catch any game and freshwater fish from the
33 waters of the State, including any pond, lake, or canal, publicly or privately owned, in
34 order to propagate in captivity and distribute into public waters brood stock, fry, or
35 fingerlings to manage the fish.

36 4-410.

37 (a) This section is intended to protect the State in its objective to propagate
38 and manage fish on fish refuges, lands, and waters controlled by the Department OR
39 THE WIFC.

1 (b) An unauthorized person may not enter or trespass on or destroy, deface, or
2 damage any fish refuge or lands acquired for fish ponds or hatcheries without the
3 consent of the Department OR THE WIFC, AS APPROPRIATE. A person may not allow
4 any dog, domestic stock, or poultry to enter on any State fish refuge.

5 4-502.

6 (a) Every owner of a dam on waters of the State shall construct on the dam
7 and keep repaired at least one fish ladder if the [Department] WIFC deems it
8 necessary for ascending and descending of fish. Every fish ladder shall be constructed
9 to allow anadromous fish free course up and down the waters at all times.

10 (b) Any person intending to construct a dam on waters of the State shall file
11 an application with the [Department] WIFC. Each application shall contain sufficient
12 information to enable the [Department] WIFC to determine the necessity for
13 constructing a fish ladder. The [Department] WIFC shall advise the applicant of its
14 determination.

15 (c) The [Department] WIFC and any other unit having jurisdiction shall
16 approve the construction plan before the dam is constructed.

17 (d) If the owner, operator, or lessee of a dam entered into an agreement prior
18 to July 1, 1955, to pay the State an annual periodic sum of money instead of being
19 required to erect a fish ladder or instead of being required to construct and maintain
20 any fish way or fish ladder pursuant to the provisions contained in any charter
21 previously granted to any corporation by any special or general State law, the
22 provisions of the charter or agreement remain in effect. The amount of money paid to
23 the State during each year may not be less than four and one-half percent of the
24 estimated cost to erect the fish ladder, but not to exceed \$4,000 annually. Any money
25 paid to the [Department] WIFC shall be used to manage, rear, and distribute the fish
26 actually placed in the water and to acquire any necessary facility for these purposes.
27 One half of the funds received on behalf of the Conowingo Dam across the
28 Susquehanna River shall be credited to the State Fisheries Management and
29 Protection Fund.

30 (e) The provisions of this section do not change any term, condition, or
31 obligation imposed by a contract in force prior to July 1, 1955, between the owner of
32 any dam and the State.

33 (f) On application of the [Department] WIFC, verified by oath or affirmation,
34 the circuit court for any county, sitting in equity, may enforce by injunction
35 compliance with, or restraint from violating or attempting to violate, any provision of
36 this section.

37 (g) The [Department] WIFC shall investigate every violation of this section. If
38 any person obstructs a stream by failing to make or keep in repair any fish ladder on
39 the dam, the [Department] WIFC shall serve notice in writing on him requiring that
40 he make or keep in repair the necessary fish ladder. The notice shall specify the
41 penalty for the failure to act within its time limit. Any person who violates the notice
42 is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$300,

1 or imprisonment not exceeding three years, or both, with costs imposed in the
2 discretion of the court. A separate offense exists on each day the person violates the
3 notice. If the fine is imposed by the circuit court for any county, the fine when
4 collected shall be remitted to the [Department] WIFC.

5 4-506.1.

6 (b) The conduct declared unlawful in this section does not include any
7 incidental interference arising from lawful activity by private land users or users of
8 land managed by the Department OR THE WIFC, including farmers, miners, or
9 persons engaged in recreation.

10 (c) A Natural Resources OR WIFC police officer or ANY other police officer of
11 the State who has probable cause to believe that a person has violated this section
12 may:

13 (1) Order the person to desist or to leave the area; or

14 (2) Arrest the person who refuses to desist or to leave the area.

15 4-509.

16 A person may not use or attempt to use any electronic device on any boat in the
17 waters of the State or on any aircraft within the State, or use or attempt to use any
18 aircraft, to detect the presence of finfish for any purpose. However, fishermen may
19 use depth finders from boats to detect the presence of finfish. A person also may not
20 use or attempt to use any device that may lure finfish by electrical impulses. This
21 section does not prohibit the Department OR THE WIFC from using any electronic or
22 electrical device for scientific research, law enforcement or other purpose, nor prohibit
23 use of a fathometer or depth recorder for navigational purposes. Any person who
24 violates this section is guilty of a misdemeanor and upon conviction is subject to a fine
25 not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs
26 imposed in the discretion of the court.

27 4-510.

28 A person may fish with a speargun and spear in the waters of the State only
29 under the rules and regulations, and control of the Department OR THE WIFC, AS
30 APPROPRIATE. A speargun as used in this section means any type of device used for
31 propelling a spear underwater by any means other than manual in order to catch fish.
32 4-511.

33 A person other than a duly authorized officer of the Department OR THE WIFC,
34 AS APPROPRIATE, may not move, destroy, or deface any State buoy, marker, or
35 monument placed in the waters of the State, or fasten, tie, or anchor any boat to it.

1 4-513.

2 Consistent with the requirements of any license issued by the federal Energy
3 Regulatory Commission, a person who owns or operates a dam or obstruction on the
4 waters of the State used for the generation of electric power and the [Secretary] WIFC
5 shall cooperate to assure the release of a sufficient flow of impounded water to
6 maintain both water quality and aquatic habitat below the dam or obstruction.

7 4-602.

8 (a) With due regard for distribution, abundance, economic value, and breeding
9 habits of fish in nontidal waters, the [Secretary] WIFC may adopt rules and
10 regulations to extend, restrict, or prohibit catching, possessing, purchasing,
11 transporting, or exporting fish from nontidal waters.

12 (b) In addition to any other penalty provided in this title, any person convicted
13 of violating any rule or regulation the [Department] WIFC adopts, shall be fined \$5
14 for each fish illegally caught. If a person is convicted a second or subsequent time
15 within the same 12-month period for a violation of the rules and regulations the
16 [Department] WIFC adopts, he shall have his angler's license suspended for a period
17 of 12 months from the date of the second or subsequent conviction.

18 4-603.

19 Pursuant to § 4-602(a), the [Department] WIFC shall establish and publish by
20 October 25 each year open seasons to catch the following game and freshwater fish for
21 the ensuing year:

- 22 (1) Bass (largemouth bass, smallmouth bass)
- 23 (2) Pike, pickerel
- 24 (3) Walleye
- 25 (4) Rockfish (striped bass)
- 26 (5) Trout (brook, brown, rainbow)
- 27 (6) Shad, hickory shad and herring
- 28 (7) Suckers, catfish, carp, eel, gudgeon; all species of sunfish, including
29 bluegills, rock bass (commonly known as redeye), fallfish, crappie, perch (white and
30 yellow).

31 4-604.

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

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

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

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

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

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

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

18 (i) The administrator of the mental health care facility, or treating
19 physician or psychologist provides the [Department] WIFC with a letter stating that
20 the caregiver or family member is the primary caretaker of the patient; or

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

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

26 (8) A person holding a current resident consolidated senior sport fishing
27 license issued under § 4-216 of this title.

28 (e) A person may apply for an angler's license to any person designated by the
29 [Department] WIFC. The application shall be on a form the [Department] WIFC
30 prepares and supplies. The applicant shall fill out, sign and submit the application to
31 the person designated to issue an angler's license. A person may apply by mail.

32 (g) (3) (i) All fees collected by the [Department] WIFC under this section
33 may only be used in accordance with § 4-208 of this title.

34 (ii) The [Department] WIFC shall publicly report annually the
35 amounts collected and the expenditures under this section.

36 (h) A person designated to sell an angler's license shall issue the license and
37 collect the fee prescribed in subsection (g) of this section. The [Department] WIFC
38 shall furnish the licenses to the designated persons. An angler's license shall bear the

1 [Secretary's] EXECUTIVE DIRECTOR'S facsimile signature and the counter-signature
2 of the issuing person. The person who issues the license shall fill out the name and
3 address of the licensee on a stub attached to the license blank and detach the stub.
4 The stubs and money, collected every month, shall be mailed to the [Department]
5 WIFC on the first day of the succeeding month. As compensation, the agent shall
6 retain 50 cents for each license issued.

7 4-606.

8 (a) A person possessing a valid Virginia or West Virginia fishing license issued
9 in that person's name may fish in nontidal waters of the Potomac River without
10 obtaining a Maryland angler's license. This subsection is only effective if Virginia or
11 West Virginia enters into and maintains reciprocal agreements with the
12 [Department, approved by the Secretary] WIFC, which allow a person possessing a
13 valid Maryland angler's license issued in that person's name to fish from the Virginia
14 or West Virginia banks of the Potomac River without acquiring a Virginia or West
15 Virginia fishing license.

16 (b) A person possessing a valid Pennsylvania fishing license issued in that
17 person's name may fish in the waters of the Conowingo and Youghiogheny Reservoirs
18 without obtaining a Maryland angler's license. This subsection is effective only if
19 Pennsylvania first enters into and maintains a reciprocal agreement with the
20 [Department, approved by the Secretary] WIFC, which allows a person possessing a
21 valid Maryland angler's license issued in that person's name to fish on the portion of
22 the Conowingo and Youghiogheny Reservoirs lying within the boundaries of
23 Pennsylvania without acquiring a Pennsylvania fishing license.

24 (d) If a state fails to maintain the reciprocal fishing privileges in accordance
25 with an approved agreement, the [Secretary] WIFC may revoke the reciprocal fishing
26 privileges accorded to those holding licenses issued by that state by publishing a
27 notice of revocation in the Maryland Register and notifying the head of the
28 appropriate licensing agency for that state.

29 4-607.

30 (a) The [Department] WIFC may issue annually a complimentary angler's
31 license to the President of the United States, the governor of any state, any Maryland
32 resident who certifies that he or she is a former prisoner of war or 100 percent service
33 connected disabled American veteran, and any official of the game and fish
34 department of any other state. However, not more than 20 complimentary licenses for
35 each state other than Maryland shall be outstanding at any time. A complimentary
36 license is not transferable and shall be issued without a fee on forms the
37 [Department] WIFC designates.

38 4-608.

39 Any money the [Department] WIFC receives for angler's licenses shall be
40 accounted for by the [Department] WIFC to the State Treasurer. The amount the
41 Treasurer receives shall be placed to the credit of angler's licenses in the State

1 Fisheries Management and Protection Fund, and the Treasurer shall pay out of it on
2 warrant of the Comptroller upon requisition of the [Department] WIFC.

3 4-609.

4 The [Department] WIFC or any authorized agent of the [Department] WIFC
5 may issue a duplicate angler's license for a fee not exceeding \$1 if a person indicates
6 that the angler's license is lost and is on record for previously purchasing an angler's
7 license.

8 4-610.

9 A person shall possess his angler's license while angling in nontidal waters and,
10 upon demand, shall exhibit the license to any [Natural Resources] WIFC police
11 officer, law enforcement officer, or landowner or his representative.

12 4-611.

13 (a) Any person engaged in a retail business who desires to sell angler's
14 licenses as an agent under the [Department's] control and supervision OF THE WIFC
15 shall apply to the [Department] WIFC on forms prepared and prescribed by the
16 [Department] WIFC. The [Department] WIFC may furnish angler's licenses on
17 consignment to any agent who provides a bond or other security deemed sufficient
18 and adequate by the [Department] WIFC to insure payment for the licenses.

19 (b) The agent shall fill out every license and duplicate stub in a legible and
20 proper manner and submit any necessary report of sales together with the duplicate
21 stubs after the first day of each month as long as he sells these licenses in accordance
22 with § 4-604 of this subtitle. The report and stubs shall reach the [Department]
23 WIFC by the seventh day of each succeeding month. The [Department] WIFC shall
24 reimburse any agent who does not dispose of every angler's license purchased from
25 the [Department] WIFC and who presents the unused licenses intact in their original
26 books to the [Department] WIFC for a refund before March 31 of each year, for the
27 amount of licenses returned and after they are checked and found correct. Every
28 angler's license not returned by March 31 shall be deemed sold and is not
29 reimbursable, unless accompanied by a notarized statement stating why the license is
30 returned late. The [Department] WIFC, after review, may reimburse the agent.

31 4-613.

32 (a) A [Natural Resources] WIFC police officer or ANY OTHER law enforcement
33 officer may confiscate a person's angler's license if it is transferred to another person
34 or used or presented by a person other than the person to whom it was issued.

35 4-614.

36 (a) (1) Except for a holder of a current resident consolidated senior sport
37 fishing license issued under § 4-216 of this title, a person 16 years old or older may
38 not fish in any special catch-and-return trout management area and may not possess
39 trout while fishing in nontidal waters unless the person first obtains a trout stamp in

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

8 (2) The [Department] WIFC may sell expired stamps below face value to
9 the general public for a period of 3 years, after which time the [Department] WIFC
10 shall shred any unsold stamps. All revenues derived from the sale of these stamps
11 shall revert back to the game management fund.

12 (d) The [Department] WIFC or any authorized agent of the [Department]
13 WIFC may issue a duplicate trout stamp for a fee not exceeding \$1 if a person
14 indicates that the trout stamp is lost and is on record for previously purchasing a
15 trout stamp.

16 4-615.

17 Between the hours of 8:00 p.m. and 5:30 a.m., a person may not fish for or catch
18 any fish in any nontidal water or stream which the [Department] WIFC or the federal
19 government has stocked with trout, except as the [Department] WIFC provides by
20 rule or regulation.

21 4-616.

22 The [Department] WIFC shall set annually by rule or regulation the daily creel,
23 possession, and size limits, for game and freshwater fish. The [Department] WIFC
24 shall publish the rule or regulation by October 25 for the ensuing year.

25 4-617.

26 (e) The [Department] WIFC may regulate, supervise, and control ice-fishing.
27 4-620.

28 (a) Under supervision, rule or regulation, and control of the [Department]
29 WIFC, a person may catch carp with bow and arrow and by gig.

30 (b) A person may catch carp or eels under the supervision, or rule or
31 regulation, and control of the [Department] WIFC in the waters of Allegany County,
32 the Potomac River, and the Monocacy River in Frederick County.

33 4-625.

34 (a) A person may not build, construct, have constructed, or place any wharf,
35 pier, dock, float, or any projection along or running into or over the waters of Deep
36 Creek Lake without first obtaining a written permit from the [Department] WIFC
37 and the lessors of the area.

1 (b) The [Department] WIFC may not close to the public any part of Deep
2 Creek Lake at any time during the term of the lease between the State and the
3 Eastern Land Corporation and Pennsylvania Electric Company dated June 8, 1942.
4 However, the [Department] WIFC, for proper fish management, may close as many as
5 three tributaries to the lake for their length, at any one time, or prohibit fishing
6 during the period between one hour after sunset and half an hour before sunrise if
7 necessary to police the area properly.

8 (c) This section does not change, modify, or enlarge in any manner, any term
9 of the lease from the Eastern Land Corporation and the Pennsylvania Electric
10 Company to the State for the [Department] WIFC to use the Deep Creek Lake area,
11 nor affect, in any manner, the rights, privileges, and reservations of the lessors in the
12 area.

13 4-626.

14 In addition to any other penalty provided in this title, any person who is
15 convicted of a second violation of any rule or regulation adopted by the [Department]
16 WIFC pursuant to the provision of this subtitle shall have his license suspended if the
17 violation occurs within 12 months of any prior violation of the same rule or regulation.
18 4-627.

19 A person may not catch or possess any game and freshwater fish except during
20 the period and in the manner provided in this subtitle, unless changed by rule or
21 regulation the [Department] WIFC promulgates.

22 4-11A-19.

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

34 (b) A live bait dealer may sell only minnows, chubs measuring less than 6
35 inches in length, and killifishes and mad toms procured from the waters of the
36 Potomac River. He may not possess more than 750 bait fish of every type at one time.
37 The bait boxes of the live bait dealer shall be open for a [Natural Resources] WIFC
38 police officer to inspect at any reasonable time.

1 4-11A-20.

2 (a) The [Department] WIFC may issue a permit authorizing a person to
3 establish and operate an artificial or man-made pond or lake which he owns, leases,
4 or controls, where fishing is permitted for payment of a fee, and in which fish stocked
5 are artificially propagated by commercial hatcheries, or purchased from persons
6 licensed to sell fish. The [Department] WIFC may issue the permit if it determines
7 the lake or pond does not conflict with any reasonable prior public interest. The
8 permit fee shall be \$25 a year. The permit expires on December 31 following the date
9 of issuance.

10 (b) The [Department] WIFC shall prescribe by regulation the size of the area,
11 method of fishing, open and closed seasons, and the catching of fish by furnishing
12 tags for a reasonable fee. The [Department] WIFC also shall regulate the release,
13 possession, and use of legally propagated game and freshwater fish, and may require
14 any report necessary concerning the operation of these areas.

15 (c) Any permit issued under the provisions of this section may be revoked for
16 violation of any provision of this section or any regulation of the [Department] WIFC
17 relating to fee-fishing lakes. The owner or operator of a fee-fishing lake or pond may
18 not operate it without a permit.

19 4-11A-21.

20 (a) A person may apply in writing to the [Department] WIFC for a permit to
21 breed, propagate, and sell any species of game and freshwater fish protected by law,
22 in ponds or lakes which he owns or leases. The [Department] WIFC, upon receipt of a
23 permit fee of \$5 may issue to the applicant a breeder's license permitting him to
24 hatch, rear, transport, sell, barter or exchange any fish. A fish breeder's permit
25 expires on December 31 following the date of issuance.

26 (b) The [Department] WIFC shall promulgate regulations governing the
27 release, possession, sale, shipment, and identification of every game and freshwater
28 fish bred under a fish breeder's permit. The [Department] WIFC may require any
29 report necessary concerning the operation of a fish breeder's permit. Any permit
30 issued under the provisions of this section may be revoked for a violation of any
31 provision of this section or any regulation made pursuant to it.

32 4-1201.

33 (c) In addition to any administrative penalty provided in this title, violation of
34 any rule or regulation adopted by any unit within the Department OR THE WIFC
35 pursuant to the provisions of this title is a misdemeanor and is punishable as
36 provided in subsections (a) and (b).

37 4-1203.

38 If any Natural Resources OR WIFC police officer or any OTHER law enforcement
39 officer has probable cause to believe that any person possesses any fish or any device
40 in violation of this title, the officer shall go before any District Court judge of the

1 county in which the fish or device is supposed to be and make affidavit to that fact. If
2 the judge finds the affidavit legally sufficient, the judge shall issue a search warrant
3 against the person complained of, directed to the officer making the affidavit,
4 commanding the officer to proceed at once and search for the fish or device and, upon
5 finding it, to seize, take possession, and keep it until further order by the judge. The
6 warrant shall be executed pursuant to Rule 4-601 of the Maryland Rules. The
7 warrant shall be returned within 5 days from the issuing date or within a shorter
8 period of time as set forth in the search warrant.

9 4-1204.

10 (a) If a Natural Resources OR WIFC police officer or any OTHER law
11 enforcement officer has probable cause to believe that any fish or device is possessed,
12 in violation of this title, and it is not possible or feasible to secure a search warrant in
13 time to seize the fish or device, then he may examine without a warrant any boat,
14 railway car, box, crate, package, or game bag.

15 (b) In this event, a Natural Resources OR WIFC police officer, in uniform or
16 accompanied by a uniformed police officer, may stop and search an automobile, any
17 vehicle, or trailer for the purpose of examining the fish bag. He also may determine
18 whether the person has an appropriate license.

19 4-1205.

20 A Natural Resources OR WIFC police officer or any OTHER law enforcement
21 officer, upon arresting any person for violating any provision of this title or any rule
22 or regulation promulgated pursuant to it, shall seize every fish unlawfully caught,
23 sold, offered for sale, transported, or possessed. The Department OR THE WIFC, AS
24 APPROPRIATE, may dispose of the seized fish at its discretion.

25 4-1206.

26 (a) A Natural Resources OR WIFC police officer or any OTHER law enforcement
27 officer, upon arresting any person for violating any provision of this title or any rule
28 or regulation promulgated pursuant to it, may seize every device, equipment,
29 conveyance, or property unlawfully used. If the owner or person in charge of the
30 seized device, equipment, conveyance, or property is convicted, the court may declare
31 the device, equipment, conveyance, or property forfeited in addition to any other
32 penalty provided in this title. Any forfeiture becomes the property of the Department
33 OR THE WIFC, AS APPROPRIATE, for disposition at its discretion. If the owner is not
34 known, the court may proceed ex parte to hear and determine any question of
35 forfeiture. If the owner or person charged with the violation is not convicted, the
36 device, equipment, conveyance, or property seized shall be released and returned to
37 the owner or person charged.

38 4-1208.

39 (a) In this section, "violation" means a violation of:

40 (1) Any provision of this title; and

1 (2) Any rule or regulation concerning fish and fisheries adopted by the
2 Department OR THE WIFC.

3 (b) If a person applies for the expungement of the person's record concerning
4 any violation, the Department OR THE WIFC, AS APPROPRIATE, shall expunge the
5 record if, at the time of application:

6 (1) The person has not been convicted of a violation for the preceding 3
7 years, and any license issued to the person under this title has never been suspended
8 or revoked;

9 (2) The person has not been convicted of a violation for the preceding 5
10 years, and any license issued to the person under this title shows not more than 1
11 suspension and no revocations; or

12 (3) The person has not been convicted of a violation for the preceding 10
13 years, regardless of the number of suspensions or revocations.

14 4-1209.

15 Upon the failure of any person to appear in a court of this State as required by
16 any charging document accusing the person of committing any offense under this
17 title, in addition to any other appropriate action taken by the court [or], the
18 Department, OR THE WIFC, the Department OR THE WIFC, AS APPROPRIATE, may
19 immediately suspend, without hearing, any license issued to the person under this
20 title. The Department OR THE WIFC, AS APPROPRIATE, may not issue any new license
21 under this title to the person until the person appears in court to answer the charging
22 document.

23 10-101.

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

25 (b) (1) "Closed season" means the time when a person may not hunt any
26 game bird or mammal.

27 (2) "Closed season" includes any period of time not included within the
28 open season.

29 (c) "County" includes Baltimore City unless otherwise indicated.

30 (d) ["Department" means Department of Natural Resources.

31 (e) (1) "Federal facility" means federal land in the State.

32 (2) "Federal facility" includes military bases, national wildlife refuges,
33 and units of the national park system.

34 [(f) (E) "Forest game birds and mammals" means forest game birds (ruffed
35 grouse and turkey) and forest game mammals (black bears, deer, fox squirrels,

1 excluding the Delmarva subspecies, and gray and red squirrels) or any part, egg,
2 offspring, or dead body of any of them.

3 [(g)] (F) "Fur" or "pelt" means any raw, green, or cured skin and fur of any
4 wild quadrupeds.

5 [(h)] (G) "Fur-bearing mammal" means any coyote, raccoon, bobcat, opossum,
6 beaver, mink, muskrat, otter, fox, skunk, fisher, and long-tailed weasel, or any part,
7 offspring, or dead body of any of them.

8 [(i)] (H) "Game birds or mammals" means the species defined as forest game
9 birds and mammals, fur-bearing mammals, upland game birds and mammals, and
10 wetland game birds or any part, egg, offspring, or dead body of any of them.

11 [(j)] (I) "Green pelt" means a pelt which is not dried, cured, or tanned.

12 [(k)] (J) (1) "Hunt" means to pursue, capture, catch, kill, gig, trap, shoot, or
13 attempt to pursue, capture, catch, kill, gig, trap, or shoot, or in any manner reduce
14 any bird or mammal to personal possession.

15 (2) "Hunt" excludes the sport of fox chasing.

16 [(l)] (K) "Nighttime" means the time beginning one-half hour after sunset
17 and ending one-half hour before sunrise the following day, as published in the
18 [Department's] hunter's guide OF THE WIFC, unless this title provides otherwise.

19 [(m)] (L) "Nongame birds and mammals" means every wild mammal and bird
20 not classified as game birds and mammals or any part, egg, offspring, or dead body of
21 any of them.

22 [(n)] (M) (1) "Open season" means the time when a person lawfully may
23 hunt game birds and mammals.

24 (2) "Open season" includes both the first and last day of the season or
25 period designated by this title.

26 [(o)] (N) "Person" means the State, any county, municipal corporation, or
27 other political subdivision of the State, or any of their units, or an individual, receiver,
28 trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or
29 any partnership, firm, association, public or private corporation, or any other entity.

30 [(p)] (O) "Protected birds" means any wild bird not included within the
31 definition of "game bird" or "unprotected bird" or any part, egg, offspring, or dead
32 body of any of them.

33 [(q)] (P) "Resident" includes a member of the armed forces of the United
34 States who is on active duty and stationed officially in the State.

35 [(r)] "Secretary" means Secretary of Natural Resources.]

1 [(s)] (Q) "Unprotected bird" means any English sparrow and European
2 starling or any part, egg, offspring, or dead body of any of them.

3 [(t)] (R) "Unprotected mammal" means nutria and woodchuck.

4 [(u)] (S) "Upland game birds and mammals" means upland game birds
5 (blackbirds, crows, doves, pheasant, quail, and woodcock) and upland game mammals
6 (rabbit and hare) or any part, egg, offspring, or dead body of any of them.

7 [(v)] (T) "Waterfowl processing operation" means receipt or possession of any
8 wild waterfowl for the purpose of picking for a fee or other consideration.

9 [(w)] (U) "Wetland game birds" means brant, coots, ducks, gallinules, geese,
10 mergansers, rails, snipe, and swan or any part, egg, offspring, or dead body of any of
11 them, including birds raised in captivity and released to the wild or otherwise used
12 for hunting purposes.

13 [(x)] (V) "Wild birds" means every bird wild by nature or any part, egg,
14 offspring, or dead body of any of them.

15 [(y)] (W) "Wild mammal" means every mammal wild by nature or any part,
16 egg, offspring, or dead body of any of them.

17 [(z)] (X) "Wild quadruped" means any species of wildlife having 4 feet or any
18 part, egg, offspring, or dead body of any of them.

19 [(aa)] (Y) "Wild waterfowl" means brant, coots, ducks, geese, mergansers, and
20 swans or any part, egg, offspring, or dead body of any of them, including birds raised
21 in captivity and released to the wild or otherwise used for hunting purposes.

22 [(bb)] (Z) (1) "Wildlife" means every living creature, not human, wild by
23 nature, endowed with sensation and power of voluntary motion.

24 (2) "Wildlife" includes mammals, birds, amphibians, and reptiles which
25 spend a majority of their life cycle on land or any part, egg, offspring, or dead body of
26 any of them.

27 10-202.

28 (a) The [Secretary] WIFC is responsible for conservation and management of
29 wildlife and wildlife resources of the State.

30 (b) The [Secretary] WIFC shall provide for a statewide system of assistance to
31 local political subdivisions regarding the disposition of wild animals. Assistance may
32 include field services, training, or payment to local political subdivisions for wildlife
33 control in accordance with procedures and plans agreed to between the [Department]
34 WIFC and the local political subdivisions.

1 10-202.1.

2 (a) The [Secretary] WIFC shall develop, adopt, and implement a
3 comprehensive nutria management plan to eradicate the species *Myocastor coypu*
4 (nutria) from the State.

5 (b) In addition to any funding provided under § 10-308.1 of this title, the
6 [Department] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, shall seek
7 funding from federal, private, and other sources to implement fully the nutria
8 management plan until nutria are eradicated from the State.

9 (c) (1) In accordance with § 2-1246 of the State Government Article, the
10 [Secretary] EXECUTIVE DIRECTOR shall report annually to the General Assembly
11 beginning July 1, 1995 and by July 1 each year thereafter until the nutria have been
12 eradicated from the State.

13 10-203.

14 Every right, power, duty, obligation, and function previously conferred upon or
15 exercised by the Department of Game and Inland Fish or the Fish and Wildlife
16 Administration is transferred to and may be exercised by the [Department] WIFC.
17 Every reference to the Department of Game and Inland Fish or the Fish and Wildlife
18 Administration which appears in the Code, in any other State law, or in any
19 ordinance, resolution, regulation, legal action, directive, or document means the
20 [Department] WIFC.

21 [10-204.

22 (a) There is a Wildlife Advisory Commission in the Department.

23 (b) Notwithstanding any other provision of this article, a member of the Fish
24 and Wildlife Commission as of June 30, 1972 may serve the unexpired remainder of
25 the member's term as a member of an advisory commission created by law.]

26 10-205.

27 (a) Having a due regard for the distribution, abundance, economic value, and
28 breeding habits of wildlife, the [Secretary]WIFC may adopt regulations to enlarge,
29 extend, restrict, or prohibit hunting, possessing, selling, purchasing, shipping,
30 carrying, transporting, or exporting wildlife.

31 (b) In addition to any other penalty provided in this title, any person convicted
32 of violating any regulation adopted by the [Department] WIFC shall be fined \$5 for
33 each bird, mammal, amphibian, or reptile illegally hunted or possessed. However, this
34 additional penalty does not apply to game birds and mammals. If a person is
35 convicted a second or subsequent time within the same 12 month period for a
36 violation of the regulations the [Department] WIFC adopts, the person:

37 (1) Shall have the person's hunter's license suspended; and

1 (2) May not procure a hunter's license the following calendar year.

2 10-206.

3 The [Department] WIFC may reduce the wildlife population in any county,
4 election district, or other identifiable area of the State after a thorough investigation
5 reveals that protected wildlife is seriously injurious to agricultural or other interests
6 in the affected area. The method of reducing the wildlife population is at the
7 [Department's] discretion OF THE WIFC, except that trapping is preferred whenever
8 feasible. The [Department] WIFC shall dispose of wildlife taken pursuant to the
9 provisions of this section as the [Department] WIFC deems advisable.

10 10-207.

11 The [Department] WIFC may not pay bounties for any wildlife.

12 10-208.

13 The State assents to the provisions of the act of Congress entitled "An Act to
14 provide that the United States shall aid the state in wildlife-restoration projects, and
15 for other purposes", approved on September 2, 1937, Public Law 415, 75th Congress,
16 50 Stat. 917. The [Department] WIFC shall perform every act necessary to conduct
17 and establish administrative cooperative wildlife-restoration projects as defined in
18 this act of Congress in compliance with this act of Congress and regulations the
19 United States Secretary of Agriculture adopts pursuant to this act of Congress.

20 10-209.

21 There is a State Wildlife Management and Protection Fund in the
22 [Department] WIFC. Any money accruing to the Fund from any license, stamp,
23 application, or permit fee provided in this title shall be credited, unless otherwise
24 provided, to this Fund and used only for the scientific investigation, protection,
25 propagation, and management of wildlife.

26 10-210.

27 In the planning of sampling methods and the compilation of estimates of the
28 number of wild waterfowl in the State, the [Department] WIFC shall take advantage
29 of other surveys made by reliable organizations including, but not limited to:

30 (1) The Grand National Waterfowl Hunt, Incorporated; and

31 (2) The Maryland Outfitters Association.

32 10-211.

33 (a) The [Department] WIFC shall establish a program to control the
34 population of the nonnative bird species known as the mute swan.

1 10-2A-03.

2 (a) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR,
3 shall conduct investigations of nongame wildlife in order to develop information
4 relating to population, distribution, habitat needs, limiting factors, and other
5 biological and ecological data to determine conservation measures necessary for their
6 continued ability to sustain themselves successfully. On the basis of these
7 determinations the [Secretary] WIFC shall issue proposed regulations not later than
8 July 1, 1977 and develop conservation programs designed to insure the continued
9 ability of nongame wildlife deemed in need of conservation to perpetuate themselves
10 successfully. The [Secretary] EXECUTIVE DIRECTOR shall conduct ongoing
11 investigations of nongame wildlife.

12 (b) The [Secretary] WIFC, by regulations, shall adopt limitations relating to
13 taking, possession, transportation, exportation, processing, sale or offer for sale, or
14 shipment necessary to conserve nongame wildlife.

15 (c) (1) Except as provided in regulations adopted by the [Secretary] WIFC, a
16 person may not take, possess, transport, export, process, sell, offer for sale, or ship
17 nongame wildlife deemed by the [Secretary] WIFC to be in need of conservation
18 pursuant to this section.

19 (2) A common or contract carrier may not knowingly transport or receive
20 for shipment nongame wildlife deemed by the [Secretary] WIFC to be in need of
21 conservation pursuant to this section.

22 10-2A-04.

23 (a) Any species of wildlife or plant determined to be endangered species
24 pursuant to the Endangered Species Act shall be deemed to be an endangered species
25 under the provisions of this subtitle and any species of wildlife or plant determined to
26 be a threatened species pursuant to the Endangered Species Act shall be deemed to be
27 a threatened species under the provisions of this subtitle. The [Secretary] WIFC may
28 determine, in accordance with this section, that any threatened species is an
29 endangered species throughout all or any portion of the range of the species within
30 the State.

31 (b) In addition to the species deemed to be endangered or threatened pursuant
32 to the Endangered Species Act, the [Secretary] WIFC, by regulation, shall determine
33 whether any species of wildlife or plant normally occurring within the State is an
34 endangered or threatened species due to any of the following factors:

35 (1) The present or threatened destruction, modification, or curtailment
36 of its habitat or range;

37 (2) Overutilization for commercial, sporting, scientific, educational, or
38 other purposes;

39 (3) Disease or predation;

- 1 (4) The inadequacy of existing regulatory mechanisms; or
- 2 (5) Other natural or manmade factors affecting its continued existence
3 within the State.

4 (c) The [Secretary] WIFC shall make determinations required by subsection
5 (b) of this section on the basis of the best scientific, commercial, and other data
6 available to and after consultation, as appropriate, with federal agencies, other
7 interested State agencies, other states having a common interest in the species, and
8 interested persons and organizations. In determining whether any species of wildlife
9 or plant is an endangered species or a threatened species, the [Secretary] WIFC shall
10 take into consideration any actions being carried out or about to be carried out by the
11 federal government, other states, other agencies of this State, or political
12 subdivisions, or by any other person which may affect the species under
13 consideration.

14 (d) Except with respect to species of wildlife or plants determined to be
15 endangered or threatened species under the provisions of subsection (a) of this
16 section, the [Secretary] WIFC may not add a species to nor remove a species from any
17 list published unless the [Secretary] WIFC first:

- 18 (1) Publishes a public notice of the proposed action;
- 19 (2) Furnishes notice of the proposed action to the Governor of any state
20 sharing a common border with the State and in which the subject species is known to
21 exist; and
- 22 (3) Allows at least 30 days following publication for comment from the
23 public and other interested parties.

24 (e) Notwithstanding the provisions of subsection (d) of this section, if the
25 [Department] WIFC determines that an emergency situation exists involving the
26 continued existence of the species as a viable component of the State's wildlife or
27 plants, the [Department] WIFC may add the species to the lists if the [Department]
28 WIFC publishes a public notice that an emergency situation exists together with a
29 summary of facts which support this determination.

30 (f) The [Secretary] WIFC shall adopt regulations containing a list of all
31 species of wildlife and plants normally occurring within the State determined to be
32 endangered species and a list of all species determined to be threatened species. Each
33 list shall refer to the species by scientific and common names and shall specify with
34 respect to each species over what portion of its range it is endangered or threatened.
35 10-2A-05.

36 (a) Except with respect to species of wildlife or plants determined to be
37 endangered or threatened pursuant to the Endangered Species Act, the [Secretary]
38 WIFC, upon the petition of an interested person, shall conduct a review of any listed or
39 unlisted species proposed to be removed from or added to the lists published pursuant

1 to § 10-2A-04(f) of this subtitle, if the [Secretary] WIFC publishes public notice that
2 the person has presented substantial evidence which warrants a review.

3 (b) When any species of wildlife or plant is listed as a threatened species
4 pursuant to § 10-2A-04(f) of this subtitle, the [Secretary] WIFC shall adopt
5 regulations necessary and advisable to provide for the conservation of the species. The
6 [Secretary] WIFC, by regulations, may prohibit with respect to any threatened
7 species of wildlife or plant any act prohibited under subsection (c) of this section.

8 (c) Except as provided in subsection (f) of this section, with respect to any
9 endangered species of wildlife, a person may not:

10 (1) Export the species from the State;

11 (2) Take the species within the State;

12 (3) Possess, process, sell or offer for sale, deliver, carry, transport, or ship
13 the species by any means; or

14 (4) Violate any regulation pertaining to the conservation of the species or
15 to any threatened species of wildlife listed pursuant to this subsection and adopted by
16 the [Secretary] WIFC pursuant to authority provided by this section.

17 (d) Except as provided in subsection (f) of this section, with respect to any
18 endangered species or plant, a person may not:

19 (1) Export the species from the State;

20 (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship
21 the species by any means; or

22 (3) Violate any regulation pertaining to the species or to any threatened
23 species of plant listed pursuant to § 10-2A-04(f) of this subtitle and adopted by the
24 [Secretary] WIFC.

25 (e) Any endangered species of wildlife or plant which enters the State from
26 another state or from a point outside the territorial limits of the United States and
27 which is transported to a point within or beyond the State may enter and be
28 transported without restriction in accordance with the terms of any federal permit or
29 permit issued under the laws or regulations of another state.

30 (f) The [Secretary] WIFC may permit, under the terms and conditions [he] IT
31 prescribes, any act otherwise prohibited by subsections (c) and (d) of this section for
32 scientific purposes or to enhance the propagation or survival of the affected species.

33 10-2A-06.

34 (a) The [Secretary] WIFC shall establish programs, including acquisition of
35 land or aquatic habitat or interests in the land or aquatic habitats, necessary for the
36 conservation of nongame, threatened, or endangered species of wildlife or plants. The

1 [Secretary] WIFC shall use all vested authority to carry out the provisions of this
2 subsection.

3 (b) In carrying out programs authorized by this section, the [Secretary] WIFC
4 shall consult with the State Secretary of Agriculture and other states having a
5 common interest in particular species of nongame, endangered, or threatened species
6 of wildlife or plants. The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE
7 DIRECTOR, may enter into agreements with federal agencies, other states, political
8 subdivisions of the State, or with individuals with respect to programs designed to
9 conserve nongame, endangered, or threatened species of wildlife or plants, including
10 agreements for administration and management established under this section or
11 utilized for conservation of nongame, endangered, or threatened species of wildlife or
12 plants.

13 (c) The Governor shall review other programs administered by the Governor
14 and utilize these programs in furtherance of the purposes of this subtitle. All State
15 departments and agencies, in consultation with and with the assistance of the
16 [Secretary] WIFC AND, AS APPROPRIATE, THE EXECUTIVE DIRECTOR, shall utilize
17 their authorities in furtherance of the purposes of this subtitle by carrying out
18 programs for the conservation of endangered species and threatened species listed
19 pursuant to § 10-2A-04(f) of this subtitle, and by taking any action necessary to
20 insure that actions authorized, funded, or carried out by them do not jeopardize the
21 continued existence of the endangered species or threatened species or result in the
22 destruction or modification of habitat of the species which is deemed by the
23 [Secretary] WIFC to be critical.

24 (d) The [Secretary] WIFC shall adopt regulations necessary to implement this
25 section.

26 10-2A-06.1.

27 (d) (1) All revenue that the [Department] WIFC derives from the issuance of
28 birdwatcher's stamps and decals shall be credited to the Birdwatcher's Fund.

29 (2) The [Secretary] EXECUTIVE DIRECTOR shall administer the
30 Birdwatcher's Fund.

31 (e) (3) Any person engaged in a retail business who desires to sell
32 birdwatcher's stamps and decals as an agent under the [Department's] control and
33 supervision OF THE WIFC shall apply on forms prepared and prescribed by the
34 [Department] WIFC.

35 (5) The [Department] WIFC, by regulation, shall provide procedures and
36 forms for the sale of birdwatcher's stamps and decals.

37 (f) The purpose of this Fund is:

38 (1) Dissemination of information pertaining to nongame wildlife species
39 and threatened and endangered species conservation, management, and values;

1 (2) Scientific investigation and survey of nongame wildlife species and
2 threatened and endangered species for better protection and conservation;

3 (3) Propagation, distribution, protection, and restoration of nongame
4 wildlife species and threatened and endangered species;

5 (4) Research and management of nongame wildlife species and
6 threatened and endangered species;

7 (5) Development of habitats for nongame wildlife species and threatened
8 and endangered species;

9 (6) Acquisition of habitats for nongame wildlife species and threatened
10 and endangered species; and

11 (7) Matching of funds available to the [Department] WIFC under federal
12 programs for projects and activities authorized under this section.

13 10-2A-07.

14 (b) Any [Natural Resources] WIFC police officer or any law enforcement
15 officer may conduct searches as provided by law, and execute a warrant to search for
16 and seize any equipment, business records, merchandise, wildlife, or plants taken,
17 used, or possessed in connection with a violation of any subsection. Any [Natural
18 Resources] WIFC police officer or law enforcement officer, without a warrant, may
19 arrest any person who the officer has probable cause to believe is violating, in the
20 officer's presence or view, this subtitle or any regulation or permit provided for by this
21 subtitle. Any [Natural Resources] WIFC police officer or law enforcement officer who
22 has made an arrest of a person in connection with any violation may search the
23 person, premises, or business records at the time of arrest and may seize any wildlife,
24 plants, records, or property taken, or used in connection with any violation.

25 (c) Equipment, merchandise, wildlife, plants or records seized under the
26 provisions of subsection (b) of this section shall be held by any [Natural Resources]
27 WIFC police officer or law enforcement officer pending disposition of court
28 proceedings, and after disposition of court proceedings shall be forfeited to the State
29 for destruction or disposition as the [Secretary] EXECUTIVE DIRECTOR may deem
30 appropriate. Prior to forfeiture the [Secretary] EXECUTIVE DIRECTOR may direct the
31 transfer of wildlife or plants so seized to a qualified zoological, botanical, educational,
32 or scientific institution for safekeeping, costs to be assessable to the defendant. The
33 [Secretary] WIFC may issue regulations to implement this section.

34 10-301.

35 (c) A person may apply for a hunter's license to any person designated by the
36 [Department] WIFC. The application shall be on a form the [Department] WIFC
37 prepares and supplies. The applicant shall fill out, sign, and submit the application to
38 the person designated to issue the hunter's license. A person may apply by mail.

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

16 (j) Upon issuing any hunting license, the [Department] WIFC shall furnish
17 the licensee with a list of the names and addresses of every general hospital in the
18 State which offers emergency medical treatment.

19 (k) When the [Department] WIFC has adequate computer capability, the
20 [Department] WIFC shall compile statistics after the close of the hunting season each
21 year concerning the sale of hunting licenses for the previous season, including the
22 names, addresses, counties of residence, and ages of the persons who purchased the
23 hunting licenses and the types of hunting licenses sold.

24 (l) [(1) Except as provided in paragraph (2) of this subsection, the
25 Department] THE WIFC shall use \$10.50 of each fee charged for each hunting license
26 for a nonresident under subsection (f)(5)(iv) and (v) and \$10.00 of each fee charged
27 under subsection (f)(5)(vii) of this section only for the purpose of planting food or cover
28 for upland game birds and mammals and wetland game birds in the State UNDER
29 SUBSECTION (M) OF THIS SECTION.

30 [(2) In fiscal year 1989, the Department shall use the funds under
31 paragraph (1) of this subsection for any purpose that the Department considers
32 appropriate.

33 (3) In fiscal year 1990 and in each subsequent fiscal year, the
34 Department shall use the funds under paragraph (1) of this subsection only for the
35 purposes of the food or cover program under subsection (m) of this section.]

36 (m) The [Department] WIFC may enter into contracts with farmers in the
37 State to reimburse the farmer for planting and leaving grains, grasses, and legumes,
38 including clover, alfalfa, and soybeans, unharvested in the fields in order to be used to
39 provide food or cover for any upland game birds and mammals and wetland game
40 birds in the State.

41 (n) (1) There is an Upland Wildlife Habitat Fund in the [Department]
42 WIFC.

1 (3) The [Secretary] EXECUTIVE DIRECTOR shall administer the Fund.

2 (7) The [Secretary] EXECUTIVE DIRECTOR shall use the Fund to:

3 (i) Provide cost-share assistance to landowners for planting
4 upland wildlife habitat;

5 (ii) Provide matching funds to acquire grant funding for upland
6 wildlife habitat programs;

7 (iii) Hire contractual staff to implement upland wildlife habitat
8 programs in the State; and

9 (iv) Promote the Upland Wildlife Habitat Fund and upland wildlife
10 habitat programs.

11 (8) The [Secretary] EXECUTIVE DIRECTOR may prioritize the duties
12 under paragraph (7) of this subsection to maximize the effectiveness of upland
13 wildlife habitat programs.

14 10-301.1.

15 (b) (1) The [Department] WIFC, ACTING THROUGH THE EXECUTIVE
16 DIRECTOR, shall prescribe a course of instruction in conservation and in competency
17 and safety in the handling of firearms.

18 (2) The [Department] WIFC shall designate those persons or agencies
19 authorized to give the course of instruction, and this designation shall be valid until
20 revoked by the [Department] WIFC. Those designated persons shall submit to the
21 [Department] WIFC validated listings naming all persons who have successfully
22 completed the course of instruction.

23 (3) The [Department] WIFC shall issue a certificate of competency and
24 safety to each person who successfully completes the course of instruction, and the
25 certificate shall be valid until revoked by the [Department] WIFC.

26 (4) The [Department] WIFC may not issue a certificate of competency
27 and safety to an individual under the age of 18 unless the individual has completed
28 satisfactorily the course of instruction, or produces a certificate of competency or a
29 hunting license issued prior to July 1, 1978 or makes out an affidavit that the
30 individual had such a license.

31 (c) (1) The [Department] WIFC, ACTING THROUGH THE EXECUTIVE
32 DIRECTOR, shall institute and coordinate a statewide course of instruction in
33 conservation and in competency and safety in the handling of firearms, and in so
34 doing, the [Department] WIFC may cooperate with any political subdivision or with
35 any reputable organization having as 1 of its objectives the promotion of competency
36 and safety in the handling of firearms, such as the National Rifle Association and
37 local rod and gun clubs.

1 (2) The [Department] WIFC may conduct the course in hunter safety
2 and issue the certificates, using [Department] WIFC personnel or other persons at
3 times and in areas where other competent agencies are unable or unwilling to meet
4 the demand for instruction.

5 (d) The [Department] WIFC shall adopt regulations to provide for the course
6 of instruction and the issuance of the certificates consistent with the purpose of this
7 section.

8 (e) (1) On or after July 1, 1977 any person who obtains a hunting license by
9 presenting a fictitious certificate of competency or who attempts to obtain a
10 certificate of competency or hunting license through fraud shall have his hunting
11 privileges revoked by the [Department] WIFC for a period not to exceed 1 year.

12 (2) Any applicant who is refused a certificate of competency under this
13 section may appeal the decision or action of the issuing unit to the [Secretary] WIFC.

14 (f) (1) The [Department] WIFC or a person designated by the
15 [Department] WIFC may issue a 1-year gratis hunting license to a Maryland resident
16 under the age of 16 years who has successfully completed a hunter safety course.

17 (g) The [Department] WIFC or a person designated by the [Department]
18 WIFC shall issue a complimentary consolidated hunting license each year to an
19 individual who:

20 (1) Has been authorized by the [Department] WIFC to give the course of
21 instruction in conservation and in competency and safety in the handling of firearms
22 under subsection (b) of this section;

23 (2) Has completed at least 5 years of service as an instructor of this
24 course;

25 (3) Maintains active certification as an instructor of this course;

26 (4) Has taught two hunter safety courses during the fiscal year
27 preceding the issuance of the license; and

28 (5) Has indicated to the [Department] WIFC an interest in receiving a
29 complimentary consolidated hunting license.

30 10-301.2.

31 (b) The [Department] WIFC shall issue on a yearly basis a patron's hunting
32 license to any person who:

33 (1) Applies to the [Department] WIFC on a form provided by the
34 [Department] WIFC; and

35 (2) Pays \$500.

1 10-302.

2 (a) Any person engaged in a retail business who desires to sell resident or
3 nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day
4 hunting licenses, or individual hunting stamps as an agent under the [Department's]
5 control and supervision OF THE WIFC shall apply to the [Department] WIFC on forms
6 prepared and prescribed by the [Department] WIFC. The [Department] WIFC may
7 furnish resident and nonresident basic hunting licenses, consolidated hunting
8 licenses, nonresident 3-day hunting licenses, and individual hunting stamps on
9 consignment to any agent who provides a bond or other security deemed sufficient
10 and adequate by the [Department] WIFC to insure payment for the resident and
11 nonresident basic hunting licenses, consolidated hunting licenses, nonresident 3-day
12 hunting licenses, and individual hunting stamps.

13 (b) (3) The agent shall submit any necessary report of sale together with the
14 duplicate license after the first day of each month as long as the agent sells these
15 licenses in accordance with § 10-301 of this subtitle. The report and duplicate licenses
16 shall reach the [Department] WIFC by the seventh day of each succeeding month.

17 (4) The [Department] WIFC shall reimburse any agent not operating on
18 consignment the sum paid for unissued resident and nonresident basic hunting
19 licenses, consolidated hunting licenses, nonresident 3-day hunting licenses, and
20 individual hunting stamps provided they are returned intact, and still attached in the
21 issuing books by June 30 of each year, and have been checked and found to be correct
22 by the [Department] WIFC. Every hunting license and individual hunting stamp not
23 returned by June 30 shall be deemed sold and not reimbursable unless accompanied
24 by a statement under oath stating why the hunting license or individual hunting
25 stamp is returned late. The [Department] WIFC, after review, may reimburse the
26 agent.

27 10-303.

28 (a) The [Department] WIFC annually may issue a complimentary hunter's
29 license to the President of the United States, the governor of any state, any Maryland
30 resident who certifies that the resident is a former prisoner of war or 100% service
31 connected disabled American veteran, or an official or an enforcement officer of the
32 game and fish management agency of another state which reciprocally offers
33 complimentary hunting licenses. A complimentary license is not transferable and
34 shall be issued on forms designated by the [Department] WIFC.

35 10-304.

36 Any money the [Department] WIFC receives for hunter's licenses shall be
37 accounted for by the [Department] WIFC to the State Treasurer. The amount the
38 Treasurer receives shall be credited to the State Wildlife Management and Protection
39 Fund, and the Treasurer shall pay out of the Fund on warrant of the Comptroller
40 upon requisition of the [Department] WIFC.

1 10-305.

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

6 10-306.

7 A person shall have in the person's possession the person's hunter's license while
8 hunting and, upon demand, shall exhibit the license to the [Natural Resources] WIFC
9 police officer or any OTHER law enforcement officer, the landowner on whose property
10 the person is hunting, or the landowner's representative.

11 10-307.

12 The [Department] WIFC may issue a special permit to a disabled person who
13 has a hunting license authorizing the person to hunt from a stopped vehicle which is
14 not on a public highway. The [Department] WIFC shall prescribe regulations
15 requiring applicants to submit reasons for granting this permit, and shall require
16 every licensee to carry this permit while hunting.

17 10-308.

18 (d) (1) A person may obtain the consolidated hunting license, the resident
19 and nonresident basic license, and individual hunting stamp from any person
20 designated by the [Department] WIFC.

21 (3) The [Department] WIFC shall use \$1 from the sale of each
22 consolidated hunting license and, except for the fee retained by the issuing person, all
23 of the money derived from the sale of bow and arrow and black powder stamps as
24 follows:

25 (i) Up to 40 percent to:

- 26 1. Provide bow hunter education;
- 27 2. Acquire, construct, and maintain public archery ranges; or
- 28 3. Perform any study necessary to evaluate any program or
29 project related to bow or muzzle loader hunting; and

30 (ii) The remaining percentage to:

- 31 1. Establish an effective and efficient deer checking system
32 during the muzzle loader and bow hunting deer season;
- 33 2. Acquire additional hunter access during the muzzle loader
34 and bow hunting season by:

- 1 A. The opening of additional State-owned lands to muzzle
2 loader and bow hunting;
- 3 B. The purchase of rights-of-way or access roads to reach
4 areas not open to muzzle loader and bow hunting;
- 5 C. The acquisition of additional lands for muzzle loader and
6 bow hunting; and
- 7 D. The administration of a permit system applicable to newly
8 opened areas; and
- 9 3. Police hunting lands during the muzzle loader and bow
10 hunting season and provide additional law enforcement personnel as necessary to
11 accomplish additional hunter access under item 2 of this subparagraph.

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

18 10-308.1.

19 (d) (1) A person may obtain a Maryland migratory wild waterfowl stamp for
20 a fee of \$6 from any person designated by the [Department] WIFC. The issuing
21 person designated shall retain the sum of 10 cents as compensation for issuing each
22 stamp. The balance of the fee is paid over and accounted for to the State Treasurer.
23 The Treasurer shall credit all such fees received to the State Wildlife Management
24 and Protection Fund, in accordance with § 10-209 of this title.

25 (2) The [Department] WIFC may sell expired stamps below face value to
26 the general public for a period of 3 years, after which time the [Department] WIFC
27 shall shred any unsold expired stamps. All revenues derived from the sale of these
28 stamps shall revert back to the Game Management Fund.

29 (f) (2) To encourage waterfowl habitat conservation on private lands, the
30 [Department] WIFC shall implement a 10-year licensing agreement for approved
31 projects on privately owned lands detailing the landowner's responsibilities.
32 Expenditures by private landowners on private land for these waterfowl projects
33 approved by the [Department] WIFC and covered by the licensing agreement shall be
34 considered a contribution to the State.

35 (4) The Committee shall advise the [Department] WIFC on:

36 (i) Matters relating to expenditures of funds derived from the sale
37 of State migratory waterfowl stamps;

1 (ii) Recommendations to the Migratory Waterfowl Advisory
2 Committee on matters relating to policy, regulations, and legislation; and

3 (iii) Waterfowl habitat conservation projects.

4 10-309.

5 (c) (1) An individual shall be licensed by the [Department] WIFC as a
6 master hunting guide before the individual may receive financial compensation for
7 outfitting or guiding hunters to hunt wild waterfowl.

8 (2) An agent, employee, or helper of a master hunting guide is exempt
9 from the licensing requirements of this section. However, a master hunting guide
10 shall register with the [Department] WIFC each agent, employee, or helper of the
11 master hunting guide who is a field assistant.

12 (d) (1) To apply for a license as a master hunting guide, an applicant shall:

13 (i) Submit an application to any person designated by the
14 [Department] WIFC;

15 (ii) Furnish any information required by the [Department] WIFC
16 on the application, including the oath provided in subsection (e) of this section; and

17 (iii) Pay to the person designated to issue the master hunting guide
18 license a fee of \$100.

19 (3) On the first day of each month, the designated person shall send to
20 the [Department] WIFC the remainder of the fees received for master hunting guide
21 licenses.

22 (e) The application shall contain the following affidavit, which shall be signed
23 before a master hunting guide license is valid:

24 OATH

25 I,, the person named on the face of this license, do hereby swear
26 or affirm that I will uphold and abide by all federal laws and regulations, all
27 laws and regulations of the State of Maryland, and all regulations promulgated
28 by the [Wildlife Administration] WIFC pertaining to the hunting, taking, or
29 possession of wild game and will endeavor to prevent any party using my
30 services from violating the same.

31 \tab

(Signed)

32 Subscribed and sworn to me this day of ..., 20....

33

34 Notary Public

1 (f) The person designated by the [Department] WIFC shall issue a master
2 hunting guide license to any applicant who meets the requirements of this section.

3 (i) (1) A master hunting guide who is licensed under this section:

4 (i) Shall report monthly to the [Department] WIFC the names,
5 addresses, and Social Security numbers of the master hunting guide's field assistants,
6 and the type, kinds, and total numbers of wild waterfowl that are killed daily, and the
7 names and license numbers of the hunters that the master hunting guide outfits or
8 guides, whether personally or by agent, employee, helper, or walker; and

9 (ii) Is responsible for the conduct of the agents, employees, or
10 helpers of the hunting outfitters while in the course of employment.

11 (2) The [Department] WIFC may not require the daily reports under this
12 subsection to be divided by the number of wild waterfowl killed by hunters who are
13 guided by a master hunting guide's agents, employees, or helpers.

14 (3) (i) This paragraph does not prohibit the [Department] WIFC from
15 releasing to the public information required to be submitted to the [Department]
16 WIFC under this section concerning:

- 17 1. Master hunting guides; and
18 2. Master hunting guides' field assistants.

19 (ii) Notwithstanding any other law or regulation, the
20 [Department] WIFC may not release to the public:

- 21 1. Information required to be submitted to the [Department]
22 WIFC under this subsection concerning the names and license numbers of the
23 hunters; and
24 2. The addresses or Social Security numbers of the hunters.

25 (k) (1) Notwithstanding any law to the contrary, and except for a master
26 hunting guide registering the field assistants with the [Department, the Secretary]
27 WIFC, THE EXECUTIVE DIRECTOR or any official of the [Department] WIFC may not
28 adopt any regulation concerning the licensing of agents, employees, or helpers of a
29 master hunting guide who guide hunters to hunt wild waterfowl.

30 (3) The [Department] WIFC:

31 (i) Shall adopt new regulations to carry out the purposes of this
32 section; and

33 (ii) May revoke the license of any master hunting guide for any
34 violation of law or regulation.

1 10-312.

2 (a) A [Natural Resources] WIFC police officer or OTHER law enforcement
3 officer shall confiscate a person's hunter's license if the license is used or presented by
4 a person other than the person to whom the license was issued.

5 10-313.

6 For the purpose of managing wildlife the [Secretary] EXECUTIVE DIRECTOR
7 may issue a permit when the [Secretary] EXECUTIVE DIRECTOR deems it advisable
8 to any person to trap game on property owned or acquired by the State, controlled by
9 the [Department] WIFC, or on any property where permission is obtained from the
10 owner.

11 10-401.

12 (b) Unless prohibited by federal law, this section does not prohibit a
13 landowner or his agent from shooting hawks or owls when considered necessary to
14 protect poultry or game birds or mammals on the landowner's property from
15 destruction. In addition, this section does not prohibit the [Department] WIFC from
16 controlling birds or mammals which have become obnoxious in nature or habit or are
17 damaging wildlife on any lands in the State.

18 10-402.

19 (c) A person may take or possess any nest or egg of any wild bird regulated by
20 the United States Department of the Interior pursuant to the Migratory Bird Treaty
21 Act, 40 Stat. 755, for scientific purposes if the person first obtains a permit from the
22 Secretary of the Interior of the United States and a scientific certificate from the
23 [Department] WIFC.

24 10-404.

25 (b) (4) The importer or seller shall allow the [Department] WIFC to inspect
26 these records at the importer's or seller's place of business at any reasonable time.

27 10-405.

28 (a) Pursuant to § 10-205 of this title, the [Department] WIFC shall establish
29 by regulation and publish by July 1 each year the open season, excepting Sundays, to
30 hunt the forest and upland game birds and mammals.

31 (b) If the [Department] WIFC by regulation pursuant to § 10-205 of this title
32 restricts or reduces the number of days normally allowed to hunt, possess, sell,
33 purchase, ship, transport, carry, or export any game bird or mammal because of an
34 emergency situation, the [Department] WIFC may extend the open season to provide
35 a comparable number of days in any given season.

36 (c) The [Department] WIFC shall establish by regulation the maximum open
37 season for hunting crows which is permissible under federal law, and shall include in

1 its regulations such provisions as are permitted under federal law for control of crows
2 at any time they are found to be committing or about to commit depredation upon
3 ornamental or shade trees, agricultural crops, livestock or wildlife, or when
4 concentrated in such numbers and manner as to constitute a health hazard or other
5 nuisance.

6 10-406.

7 (b) (1) (iv) The [Department] WIFC may extend any muskrat season set by
8 this subsection for a period of 1 week, if the [Department] WIFC considers it
9 necessary for any reason, including weather conditions.

10 (4) A person may hunt or trap and possess the pelt or meat of raccoon or
11 opossum during those periods and under the restrictions, including bag limits, the
12 [Department] WIFC may establish by regulation.

13 (7) A person may:

14 (i) Trap a coyote during the trapping season established by the
15 [Department] WIFC; or

16 (ii) Hunt a coyote:

17 1. While the person is legally hunting for any other species of
18 game bird or mammal, by any method legal for use at the time in hunting that other
19 species; or

20 2. At any time of year, by predator calling.

21 10-407.

22 (a) Before establishing the open season for ducks, except sea ducks, geese, and
23 swan as required by subsection (b) of this section, the [Department] WIFC shall
24 conduct public hearings on the proposed season, at least 1 of which shall be held, on
25 an alternating basis, in Wicomico, Somerset, Worcester or Dorchester Counties.

26 (b) The [Department] WIFC annually shall establish and publish the open
27 season, excepting Sundays, for doves, mergansers, woodcock, and wetland game
28 birds, including wild waterfowl, in conformity with the federal migratory bird rules
29 and regulations adopted annually by the Secretary of Interior of the United States.

30 10-408.

31 The [Department] WIFC shall prescribe by regulation the means or weapons for
32 hunting designated wildlife. The [Department] WIFC shall set forth any restrictions
33 relating to weapons used to hunt designated wildlife, including the amount and size of
34 ammunition for designated game birds or mammals. The [Department] WIFC shall
35 make the regulations available for distribution with each hunting license purchased.
36 This section does not authorize the [Department] WIFC to restrict the use of firearms
37 except in the activity of hunting designated wildlife.

1 10-409.

2 Pursuant to § 10-205 of this title, the [Department] WIFC shall establish and
3 publish by April 25 each year the bag limits per day for game birds and mammals by
4 regulation for the ensuing year. The bag limits for ducks, geese, brant, railbirds,
5 woodcock, mergansers, doves, and snipe may conform to the federal migratory bird
6 rules and regulations adopted annually by the Secretary of Interior of the United
7 States.

8 10-411.

9 (c) In Allegany, Anne Arundel, Baltimore, Carroll, Charles, Garrett,
10 Frederick, Wicomico, Somerset, Howard, or Worcester counties, a person may not
11 enter or trespass upon land owned by another person for the purpose of hunting deer
12 on the land with gun, rifle, bow and arrow, or any other means without first securing
13 the written permission of the landowner or the landowner's agent or lessee. Any
14 person hunting deer on land owned by another person shall exhibit written
15 permission upon the request of any [Natural Resources] WIFC police officer, any
16 OTHER law enforcement officer, the landowner, or the landowner's agent or lessee.
17 The [Natural Resources] WIFC police officer or [any] OTHER law enforcement officer
18 shall arrest any person hunting without written permission upon the request of the
19 landowner or the landowner's agent or lessee.

20 10-412.

21 (d) By rule or regulation, the [Department] WIFC may exempt from this
22 section captive raised mallard ducks which are released on a regulated shooting
23 ground to be shot at immediately after release.

24 10-413.

25 (c) Any [Natural Resources] WIFC police officer or any OTHER law
26 enforcement officer may kill any dog, which does not bear a license, found destroying
27 game birds or mammals or the nest or eggs of any game bird or mammal.

28 (d) A [Natural Resources] WIFC police officer or [any] OTHER law
29 enforcement officer shall and any other person may destroy any cat found hunting
30 any game bird or mammal or protected bird or mammal. A cause of action for damages
31 cannot be maintained for this act.

32 (e) (1) The owner or custodian of a retriever dog shall obtain a permit from
33 the [Department] WIFC before the owner or custodian may shoot artificially reared
34 game birds for the purpose of training the dog. The permit is not required in order to
35 shoot game birds during an open season or on a licensed shooting preserve.

36 (3) On payment of the \$5 permit fee, the [Department] WIFC shall issue
37 annually a permit to the owner or custodian of a retriever dog to train the dog at any
38 time of the year.

1 (4) A permittee under this subsection may, while training a retriever dog,
2 possess and shoot with a shotgun any artificially reared game bird that has been
3 liberated by hand and tagged before its use with an identification band provided by
4 the [Department] WIFC.

5 10-414.

6 (a) A person may not possess any live raccoon or opossum unless the person
7 first procures a permit from the [Department] WIFC. Any raccoon or opossum
8 reduced to possession by a hunter or trapper shall be immediately killed.

9 10-415.

10 (b) (2) Notwithstanding any requirement of law, if the designated checking
11 stations are closed in the county where a person kills a deer, a [Natural Resources]
12 WIFC police officer shall authorize the person to report with the deer to a designated
13 checking station in another county.

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

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

20 (d) (3) (i) The [Department] WIFC may issue a limited number of bonus
21 antlerless deer stamps for the purpose of regulating the harvest of antlerless deer in
22 a particular deer management region or zone.

23 (e) A person may not remove the head or hide or any part from any deer,
24 except internal organs, or cut the meat into parts until the deer has been checked by
25 the [Department] WIFC or [1 of the Department's agents] AN AGENT OF THE WIFC at
26 a designated checking station. Removal of the head or the hide of any deer not
27 checked at a designated checking station shall be prima facie evidence that the deer
28 was hunted illegally. Each separate deer or part of any deer taken illegally or found in
29 possession shall be considered a separate offense.

30 (f) Any person who, while operating a motor vehicle on any highway in the
31 State, accidentally strikes and kills a deer on the highway may have the deer if the
32 person produces visible evidence of collision with the deer to any [Natural Resources]
33 WIFC police officer, State law enforcement officer, or other designated representative
34 of the Secretary. The provisions of this subsection shall be applicable to deer killed by
35 collision with a motor vehicle at any time whether during the open season for killing
36 deer or during the legally closed season.

37 (i) Upon written request from a federal facility for a variance from the
38 established deer hunting season, the [Department] WIFC shall review the request
39 and may:

- 1 (1) Approve the request;
- 2 (2) Deny the request; or
- 3 (3) Approve the request with conditions.

4 10-416.

5 (b) (1) Except as provided in regulations adopted by the [Department] WIFC
6 under paragraph (2) of this subsection, a person may not:

7 (i) Take a dog into the woods or possess or control a dog in the
8 woods; and

9 (ii) Use the dog to hunt or pursue deer.

10 (2) The [Department] WIFC shall adopt regulations governing the use of
11 dogs to aid in the prompt recovery of killed, wounded, or injured deer.

12 (3) (ii) In all other counties, any [Natural Resources] WIFC police
13 officer, OTHER law enforcement officer, or any other person may kill any dog found
14 pursuing any deer, except in accordance with regulations adopted under paragraph
15 (2) of this subsection.

16 (d) Any person who violates any provision of subsection (c) of this section is
17 guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$2,000
18 or imprisonment for not more than 6 months or both, with costs imposed in the
19 discretion of the court. Any person convicted of violating the provisions of this
20 subsection shall have the person's hunting license revoked and shall be denied the
21 privilege of hunting in the State for at least 2 and not exceeding 5 years. In addition
22 to these penalties, every spotlight, artificial light, battery, or device to spot, locate, or
23 hunt for deer, and every firearm, bow and arrow, or device capable of killing a deer,
24 found in or on any vehicle or in possession of the person convicted, or used to violate
25 the provisions of this subsection, shall be confiscated and disposed of by the
26 [Secretary] EXECUTIVE DIRECTOR as the [Secretary] EXECUTIVE DIRECTOR deems
27 advisable.

28 10-417.

29 (a) A person may not export from the State any game bird or mammal, except
30 wild waterfowl and fur-bearing mammals. However, a licensed hunter may take out
31 as personal baggage in the open season only the prescribed possession limit as set by
32 regulation. The hunter shall produce the hunter's hunting license upon demand of
33 any [Natural Resources] WIFC police officer, any OTHER law enforcement officer, or
34 agent of the common carrier. An express company or any common carrier knowingly
35 may not accept any game bird or mammal, except wild waterfowl or fur-bearing
36 mammals, for shipment within or outside the State.

1 10-418.

2 (c) By regulation, the [Department] WIFC may define the term "daylight
3 fluorescent orange" consistent with the recommendations of the North American
4 Association of Hunter Safety Coordinators.

5 10-420.

6 The [Department] WIFC shall establish a separate season for hunting deer with
7 muzzle loading firearms.

8 10-422.

9 (a) If the [Department] WIFC determines that a significant interference or
10 disruption of a hunt or hunters is likely to occur on any land managed by the
11 [Department] WIFC, the [Department] WIFC may adopt regulations to prohibit that
12 interference or disruption.

13 (b) While on private land that is owned by another person or in a hunting area
14 on land managed by the [Department] WIFC, a person may not:

15 (1) Interfere intentionally with the lawful taking of wildlife by another
16 person; or

17 (2) Harass, drive, or disturb any game animal intentionally for the
18 purpose of disrupting a lawful hunt.

19 (c) A [Natural Resources] WIFC police officer or other police officer of the
20 State who has probable cause to believe that a person has violated this section may:

21 (1) Order the person to desist or to leave the area; or

22 (2) Arrest the person on refusal to desist or leave the area.

23 (d) The conduct declared unlawful in this section does not include any
24 incidental interference arising from lawful activity by private land users or users of
25 land managed by the [Department] WIFC, including farmers, miners, or persons
26 engaged in recreation.

27 10-423.

28 (b) If the [Secretary] WIFC adopts any regulation, including an emergency
29 regulation, under § 10-205 of this title or § 10-405 of this subtitle to prohibit the
30 hunting, possessing, selling, purchasing, shipping, carrying, transporting, or
31 exporting of black bears, a person who violates the regulation is subject to the
32 following penalties:

33 (1) For a first offense, a fine not exceeding \$1,500, imprisonment not
34 exceeding 6 months, or both and suspension of the person's hunting license and right
35 to hunt any bird or game animal for a period of time not exceeding 2 years; and

1 (2) For a second or subsequent offense, a fine not exceeding \$2,000,
2 imprisonment not exceeding 1 year, or both and suspension of the person's hunting
3 license and right to hunt any bird or game animal for a period of time not exceeding
4 4 years.

5 10-423.1.

6 (b) (1) There is a Black Bear Damage Reimbursement Fund in the
7 [Department] WIFC.

8 (c) The [Department] WIFC may reimburse a person from the Black Bear
9 Damage Reimbursement Fund in accordance with subsections (d) and (e) of this
10 section for any damage to the person's:

11 (1) Beehives, fruit, or other crops; or

12 (2) Livestock and poultry as defined in § 1-101 of the Agriculture Article.

13 (d) (1) A person is eligible to be reimbursed from the Fund if:

14 (i) The person has followed all black bear damage preventive
15 measures recommended by the [Department] WIFC;

16 (ii) The damage amount is determined by an extension agent of the
17 University of Maryland Cooperative Extension Service; and

18 (iii) The [Department] WIFC has verified that the damage was
19 caused by black bear.

20 (f) The [Department] WIFC shall adopt regulations to carry out the
21 provisions of this section.

22 10-424.1.

23 In addition to any other penalty provided in this title, the [Department] WIFC
24 may suspend the hunting license of a person who is charged with a violation of §
25 10-424(1) of this title pending the disposition of the criminal proceeding against the
26 person.

27 10-425.

28 (a) (1) A person may not conduct a waterfowl processing operation unless
29 the person has a waterfowl processing operation license issued by the [Department]
30 WIFC under this section.

31 (2) The [Department] WIFC may not charge a fee for any license issued
32 under the provisions of this section.

33 (b) (1) A person desiring a waterfowl processing operation license shall
34 apply on a form the [Department] WIFC supplies.

1 (2) Upon receipt of a completed application, the [Department] WIFC
2 shall issue a license.

3 (e) A waterfowl processing operation shall keep on forms provided by the
4 [Department] WIFC a record of:

5 (1) The number of each species of wild waterfowl processed, received by,
6 or in the custody of the operation;

7 (2) The location (county and State) where each wild waterfowl received
8 by the operation was taken;

9 (3) The date each wild waterfowl was received by the operation;

10 (4) The name and address of the person from whom each wild waterfowl
11 was received;

12 (5) The date each wild waterfowl was disposed of by the operation; and

13 (6) The name and address of the person to whom each wild waterfowl
14 was delivered.

15 (f) A licensee shall submit a copy of the records required by subsection (e) of
16 this section to the [Department] WIFC annually prior to the March 1 immediately
17 following the date of the issuance of the license.

18 (g) At any reasonable hour, a licensee shall allow any [Natural Resources]
19 WIFC police officer or any OTHER law enforcement officer to enter and inspect the
20 premises where the operation is conducted and to inspect records.

21 (h) In addition to any other penalty under this title, the [Department] WIFC
22 may suspend or revoke the license of a licensee who is convicted of violating a
23 provision of this title, a regulation issued under this title, or a federal game law or
24 regulation.

25 10-506.

26 (a) Subject to the exceptions of subsection (f) of this section, any person who
27 desires to buy, acquire, sell, transport, ship, or store at any time any fur or pelt of any
28 wild quadruped taken within or outside the State first shall obtain a fur dealer's
29 license from the [Secretary] WIFC.

30 (d) Every application for a license shall contain information the [Secretary]
31 WIFC requires.

32 (f) The [Department] WIFC may not require the following persons to obtain a
33 fur dealer's license:

34 (1) A person who buys or otherwise acquires any fur or pelt of any wild
35 quadruped for the personal use of the person and not for barter, exchange, or sale;

1 (2) A person who can substantiate the fact that any fur or pelt the person
2 possesses is bought from a licensed fur dealer or lawfully is obtained from a dealer in
3 another state and is dressed, altered, trimmed, repaired, or manufactured into a
4 finished product but not resold as a fur or pelt;

5 (3) A tanner or taxidermist who possesses any fur or pelt legally owned
6 by another person and which the tanner or taxidermist temporarily is holding solely
7 for the purpose of processing;

8 (4) A person who sells or possesses to sell the meat, pelt, carcass, or
9 mounted specimen of any beaver, coyote, fisher, fox, mink, muskrat, nutria, opossum,
10 otter, raccoon, skunk, or long-tailed weasel legally taken by that person;

11 (5) Any person who butchers a deer for another person and who retains
12 the hide or fur of the deer because the other person did not want or take the hide or
13 fur; and

14 (6) Any person who sells or possesses to sell the hide, hair, tail, or feet,
15 excluding a mounted specimen of deer, squirrel, or rabbit legally acquired.

16 (g) The licensee shall allow any [Natural Resources] WIFC police officer or
17 any OTHER law enforcement officer to enter the premises and holding facilities where
18 operations are being carried on at all reasonable hours for the following purposes:

19 (1) To inspect the premises and holding facilities where operations are
20 being carried on;

21 (2) To inspect wildlife; and

22 (3) To inspect records.

23 10-507.

24 (a) Each fur dealer shall keep a ledger on a form provided by the
25 [Department] WIFC which includes the name, address, and current hunting,
26 trapping, fur dealer's, taxidermist and fur tanner's, or game husbandry license
27 number of each person from whom any fur was purchased or received within or
28 outside the State, the date of purchase or receipt, the quantity of each species of furs
29 purchased, and the country, state, and county or political subdivision where the furs
30 were taken, and identifies any appropriate official game or fur possession tag number
31 or bill of sale. The ledger must state the final disposition of the furs and the date
32 disposed of. Disposition includes selling, transporting, shipping, storing, or otherwise
33 using or possessing the furs. The licensee also shall include the same information
34 with regard to any wildlife taken from the wild by the licensee. The ledger shall cover
35 every transaction from date of issuance of the fur dealer's license until date of
36 expiration and shall be kept up-to-date. In addition to any other penalty provided by
37 this subtitle, any person convicted of failing to maintain and keep up-to-date a ledger
38 as required by this subsection or of making false entries shall have the license
39 revoked for a period of at least 1 year and not exceeding 5 years.

1 (b) Between July 1 and July 10, every fur dealer shall submit the ledger to the
2 [Secretary] EXECUTIVE DIRECTOR along with a statement under oath that the
3 information in the ledger is correct on forms furnished by the [Secretary] EXECUTIVE
4 DIRECTOR, indicating the number or quantity and species of furs possessed, and the
5 county or place of origin where furs were taken, possessed, bought, sold, transported,
6 shipped, stored, tanned, or used by him during the period covered by the previous
7 license. Every fur dealer also shall include in the report the name, address, and
8 current license number of each person from whom any fur was purchased within or
9 outside the State, the date of purchase, the quantity of each species of furs purchased,
10 and the county where the furs were taken, if purchased in the State. Each report shall
11 cover every transaction from date of issuance of the fur dealer's license until
12 expiration. Application for renewal of a fur dealer's license shall accompany the
13 ledger.

14 10-508.

15 A fur dealer shall carry the license on the dealer's person and shall exhibit the
16 license upon demand. The licensee shall allow any [Natural Resources] WIFC police
17 officer and any OTHER law enforcement officer to enter and inspect the premises
18 where operations are being carried on and to inspect records at any reasonable hour.
19 10-509.

20 (b) Shipping tags shall be obtained from the [Secretary] EXECUTIVE
21 DIRECTOR.

22 (c) Each tag shall be composed of 2 parts, and each part shall give the name
23 and address of the consignee and the kind and number of any fur or pelt contained in
24 the package. One part shall be attached to any fur or pelt personally carried open to
25 view or attached on the outside of the container in which any fur or pelt is shipped or
26 transported. The other part of the tag immediately shall be forwarded to the
27 [Secretary] EXECUTIVE DIRECTOR.

28 10-512.

29 (a) (1) Any person desiring to commercially practice the art of taxidermy or
30 fur tanning or who desires to mount, preserve, or tan any species of wildlife for
31 another person first shall obtain a taxidermist and fur tanner's license.

32 (2) A taxidermist and fur tanner's license also shall permit the holder:

33 (i) To mount, preserve, or tan any species of finfish pursuant to
34 Title 4 of this article; and

35 (ii) Except as provided in paragraph (3) of this subsection, with the
36 written approval of the [Department] EXECUTIVE DIRECTOR for each specimen, to
37 sell or dispose of any tanned, cured, or mounted specimen legally acquired but
38 unclaimed by the customer within 30 days after written notice to the customer by
39 certified mail.

1 (3) A license holder may not sell or dispose of any tanned, cured, or
2 mounted specimen that is a migratory game bird.

3 (b) (1) A person desiring a taxidermist and fur tanner's license shall:

4 (i) Apply on forms the [Secretary] EXECUTIVE DIRECTOR
5 supplies;

6 (ii) Pay a \$50 annual license fee;

7 (iii) Pass an examination administered by the [Department] WIFC;
8 and

9 (iv) Provide recent work samples for examination by the
10 [Department] WIFC.

11 (2) Upon receipt of the application and license fee, and examination of
12 work samples, the [Secretary] EXECUTIVE DIRECTOR may issue the license
13 permitting the practice of taxidermy or fur tanning, as provided in the license, if the
14 applicant has passed the examination and the work samples meet minimum
15 professional standards, as determined by the [Department] WIFC.

16 (c) A taxidermist and fur tanner's license:

17 (1) Shall expire on June 30 following the date of issuance; and

18 (2) May be renewed by providing information on forms the [Secretary]
19 EXECUTIVE DIRECTOR supplies and paying the \$50 annual license fee.

20 (d) Each taxidermist or fur tanner shall keep a ledger on a form provided by
21 the [Department] EXECUTIVE DIRECTOR indicating the name, address, telephone
22 number and current hunting, trapping, fur dealer's, game husbandry or regulated
23 shooting ground license number of each person, from whom any species of wildlife
24 was purchased or received within or outside the State, the date of purchase, or
25 receipt, and the quantity of each species of wildlife purchased or received and the date
26 the species was delivered or returned to the customer. The ledger shall indicate the
27 country, state, and county or political subdivision in which the species was taken and
28 the date on which the species was taken and identify any appropriate official game
29 possession tag number or bill of sale. The tag or bill of sale shall be attached to the
30 wildlife. The licensee also shall include in the ledger the same information with
31 regard to any wildlife taken from the wild by the licensee. The ledger shall cover
32 every transaction from date of issuance of the taxidermist or fur tanner's license until
33 date of expiration and shall be kept up-to-date. In addition to any other penalty
34 provided by this subtitle, any person convicted of failing to maintain or keep
35 up-to-date a ledger required by this subsection or of making false entries may have
36 the person's license revoked for a period not to exceed 5 years.

37 (e) The licensee shall allow any [Natural Resources] WIFC police officer or
38 any OTHER law enforcement officer to enter the premises and holding facilities where
39 operations are being carried on at all reasonable hours for the following reasons:

1 (1) To inspect the premises and holding facilities where operations are
2 being carried on;

3 (2) To inspect wildlife; and

4 (3) To inspect records.

5 10-602.

6 (b) A person may not hunt wild waterfowl in the State at nighttime in any
7 manner whether from the shore or otherwise. A person may not possess at nighttime
8 any gun or light used for hunting wild waterfowl in or near the vicinity of feeding and
9 resting grounds. Any gun or light found in possession shall be prima facie evidence of
10 intention of a violation of this section, and the light shall be confiscated and turned
11 over to the [Secretary] WIFC.

12 10-604.

13 (a) A person may hunt wild waterfowl while standing in water on the natural
14 bottom only in the waters of the Susquehanna Flats, the nontidal waters of the
15 Potomac River, and in other waters of the State in areas and on days the
16 [Department] WIFC prescribes by regulation.

17 10-605.

18 (a) A person may hunt wild waterfowl from a boat that is drifting or being
19 sculled, only in:

20 (1) The nontidal waters of the Potomac River, Conococheague Creek, and
21 the Monocacy River;

22 (2) The Susquehanna Flats, Elk River, and that portion of the Sassafras
23 River in Cecil County located west of 75 degrees 58 minutes 45 seconds;

24 (3) Chincoteague Bay, Sinepuxent Bay, Isle of Wight, Assawoman Bay,
25 and their respective tributaries in Worcester County; or

26 (4) Zones prescribed by the [Department] WIFC by regulation.

27 10-606.

28 (a) A person may hunt wild waterfowl from a boat that is anchored only in:

29 (1) The nontidal waters of the Potomac River;

30 (2) The waters of the Susquehanna Flats, Elk River, and that portion of
31 the Sassafras River in Cecil County located west of 75 degrees 58 minutes 45 seconds;

32 (3) The waters of Chincoteague Bay, Sinepuxent Bay, Isle of Wight,
33 Assawoman Bay, and their respective tributaries in Worcester County; or

1 (4) Zones prescribed by the [Department] WIFC by regulation.

2 10-607.

3 (c) (1) On the nontidal waters of the Potomac River, Conococheague Creek,
4 and the Monocacy River, the [Department] WIFC may not license riparian shoreline
5 owned by a federal or State unit or the assignee of the federal or State unit.

6 (2) (i) A federal or State unit that owns riparian shoreline on the
7 nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River
8 may apply to the [Department] WIFC to establish a waterfowl safety zone in a
9 specified area of the shoreline.

10 (ii) The [Secretary] WIFC shall review each request and determine
11 whether sufficient need for a waterfowl safety zone exists.

12 (3) On or before August 15 of each year, the [Department] WIFC shall
13 mark each waterfowl safety zone with clearly visible signs.

14 (g) Notwithstanding the other provisions of this section, where circumstances
15 require, such as in coves and when two properties extend onto a point of land, the
16 [Secretary] EXECUTIVE DIRECTOR may determine where an offshore stationary blind
17 or blind site license shall be located. The [Secretary] EXECUTIVE DIRECTOR shall try
18 to locate the sites so that each riparian landowner gets a site and may locate the
19 blinds closer than 250 yards apart with the written consent of the two riparian
20 landowners.

21 (h) (2) An applicant for a license shall:

22 (i) Submit to the [Department] EXECUTIVE DIRECTOR:

23 1. An application by mail prior to June 1 of each year on a
24 form provided by the [Department] EXECUTIVE DIRECTOR;

25 2. A map showing the exact location of the shoreline to be
26 licensed and the exact location of the proposed offshore stationary blinds or blind
27 sites, if any;

28 3. The written permission of adjacent landowners if
29 necessary; and

30 4. The written lease or assignment of the riparian landowner
31 if necessary; and

32 (ii) Pay to the [Department] WIFC a fee of \$20.

33 (i) (1) At least 1 month before a license expires on June 30 of each year, the
34 [Department] WIFC shall mail a renewal notice and a renewal application to all
35 riparian landowners who received a license the previous year.

36 (2) The renewal notice shall state:

- 1 (i) The date on which the current license expires;
- 2 (ii) The date by which the [Department] WIFC must receive the
3 renewal application for the renewal to be issued and mailed before the license expires;
4 and
- 5 (iii) The amount of the renewal fee.
- 6 (j) Before the license expires, the licensee may renew the license for an
7 additional 1-year term, if the licensee:
- 8 (1) Is otherwise entitled to be licensed;
- 9 (2) Pays to the [Department] WIFC a renewal fee of \$20; and
- 10 (3) Submits to the [Department] EXECUTIVE DIRECTOR a renewal
11 application on the form that the [Department] EXECUTIVE DIRECTOR requires.
- 12 (k) (1) All applications to license riparian shoreline shall be approved by the
13 [Department] WIFC in accordance with applicable laws and regulations.
- 14 10-608.
- 15 (a) A Maryland resident or a person who owns riparian property in Maryland,
16 regardless of State residency, may apply to the [Department] WIFC to license
17 riparian shoreline for the purpose of establishing an offshore blind site.
- 18 (b) An applicant for a license shall:
- 19 (1) Submit to the [Department] EXECUTIVE DIRECTOR:
- 20 (i) An application on a form provided by the [Department]
21 EXECUTIVE DIRECTOR; and
- 22 (ii) A signed statement that:
- 23 1. The location of the blind site is at least 125 yards from all
24 other previously licensed riparian shoreline; and
- 25 2. The offshore blind site complies with all other pertinent
26 laws and regulations; and
- 27 (2) Pays to the [Department] WIFC an application fee of \$20 for each
28 license requested.
- 29 (c) (1) The completed application shall be submitted to [Department] WIFC
30 regional service centers or other designated local sites on days designated by the
31 [Department] WIFC.
- 32 (2) The [Department] WIFC shall establish and adequately staff a site in
33 each county where licensing occurs.

1 (3) The [Department] WIFC shall post notices of dates and locations for
2 licensing of blind sites in the office of the clerk of the court in each county.

3 (4) Licensing shall begin on or before the first Tuesday in August of each
4 year on dates set by the [Department] WIFC.

5 10-610.

6 (a) (1) In order to provide greater public access and use of wild waterfowl
7 blinds, in each county of the State where wild waterfowl are adequate and hunting is
8 allowed under this subtitle, the [Department] WIFC shall locate and construct blinds
9 on public lands under the [Department's] control OF THE WIFC and make the blinds
10 available for public use.

11 (2) The [Department] WIFC may allow the hunting of wild waterfowl
12 from a boat that is drifting or anchored or while standing in the water on the natural
13 bottom in waters adjacent to lands owned or managed by the [Department] WIFC.

14 (3) Except for the purpose of animal control, the [Department] WIFC
15 may not allow waterfowl hunting on public land under this section unless the public
16 land is open to public hunting.

17 (b) The [Department] WIFC shall encourage local and federal government to
18 make opportunities available for the public to hunt waterfowl from blinds located on
19 public lands under the jurisdiction of the local or federal government by:

20 (1) Entering into an agreement with the local or federal government to
21 construct the blinds and manage their use; or

22 (2) Advising the local or federal government on the proper construction,
23 location, and management of blinds to be used by the public for hunting wild
24 waterfowl.

25 10-612.

26 (a) The [Department] WIFC shall inspect a licensed blind site to determine
27 the validity of the certifications in an application upon request of the owner of the
28 shore front property.

29 (b) If the [Department] WIFC finds that the certifications of the application
30 are erroneous, the [Department] WIFC may revoke the license by giving written
31 notice to the applicant.

32 10-614.

33 Offshore stationary blinds or blind sites may not be erected, maintained, or
34 licensed in the following waters:

1 (1) Offshore from lands owned or managed by the [Department] WIFC
2 except the [Department] WIFC may locate and construct offshore stationary blinds or
3 blind sites and make the blinds or blind sites available to the public;

4 (2) Where the use of the blinds may present a risk to national security or
5 the health and safety of the hunters as determined by the [Department] WIFC;

6 (3) Where the location of the blinds interferes with the safe operation of
7 an airport;

8 (4) In Baltimore County on:

9 (i) The Middle River and its tributaries, westerly or towards shore
10 from a straight line drawn from the tip of Wilson Point in a southwesterly direction to
11 the northwest corner of Cape May Beach;

12 (ii) Frog Mortar Creek from a straight line drawn from the tip of
13 what is known as Strawberry Point in a southeasterly direction across the creek to
14 the tip of what is known as Galloway Point and extending 1,500 yards northeast up
15 the creek to the point where Glenwood Road approaches the creek shoreline;

16 (iii) Back River and its tributaries west of the Eastern Avenue
17 bridge; or

18 (iv) Bird River and its tributaries extending from the head of tide at
19 Whitemarsh Run and Windlass Run and going generally easterly or towards a line
20 that runs in a northerly direction from the northernmost tip of a peninsula called
21 Stumpfs Marsh to the opposite shoreline, but excluding an area that lies between
22 Stumpfs Marsh and a line 150 yards from the shoreline of Stumpfs Marsh; or

23 (5) In Kent County on:

24 (i) Turner's Creek; or

25 (ii) Chester River and its tributaries, except in those waters lying
26 between Durdin's Creek and Deep Point or between the property line of Wickliffe
27 Farm and Cedar Point Farm near the point known as Pine Tree Cove and Graveyard
28 Point in Spencer Hall Farm on Eastern Neck Island and the Chesapeake Bay between
29 the north end of Wilson's Point on Trumpington Farm and the mouth of the Chester
30 River.

31 10-615.

32 (b) A licensee may institute proceedings against or the [Department] WIFC
33 may prosecute any person who violates the provisions of this section.

1 10-701.

2 (a) A club or association may not hold a field trial with dogs in the State
3 during any closed hunting season without first obtaining a permit from the
4 [Secretary] WIFC.

5 (b) The [Secretary] WIFC may grant a permit to field trial clubs and
6 associations to hold field trials with raccoon, opossum, bird, or rabbit dogs in the
7 State any time during the closed season. Field trials shall be held pursuant to
8 regulations the [Secretary] WIFC adopts to safeguard the interests of wildlife in the
9 State.

10 10-801.

11 (a) The [Department] WIFC may acquire, by purchase, lease, condemnation,
12 or gift, title or control of any area of land or water in the State suitable to protect,
13 propagate, or manage wildlife or for hunting purposes. The area of land or water shall
14 be known as a wildlife management area. Any area of land or water greater than 100
15 acres may be acquired in Garrett County or Allegany County only with the approval
16 of that county. This requirement does not apply to any areas which have previously
17 been authorized for acquisition by the General Assembly.

18 (b) The [Department] WIFC may purchase or erect any structure necessary
19 for wildlife management and may purchase or lease any area of land or water
20 excluding the ownership of and the right to drill any mineral, oil, or gas.

21 10-802.

22 (a) The title to any land or water acquired by purchase, gift, or condemnation
23 shall be taken in the name of the State for the [Department's] use OF THE WIFC. The
24 entire control of the area of land and water shall be under the State's direction.

25 (b) The [Secretary] WIFC may expend from the State Wildlife Management
26 and Protection Fund any amount necessary to purchase or condemn the area of land
27 or water.

28 10-803.

29 (a) If the [Department] WIFC considers it in the State's best interests and the
30 Governor consents, the [Department] WIFC may exchange any area of land or water
31 or part the [Department] WIFC owns together with any improvement on the area of
32 land or water for any privately owned area of land or water equal to or greater in
33 value than the area of land or water the [Department] WIFC exchanges and adapted
34 for wildlife refuge and management. Also, the [Department] WIFC may sell any area
35 of land or water or part of the area of land or water owned by the [Department] WIFC
36 to the person who offers the highest price.

37 (b) The [Department] WIFC may use any acquired area of land or water as a
38 State park.

1 (c) The Attorney General shall prepare any deed necessary to complete the
2 exchange or sale of the area of land or water. The [Secretary] EXECUTIVE DIRECTOR
3 shall execute the deed. The net proceeds of any sale shall be deposited with the State
4 Comptroller and placed to the credit of the State Wildlife Management and Protection
5 Fund.

6 10-804.

7 (a) An acquired area of land or water may be used to create and maintain
8 State wildlife refuges, for wildlife management, and hunting grounds as the
9 [Department] WIFC deems advisable for hunting grounds.

10 (b) (1) The [Department] WIFC may cut and remove and sell or permit the
11 cutting and removing and selling of timber on lands to which title has been acquired
12 by purchase, gift, or otherwise.

13 (c) The [Department] WIFC may grant rights-of-way on or across any
14 acquired area of land or water if the grant does not affect adversely wildlife
15 protection, management, and propagation.

16 (d) The [Department] WIFC may appoint a caretaker of the area of land or
17 water and make an agreement with the caretaker for proper care and management of
18 the wildlife refuge.

19 10-805.

20 (a) The [Department] WIFC, in order to protect and propagate wildlife, may
21 establish and maintain State wildlife refuges where wildlife may not be hunted,
22 disturbed, or molested at any time. Upon the consent of the Governor and the
23 superintendent in charge of any area of federally owned or State-owned land or
24 water, the [Department] WIFC may locate a State wildlife refuge on any State-owned
25 or federally owned forest, land, or water.

26 (b) The boundaries of each wildlife refuge shall be clearly marked. At each
27 refuge a notice shall be posted in a conspicuous place informing the public the area of
28 land or water is a "State Wildlife Refuge -- Hunting Is Unlawful", and other
29 information or regulations the [Department] WIFC considers advisable.

30 10-806.

31 (a) If a person who owns or controls any suitable area of land or water desires
32 to have the area of land or water set aside for a refuge, the person may apply to the
33 [Department] WIFC, giving a description of the area of land or water including a
34 specific location, map, or sketch showing an outline of the area of land or water, the
35 location of any structure or improvement and the nature of the area of land or water,
36 such as woodland, abandoned farmland, or cultivated land, or lake, pond, marsh, or
37 impounded stream.

38 (b) The [Department] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR,
39 may examine the area of land or water to determine if the area of land or water is

1 suitable for wildlife protection and management. If the area of land or water is
2 acceptable as a wildlife refuge, the [Department] EXECUTIVE DIRECTOR shall notify
3 the person of this fact. The person shall sign a lease, vesting the State with every
4 hunting right in the area of land or water without charge. The lease also shall provide
5 that the owner, the owner's family, agents, tenants, and any other person may not
6 hunt on the area of land or water, and that the person will make every effort to
7 protect the refuge from forest fires, hunting, or any violation of any State
8 conservation law. The lease or agreement shall continue in force for an uninterrupted
9 period of at least 5 years.

10 (c) If the person who owns or controls the area of land or water named in any
11 lease on which there is no charge sells the area of land or water, the area is released
12 from the operation of the lease unless the purchaser agrees to allow the area to
13 remain under lease. The [Department] WIFC or the owner of the area of land or water
14 may rescind any lease for which there is no charge made pursuant to this section
15 after giving 90 days written notice to the other party of intent to terminate the lease.
16 10-807.

17 (a) A person may not enter in any manner on any State wildlife refuge without
18 the consent of the [Department] WIFC or person in charge of the area of land or
19 water.

20 (b) (2) The [Department] WIFC may grant a special written permit, subject
21 to revocation at any time, to any person regularly residing on lands included within
22 any wildlife refuge to have any trap, dog, or gun on the refuge. However, the trap, dog,
23 or gun may not be used in hunting wildlife unless done under special permit from the
24 [Department] WIFC for propagating purposes.

25 (c) The [Department] EXECUTIVE DIRECTOR by written permission may
26 grant to any responsible person the right to hunt for vermin and use any dog and gun
27 in connection with hunting on State wildlife refuges. The [Department] EXECUTIVE
28 DIRECTOR also may grant permission to hunt wildlife to be used for propagation
29 purposes.

30 10-808.

31 The [Department] WIFC may adopt and post rules and regulations for the
32 proper use and administration of any State land or water the [Department] WIFC
33 controls or owns.

34 10-902.

35 (a) Any person desiring to possess, import, export, breed, raise, protect,
36 rehabilitate, hunt, kill, trap, capture, purchase, or sell any wildlife, native to
37 Maryland, shall first obtain a permit or license from the [Department] WIFC.

38 (b) The [Secretary] WIFC shall establish by regulation:

39 (1) The types and classes of permits and licenses which shall be issued;

1 (2) The species of wildlife exempt from the permit and license
2 requirement;

3 (3) Sanitary housing or any other conditions which are necessary for the
4 humane, safe, and healthy possession of wildlife;

5 (4) Conditions under which captive wildlife may be hunted or released to
6 the wild; and

7 (5) Recordkeeping requirements.

8 (c) The [Secretary] EXECUTIVE DIRECTOR shall charge a reasonable fee for
9 each permit or license.

10 10-903.

11 The [Secretary] WIFC may adopt regulations prohibiting or restricting the
12 importation, exportation, sale, release, or possession of wildlife not native to
13 Maryland on a finding that the wildlife is harmful to native wildlife or to natural
14 ecosystems.

15 10-904.

16 The [Secretary] WIFC shall coordinate with federal and local governments
17 regarding the issuance of permits, inspection of facilities, and enforcement of
18 compliance with pertinent laws and regulations. This subtitle may not be construed to
19 limit local governments from enacting stricter requirements regarding housing and
20 sanitation conditions under which wildlife must be kept or other health and safety
21 requirements.

22 10-905.

23 (a) (1) On payment of a reasonable fee, the [Secretary] EXECUTIVE
24 DIRECTOR may issue a game husbandry license to any person who desires to raise,
25 breed, protect, or sell game birds or mammals.

26 (c) Each licensee shall keep a ledger of any game bird or mammal raised, the
27 number killed, and the number sold dead or alive. The licensee shall allow the
28 [Department] WIFC:

29 (1) To enter and inspect at any reasonable hour the premises where
30 operations are carried on; and

31 (2) To inspect the records.

32 (d) The [Secretary] WIFC may prescribe, by regulation, the conditions under
33 which a person may possess and sell game birds and mammals intended for human
34 consumption which have been purchased from a licensed game breeder.

1 10-906.

2 (a) Any person desiring to establish and operate a regulated shooting ground
3 shall first obtain a permit from the [Department] WIFC.

4 (b) (1) The [Department] WIFC may issue a regulated shooting ground
5 permit on payment of a reasonable fee and after determining that the establishment
6 and operation of it does not conflict with any reasonable prior public interest.

7 (2) The [Department] WIFC may not issue a new permit for a regulated
8 shooting ground to an existing permit holder unless the report required under
9 subsection (c)(2) of this section has been filed.

10 (3) (i) As part of the application for a regulated shooting ground
11 permit, a person may apply to the [Department] WIFC for authorization to allow
12 hunting on Sunday as provided under § 10-410(a)(2)(iii) of this title.

13 (ii) The [Department] WIFC shall ensure that all requirements and
14 conditions of applicable law and regulations are met and that issuance of the
15 authorization will not have an adverse impact on the conservation of native game
16 species or to the public interest.

17 (c) (1) The [Department] WIFC, by regulation, shall govern and prescribe
18 the size of the area, the method of hunting, the open and closed seasons, the release,
19 possession, and use of propagated wildlife, and any reports the [Department] WIFC
20 deems necessary.

21 (2) The [Department] WIFC shall require each person holding a
22 regulated shooting ground permit to file a report with the [Department] EXECUTIVE
23 DIRECTOR, on forms provided by the [Department] EXECUTIVE DIRECTOR, by April
24 30 of each year for the most recently concluded hunting season. The report shall
25 include:

26 (i) The number and species of captive raised birds that have been
27 released, killed, or recaptured on the regulated shooting ground each day;

28 (ii) The number and species of all wild waterfowl that have been
29 killed on the regulated shooting ground excluding any of the captive raised birds
30 listed in subparagraph (i) of this paragraph;

31 (iii) An estimate of how many captive raised birds by species were
32 released and not captured; and

33 (iv) Any outbreaks of avian influenza or other diseases in the
34 captive raised birds raised, released, or captured on the regulated shooting ground.

35 (5) The permittee shall allow the [Department] WIFC or [the
36 Department's] A representative OF THE WIFC to inspect:

1 (i) Those records required to be maintained under paragraphs (2)
2 and (3) of this subsection; and

3 (ii) All hatcheries, equipment, and facilities used for rearing and
4 holding captive raised birds.

5 (6) The permittee shall allow the [Department] WIFC or [the
6 Department's] A representative OF THE WIFC to:

7 (i) Collect environmental samples from all hatching, rearing, and
8 holding facilities;

9 (ii) Culture or biochemical test these samples for the presence of
10 avian diseases; and

11 (iii) Test a sample of captive raised birds from the permittee's flock.
12 The permittee shall provide the [Department] WIFC captive raised birds for testing
13 at no cost to the [Department] WIFC as the [Department] WIFC deems necessary.

14 (d) (2) The license shall bear the signature of the [Secretary] EXECUTIVE
15 DIRECTOR and shall be countersigned by the issuing agent who at the same time shall
16 fill out a stub attached to the license with the name and address of the licensee. The
17 agent then shall detach the stub and mail it to the [Secretary] EXECUTIVE DIRECTOR
18 the first day of each month. The agent shall retain 50 cents as compensation for
19 issuing each license. The agent shall deliver the properly executed license to the
20 applicant in person or by mail without further cost. The licensee shall insert the
21 licensee's name in ink on the license at the time of purchase.

22 (3) The [Department] WIFC shall charge a reasonable fee for the
23 purchase of a special license.

24 (5) The license is not transferable and if used or presented by any person
25 other than the person to whom it was issued, the license shall be confiscated by the
26 [Secretary] EXECUTIVE DIRECTOR, any [Natural Resources] WIFC police officer, or
27 any OTHER law enforcement officer.

28 (f) (2) In addition to any other penalty provided by the provisions of this
29 title, if a person who holds a permit to establish and operate a regulated shooting
30 ground under this section or any other guest of that person is convicted of violating on
31 the premises of the regulated shooting ground a provision of State or federal law or
32 regulation that establishes daily or seasonal bag limits, prohibits baiting, or prohibits
33 the hunting of wetland game birds on a regulated shooting ground by the use or aid of
34 live birds as decoys, the [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE
35 DIRECTOR, shall suspend the permit:

36 (i) For the first conviction, for the following permit year; and

37 (ii) For the second or subsequent conviction, for the following 2
38 permit years.

1 10-907.

2 (a) Any person desiring to take alive, possess, train, fly, and hunt with falcons,
3 hawks, or owls shall first obtain a falconry permit from the [Secretary] WIFC.

4 (b) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR,
5 may issue a falconry permit, on the payment of a reasonable fee, to any properly
6 accredited person who:

7 (1) Is at least 14 years old;

8 (2) Has demonstrated adequate knowledge and training in the care and
9 handling of birds of prey; and

10 (3) Possesses facilities demonstrated to be of sufficient design and size to
11 properly maintain the permitted wildlife in captivity.

12 (c) The [Secretary] WIFC may adopt regulations governing the issuance,
13 revocation, terms, and conditions of the permit.

14 10-908.

15 (a) Any properly accredited person desiring to assist the [Department] WIFC
16 in the control of wildlife injurious to agriculture or other interests, or to provide care
17 and treatment of sick or injured wildlife for rehabilitation and release back to the
18 wild, shall first obtain a wildlife cooperator permit from the [Secretary] WIFC.

19 (b) (1) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE
20 DIRECTOR, may issue a wildlife cooperator permit, on the payment of a reasonable fee,
21 to a person who:

22 (i) Has adequate training in the capture, handling, and care of
23 wildlife; and

24 (ii) Owns or leases facilities demonstrated to be of sufficient size
25 and design to properly maintain the permitted wildlife in captivity.

26 (2) The [Secretary] WIFC may adopt regulations governing the issuance,
27 revocation, terms, and conditions of the permit.

28 (c) The [Secretary] EXECUTIVE DIRECTOR may designate in the permit the
29 species and numbers of wildlife authorized to be possessed and the disposition of the
30 wildlife.

31 10-909.

32 (a) Any properly accredited person of known scientific attainment desiring to
33 collect wildlife, nests, or eggs from the wild for scientific or educational purposes shall
34 first obtain a scientific collection permit from the [Secretary] WIFC.

1 (b) The [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR,
2 may issue a scientific collecting permit, on the payment of a reasonable fee, to any
3 properly accredited person who has demonstrated a legitimate scientific or
4 educational need for the requested wildlife.

5 (c) The [Secretary] WIFC may adopt regulations governing the issuance,
6 revocation, terms, and conditions of the permit.

7 10-910.

8 (a) There is a Captive Wildlife Advisory Committee. It shall be composed of 7
9 members appointed by the EXECUTIVE Director [of the Forest, Park and Wildlife
10 Service].

11 (f) From among its members, the EXECUTIVE Director shall designate a
12 chairman and a vice chairman of the Committee.

13 (i) The Committee shall:

14 (1) Review pertinent proposed regulations and give recommendations
15 and comments to the EXECUTIVE Director; and

16 (2) Advise the EXECUTIVE Director on other matters relating to captive
17 wildlife.

18 10-911.

19 (a) In addition to any other penalty provided by the provisions of this title, the
20 [Secretary] WIFC, ACTING THROUGH THE EXECUTIVE DIRECTOR, may revoke or
21 suspend any license, permit, or certificate issued to any person pursuant to this
22 subtitle if the [Secretary] EXECUTIVE DIRECTOR finds the person or a guest of the
23 person has violated:

24 (1) The terms and conditions of the license, permit, or certificate;

25 (2) Any regulation adopted to implement this subtitle; or

26 (3) Any State or federal wildlife law or regulation.

27 10-1002.

28 In order to aid the relief of crop depredations and to provide further protection to
29 wild waterfowl, any person or group of persons, individually or collectively, may apply
30 to the [Department] WIFC for a license to feed waterfowl upon land owned or
31 operated by the person or group or in waters within 300 yards of a shoreline owned or
32 operated by the person or group in accordance with the following policies and
33 guidelines and the regulations and procedures the [Secretary] WIFC adopts under the
34 authority granted. It is the purpose of this subtitle to encourage the placement of feed
35 to supplement the dwindling supply of natural feed available to wild waterfowl in the

1 State and to regulate feeding so that it is not a means of attracting wild waterfowl to,
2 on, or over the area where the hunters are attempting to take the waterfowl.

3 10-1003.

4 (a) Each application for a license to feed waterfowl shall be submitted in the
5 form and number of copies as the [Secretary] WIFC, ACTING THROUGH THE
6 EXECUTIVE DIRECTOR, prescribes. The submitted application shall show the name
7 and address of each applicant and each owner, or each lessor and lessee if the
8 property is leased. The submitted application shall contain a sufficient description of
9 the property and its location so that the property may readily be identified and
10 located.

11 (e) Applications shall be filed with the [Department] EXECUTIVE DIRECTOR
12 within 2 weeks after the [Department] WIFC has publicly released the waterfowl
13 hunting regulations for the forthcoming season.

14 10-1004.

15 If, in the opinion of the [Department] WIFC, shooting blinds or stands, either on
16 the applicant's property or the immediately adjacent property, are so placed in
17 relation to the feeding zone or zones that wild waterfowl would have to pass within
18 shooting range of the hunters in order to reach the feeding zone, the [Department]
19 WIFC may refuse to issue the applicant a license, or if issued, may cancel a license
20 where the intent of this section is not being observed.

21 10-1005.

22 (b) Within 10 days of receipt of notice of the approval by the [Department]
23 WIFC of any licensed feeding zones, each zone shall be marked with a sign not less
24 than 12 by 18 inches with printing no smaller than 12 lines (2 inches high) gothic
25 type, stating "Waterfowl feeding zone -- shooting within 400 yards prohibited". The
26 sign shall be visible above any vegetation or other obstruction. Prior to the opening of
27 the wild waterfowl hunting season, each licensed shooting blind or stand also shall be
28 posted with a similar sign, stating "Licensed Shooting Area For This Property".

29 (c) Subsequent to the issuance of a license a person may not change the
30 location of feeding zones or shooting blinds or stands without approval of the
31 [Department] WIFC.

32 (e) Feeding shall commence on and continue through the date the [Secretary]
33 WIFC designates. Prior to the opening of the wild waterfowl season feeding may be
34 done anywhere on the licensed area, if all food put out in places other than the
35 designated feeding zone is consumed or removed at least 10 days prior to the opening
36 date of the season. After that time, feed may not be placed anywhere except in the
37 designated feeding zones. As used in the regulations, feeding does not include salt
38 blocks, properly shucked corn, standing crops (including aquatics), flooded standing
39 crops, flooded harvested croplands, or grains found scattered solely as a result of
40 normal agricultural practices.

1 (f) A person may not shoot or hunt or attempt to do so within 400 yards of any
2 licensed feeding zone. The hunter or the hunter's agent may retrieve any dead or
3 crippled bird within that area in any manner lawful under the appropriate federal
4 and State regulations. A person may not shoot or hunt or attempt to do so from any
5 site or location in the licensed area, except the licensed shooting blinds and stands. In
6 addition to any other action by the [Department] WIFC, violation of this section by
7 the licensee or the licensee's agents, club members, guests, or permittees is grounds
8 for immediate revocation of the feeding license.

9 (h) Within 15 days after the designated closing date for putting out feed, the
10 licensee shall submit a written report to the [Department] WIFC giving the
11 approximate amounts and types distributed and indicating the dates the feed was
12 distributed.

13 10-1006.

14 (a) Licensed areas, not including any houses or other closed-in structures,
15 shall be open to inspection at all times by an authorized representative of the
16 [Department] WIFC or the U.S. Fish and Wildlife Service, or both.

17 (b) If upon inspection, any [Department] WIFC representative finds that the
18 terms and conditions of the license are not being observed, the applicant shall be
19 given written notice of the defect and 5 days to make the necessary change. If, upon a
20 second inspection, the requirements have not been met the license may be revoked by
21 the [Secretary] WIFC. Licensees shall be advised in writing of the findings and
22 results of every inspection.

23 10-1101.

24 (d) In addition to any administrative penalty provided in this title, violation of
25 any regulation adopted by any unit within the [Department] WIFC pursuant to the
26 provisions of this title is a misdemeanor and is punishable as provided in subsections
27 (b) and (c) of this section.

28 10-1103.

29 If any [Natural Resources] WIFC police officer or any OTHER law enforcement
30 officer has probable cause to believe that any person possesses any bird, mammal,
31 amphibian, or reptile or any device in violation of this title, the officer shall go before
32 any District Court judge of the county in which the species of wildlife or device is
33 believed to be and make affidavit to that fact. If the judge finds the affidavit legally
34 sufficient, the judge shall issue a search warrant against the person complained of,
35 directed to the officer making the affidavit, commanding the officer to proceed at once
36 and search for the bird, mammal, amphibian, or reptile or the device and, upon
37 finding it, to seize, take possession, and keep it until further order by the judge. The
38 warrant shall be executed pursuant to the Maryland Rules. The warrant shall be
39 returned within 5 days from the issuing date or within a shorter period of time set
40 forth in the search warrant.

1 10-1104.

2 (a) If a [Natural Resources] WIFC police officer or any OTHER law
3 enforcement officer has probable cause to believe that any species of wildlife or any
4 device is possessed in violation of this title, and it is not possible or feasible to secure
5 a search warrant in time to seize the bird, mammal, amphibian, or reptile or the
6 device, then the [Natural Resources police] officer may examine any boat, railway
7 car, box, crate, package, or game bag without a warrant.

8 (b) In this event, a [Natural Resources police] WIFC officer, in uniform or
9 accompanied by a uniformed police officer, may stop and search an automobile, any
10 vehicle, or trailer for the purpose of examining the game bags. The [Natural
11 Resources] WIFC police officer also may determine whether the person has an
12 appropriate license.

13 10-1105.

14 A [Natural Resources] WIFC police officer or any OTHER law enforcement
15 officer, upon arresting any person for violating any provision of this title or any
16 regulation adopted pursuant to this title, may seize every bird, mammal, reptile, and
17 amphibian unlawfully caught, sold, offered for sale, transported, or possessed. The
18 [Department] WIFC may dispose of any seized species of wildlife at the
19 [Department's] discretion OF THE WIFC.

20 10-1106.

21 (a) A [Natural Resources] WIFC police officer or any OTHER law enforcement
22 officer, upon arresting any person for violating any provision of this title or any
23 regulation adopted pursuant to this title, may seize any device, equipment,
24 conveyance, or property unlawfully used. If the owner or person in charge of the
25 seized device, equipment, conveyance, or property is convicted, the court may declare
26 the device, equipment, conveyance, or property forfeited, in addition to any other
27 penalty provided in this title. Any forfeiture becomes the property of the
28 [Department] WIFC for disposition at the [Department's] discretion OF THE WIFC. If
29 the owner is not known, the court may proceed ex parte to hear and determine any
30 question of forfeiture. If the owner or person charged with the violation is not
31 convicted, the device, equipment, conveyance, or property seized shall be released and
32 returned to the owner or person.

33 10-1107.

34 (a) If a person is convicted of violating any provision of this title and the
35 violation causes or results in the injury, death, or destruction of any wildlife,
36 including a protected species of animal, in addition to any other penalty provided in
37 this title, the court may order the person to pay restitution to the State for the
38 resource value of the wildlife, as determined by the court, taking into account
39 regulations adopted by the [Department] WIFC under subsection (b) of this section.

40 (b) The [Department] WIFC, by regulation, shall establish a schedule of
41 resource values for individual species or describe a system that a court may use in

1 determining the resource value for the species. The [Department] WIFC may use, but
2 not be limited to, known values to actually replace lost species or the [Department]
3 WIFC may ascribe to a species a value which the individual wildlife or plant provides
4 to the greater public good for the citizens of Maryland.

5 (c) (3) In each instance, the court shall order the person to pay the
6 restitution to the State. Moneys paid under this section shall be credited to the
7 [Department] WIFC to be used only for the replacement, habitat management, or
8 enforcement programs for injured, killed, or destroyed wildlife or protected species of
9 animals.

10 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding the
11 effective date of Section 1 of this Act, the Governor shall appoint the initial members
12 of the Wildlife and Inland Fisheries Commission by October 1, 2002, and their initial
13 terms shall expire as follows:

14 (1) 2 members in January 2004;

15 (2) 2 members in January 2005; and

16 (3) 3 members in January 2006.

17 SECTION 3. AND BE IT FURTHER ENACTED, That all powers, functions,
18 duties, equipment, records, assets, and liabilities related to the management of
19 wildlife and inland fisheries under Titles 1, 4, and 10 of the Natural Resources
20 Article, and all personnel assigned to these powers, functions, and duties in the
21 Department of Natural Resources, be, and they are hereby transferred to the Wildlife
22 and Inland Fisheries Commission under Titles 1A, 4, and 10 of the Natural Resources
23 Article. This transfer shall begin immediately upon the effective date of this Act and
24 shall be complete by July 1, 2003.

25 SECTION 4. AND BE IT FURTHER ENACTED, That every person who is
26 employed by the Department of Natural Resources in a wildlife and inland fisheries
27 management function in a position authorized by the State budget is hereby
28 transferred to the Wildlife and Inland Fisheries Commission on or before July 1, 2003,
29 without any change or loss of rights, benefits, or employment and retirement status,
30 except as otherwise specifically provided in this Act.

31 SECTION 5. AND BE IT FURTHER ENACTED, That with respect to powers,
32 functions, and duties transferred by this Act, the Wildlife and Inland Fisheries
33 Commission is the successor of the Department of Natural Resources, the Chairman
34 of the WIFC is the successor of the Secretary of Natural Resources for all purposes
35 related to State policy regarding the conservation and management of wildlife and
36 inland fisheries, and the Executive Director of the WIFC is the successor of the
37 Secretary of Natural Resources for all purposes related to the administration of the
38 WIFC as an independent State agency. In every law, executive order, regulation,
39 policy, rule, or document created by any department, official, employee, or unit of this
40 State, the names and titles of that department, official, employee, or unit mean the
41 name and term of the successor department, official, employee, or unit for purposes of
42 wildlife and inland fisheries management, as provided in this Act.

1 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the
2 effective date of Section 1 of this Act, the following funds shall be transferred from the
3 Department of Natural Resources to the Wildlife and Inland Fisheries Commission on
4 or before July 1, 2003:

5 (1) that portion of the State Chesapeake Bay and Endangered Species
6 Fund designated to be administered by the Wildlife and Inland Fisheries Commission
7 under § 1-703 of the Natural Resources Article, as enacted under Section 1 of this Act;

8 (2) all State funds from the sale of inland fishery licenses and stamps
9 issued under Title 4 of the Natural Resources Article or any regulations adopted
10 under the authority of Title 4;

11 (3) all State funds from the sale of hunting licenses and stamps issued
12 under Title 10 of the Natural Resources Article or any regulations adopted under the
13 authority of Title 10; and

14 (4) all other State and federal funds received or to be received by the
15 Department of Natural Resources that are related to the conservation and
16 management of wildlife and inland fisheries.

17 SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise
18 provided in this Act, nothing in this Act affects the term of office of an appointed
19 member of any board, commission, committee, or other agency or unit. A person who
20 is a member of such a unit on the effective date of this Act shall remain a member for
21 the balance of the term to which the member was appointed, unless the member
22 sooner dies, resigns, or is removed pursuant to the provisions of law.

23 SECTION 8. AND BE IT FURTHER ENACTED, That, except as expressly
24 provided to the contrary in this Act, any transaction affected by or flowing from any
25 statute here amended, repealed, or transferred, and validly entered into before the
26 effective date of this Act and every right, duty, or interest following from it remains
27 valid after the effective date of this Act and may be terminated, completed,
28 consummated, or enforced pursuant to law.

29 SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise
30 provided in this Act, all permits and licenses, applications for permits and licenses,
31 regulations, proposed regulations, standards and guidelines, proposed standards and
32 guidelines, orders and other directives, forms, plans, memberships, special funds,
33 appropriations, grants, applications for grants, contracts, properties, investigations,
34 administrative and judicial proceedings, rights to sue and be sued, and all other
35 duties and responsibilities associated with those functions transferred by this Act
36 shall continue in effect under the Wildlife and Inland Fisheries Commission or the
37 appropriate board, commission, or other unit within the WIFC, until completed,
38 withdrawn, cancelled, modified, or otherwise changed pursuant to law.

39 SECTION 10. AND BE IT FURTHER ENACTED, That pursuant to the plan of
40 reorganization proposed by this Act, in coordination with the Executive Director of
41 Legislative Services, the publishers of the Annotated Code of Maryland are hereby

1 directed to correct any cross-references, agency names, and titles that are rendered
2 incorrect by this Act, in accordance with this section.

3 SECTION 11. AND BE IT FURTHER ENACTED, That all laws or parts of laws,
4 public general or public local, or regulations, inconsistent with this Act, are repealed
5 to the extent of the inconsistency.

6 SECTION 12. AND BE IT FURTHER ENACTED, That if any provision of this
7 Act or the application thereof to any person or circumstance is held invalid for any
8 reason in a court of competent jurisdiction, the invalidity does not affect other
9 provisions or any other application of this Act which can be given effect without the
10 invalid provision or application, and for this purpose the provisions of this Act are
11 declared severable.

12 SECTION 13. AND BE IT FURTHER ENACTED, That Section 1 of this Act
13 shall take effect July 1, 2003.

14 SECTION 14. AND BE IT FURTHER ENACTED, That except for Section 1, this
15 Act shall take effect July 1, 2002.