

SENATE BILL 104

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2003 Regular Session  
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By: **Chairman, Education, Health and Environmental Affairs Committee**  
**(By Request - Departmental - Natural Resources)**

Introduced and read first time: January 23, 2003

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources - Hunting Licenses - Waterfowl Outfitter and Hunting**  
3 **Guide**

4 FOR the purpose of repealing provisions of law relating to certain hunting licenses;  
5 providing for certain waterfowl outfitter and waterfowl hunting guide licenses;  
6 establishing the fees, application procedures, and license term for certain  
7 waterfowl hunting licenses; repealing the reporting requirements for certain  
8 hunting licenses; limiting the number of waterfowl hunting guides that may be  
9 employed by a waterfowl outfitter; requiring the Department of Natural  
10 Resources to adopt certain regulations regarding the licensing and regulation of  
11 waterfowl ~~outfitter~~ outfitters and waterfowl hunting ~~guide licenses~~; guides;  
12 providing for certain penalties; providing for a delayed effective date; and  
13 generally relating to waterfowl outfitter and waterfowl hunting guide licenses.

14 BY repealing and reenacting, with amendments,  
15 Article - Natural Resources  
16 Section 10-309  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2002 Supplement)

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

1 **Article - Natural Resources**

2 10-309.

3 (a) (1) In this section, ["master hunting guide"] "WATERFOWL OUTFITTER"  
4 means an individual who:5 (i) Owns or is responsible for the operation of a commercial  
6 WATERFOWL hunting [guide organization] OUTFITTING SERVICE that outfits or  
7 guides hunters to hunt wild waterfowl; and8 (ii) Receives monetary consideration for the outfitting or guiding of  
9 hunters to hunt wild waterfowl OR THE DAILY USE OF A WATERFOWL HUNTING  
10 BLIND, A STATIONARY BLIND, OR A BLIND SITE.11 (2) ["Master hunting guide"] "WATERFOWL OUTFITTER" includes an  
12 individual who is self-employed.13 (3) ["Master hunting guide"] "WATERFOWL OUTFITTER" does not  
14 include [an] A WATERFOWL HUNTING GUIDE, agent, employee, or helper of the  
15 [master hunting guide] WATERFOWL OUTFITTER.16 (b) [This section applies only to the licensing of master hunting guides who  
17 receive monetary consideration to outfit hunters to hunt wild waterfowl] IN THIS  
18 SECTION, "WATERFOWL HUNTING GUIDE" MEANS AN INDIVIDUAL WHO:

19 (1) IS AN EMPLOYEE OF A WATERFOWL OUTFITTER; AND

20 (2) FURNISHES ONLY PERSONAL GUIDING SERVICES IN ASSISTING A  
21 PERSON TO HUNT OR TAKE WILD WATERFOWL.22 (c) [(1)] An individual shall be licensed by the Department as a [master  
23 hunting guide] WATERFOWL OUTFITTER OR A WATERFOWL HUNTING GUIDE before  
24 the individual may receive financial compensation for outfitting or guiding hunters to  
25 hunt wild waterfowl.26 [(2)] An agent, employee, or helper of a master hunting guide is exempt  
27 from the licensing requirements of this section. However, a master hunting guide  
28 shall register with the Department each agent, employee, or helper of the master  
29 hunting guide who is a field assistant.]30 (d) (1) To apply for a license as a [master hunting guide] WATERFOWL  
31 OUTFITTER OR A WATERFOWL HUNTING GUIDE, an applicant shall:32 (i) Submit an application to [any person designated by] the  
33 Department;34 (ii) Furnish any information required by the Department on the  
35 application, including the oath provided in subsection (e) of this section; and

1 (iii) Pay to the [person designated to issue the master hunting  
2 guide license] DEPARTMENT a fee of [\$100] ~~\$500~~ \$300 FOR A WATERFOWL OUTFITTER  
3 LICENSE OR ~~\$100~~ \$50 FOR A WATERFOWL HUNTING GUIDE LICENSE.

4 [(2) As compensation for issuing the license, the designated person shall  
5 retain 25 cents of each \$100 fee received under this section.

6 (3) On the first day of each month, the designated person shall send to  
7 the Department the remainder of the fees received for master hunting guide  
8 licenses.]

9 (2) ~~APPLICANTS~~ AN APPLICANT FOR A WATERFOWL OUTFITTER  
10 LICENSE SHALL BE:

11 (I) ~~INDIVIDUALS~~ AN INDIVIDUAL; OR

12 (II) ~~INDIVIDUALS~~ AN INDIVIDUAL ACTING ~~IN THEIR CAPACITY~~ AS A  
13 PRINCIPAL IN A CORPORATION OR PARTNERSHIP CREATED TO OPERATE A  
14 COMMERCIAL WATERFOWL HUNTING OUTFITTER SERVICE.

15 (3) ~~IF A WATERFOWL OUTFITTER LICENSE IS REVOKED, THIS~~  
16 ~~REVOCATION SHALL APPLY TO BOTH THE INDIVIDUAL AND ANY CORPORATION OR~~  
17 ~~PARTNERSHIP THE INDIVIDUAL REPRESENTS.~~

18 (4) (I) ONLY ONE APPLICATION FOR A WATERFOWL OUTFITTER OR  
19 WATERFOWL HUNTING GUIDE LICENSE MAY BE MADE IN ANY ONE LICENSE ~~YEAR~~;  
20 YEAR.

21 (II) ~~NO A PERSON MAY NOT HOLD MORE THAN ONE WATERFOWL~~  
22 ~~OUTFITTER LICENSE, EITHER FOR HIS OWN BENEFIT~~ THE USE AND BENEFIT OF AN  
23 INDIVIDUAL OR FOR THE USE AND BENEFIT OF A PARTNERSHIP OR ~~CORPORATION~~;  
24 ~~AND CORPORATION.~~

25 (III) THE NAME OF ANY PARTNERSHIP OR CORPORATION ~~SHALL~~  
26 MAY NOT APPEAR ON MORE THAN ONE CURRENT WATERFOWL OUTFITTER LICENSE.

27 (e) The application shall contain the following affidavit, which shall be signed  
28 before a [master hunting guide] WATERFOWL OUTFITTER LICENSE OR A  
29 WATERFOWL HUNTING GUIDE license is valid:

30 OATH

31 I, ....., the person named on the face of this license, do hereby swear  
32 or affirm that I will uphold and abide by all federal laws and regulations, all laws and  
33 regulations of the State of Maryland, and all regulations promulgated by the [Wildlife  
34 Administration] DEPARTMENT OF NATURAL RESOURCES pertaining to the hunting,  
35 taking, or possession of wild game BIRDS AND MAMMALS and will endeavor to prevent  
36 any party using my services from violating the same.

1 (Signed)  
 2 Subscribed and sworn to me this ..... day of ..., 20....  
 3 Notary Public

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

6 (g) A master hunting guide who is licensed under this section may earn  
 7 monetary compensation to outfit or guide hunters in the hunting of wild waterfowl.

8 (h) (1) The term of a license as a [master hunting guide] WATERFOWL  
 9 OUTFITTER AND A WATERFOWL HUNTING GUIDE is [valid for a term of] 1 year from  
 10 August 1 through July 31 of each year.

11 [(2) To renew a license as a master hunting guide, a licensee shall submit  
 12 an application and the \$100 fee, as provided in subsection (d) of this section.

13 (i) (1) (G) A [master hunting guide] WATERFOWL OUTFITTER who is  
 14 licensed under this section:

15 [(i) (1) [Shall report monthly to the Department the names,  
 16 addresses, and Social Security numbers of the master hunting guide's field assistants,  
 17 and the type, kinds, and total numbers of wild waterfowl that are killed daily, and the  
 18 names and license numbers of the hunters that the master hunting guide outfits or  
 19 guides, whether personally or by agent, employee, helper, or walker] MAY NOT  
 20 EMPLOY MORE THAN 10 WATERFOWL HUNTING GUIDES AT THE SAME TIME; and

21 [(ii) (2) Is responsible for the conduct of the [agents, employees, or  
 22 helpers of the hunting outfitters] WATERFOWL HUNTING GUIDES while in the course  
 23 of employment.

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

27 (3) (i) This paragraph does not prohibit the Department from  
 28 releasing to the public information required to be submitted to the Department under  
 29 this section concerning:

- 30 1. Master hunting guides; and
- 31 2. Master hunting guides' field assistants.

32 (ii) Notwithstanding any other law or regulation, the Department  
 33 may not release to the public:

1                                   1.           Information required to be submitted to the Department  
2 under this subsection concerning the names and license numbers of the hunters; and

3                                   2.           The addresses or Social Security numbers of the hunters.

4       (j)           A master hunting guide may not outfit or guide any hunter of wild  
5 waterfowl unless the hunter possesses a proper hunter's license.

6       (k)       (1)           Notwithstanding any law to the contrary, and except for a master  
7 hunting guide registering the field assistants with the Department, the Secretary or  
8 any official of the Department may not adopt any regulation concerning the licensing  
9 of agents, employees, or helpers of a master hunting guide who guide hunters to hunt  
10 wild waterfowl.

11                   (2)           The State or any of its agencies or departments may not request the  
12 federal government to enforce any federal rule or regulation concerning the licensing  
13 of agents, employees, or helpers of a master hunting guide who guide hunters to hunt  
14 wild waterfowl.

15                   (3)]       (H)       The Department[:

16                               (i)           Shall] SHALL adopt [new] regulations to carry out the  
17 purposes of this section[; and

18                               (ii)          May revoke the license of any master hunting guide for any  
19 violation of law or regulation] THAT SHALL INCLUDE:

20                   (1)           MINIMUM QUALIFICATIONS TO OBTAIN A WATERFOWL OUTFITTER  
21 AND WATERFOWL HUNTING GUIDE LICENSE AND OTHER APPLICATION  
22 REQUIREMENTS;

23                   (2)           ~~OTHER APPLICATION REQUIREMENTS;~~

24                   (3)           ~~PROCEDURES FOR THE REVIEW OF APPLICATIONS;~~

25                   (4)           ~~THE CRITERIA FOR THE ISSUANCE AND DENIAL OF LICENSES;~~

26                   (5)           ~~STANDARDS FOR THE CONDUCT OF WATERFOWL OUTFITTERS~~  
27 ~~AND WATERFOWL HUNTING GUIDES; AND~~

28                   (6)           ~~GROUND FOR THE MANDATORY REVOCATION OF A WATERFOWL~~  
29 ~~OUTFITTER LICENSE AND A WATERFOWL HUNTING GUIDE LICENSE; AND~~

30                   (7)           (5)           ANY OTHER ~~REGULATIONS~~ PROVISIONS THE DEPARTMENT  
31 FINDS NECESSARY TO REGULATE WATERFOWL OUTFITTERS AND WATERFOWL  
32 HUNTING GUIDES.

33       (l)       (1)       (1)       AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS  
34 SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A  
35 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

1 REVOCATION OF THE INDIVIDUAL'S WATERFOWL OUTFITTER LICENSE OR  
2 WATERFOWL HUNTING GUIDE LICENSE, OR BOTH.

3                   (II)     EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

4                   (2)     IF A WATERFOWL OUTFITTER LICENSE IS REVOKED, THE  
5 REVOCATION SHALL APPLY TO BOTH THE INDIVIDUAL AND ANY CORPORATION OR  
6 PARTNERSHIP THE INDIVIDUAL REPRESENTS.

7     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect February 1, 2004.