
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Natural Resources)**

Introduced and read first time: February 2, 2004

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of repealing provisions of law relating to certain master hunting
5 guide licenses; requiring certain individuals to obtain certain waterfowl
6 outfitter and waterfowl hunting guide licenses before the individual may receive
7 certain compensation; establishing the fees, application procedures, and license
8 terms for certain waterfowl hunting guide licenses; repealing the reporting
9 requirements for certain hunting guide licenses; requiring the Department of
10 Natural Resources to adopt certain regulations regarding the licensing and
11 regulation of waterfowl outfitters and waterfowl hunting guides; providing for
12 certain penalties; defining certain terms; providing for a delayed effective date;
13 and generally relating to waterfowl outfitter and waterfowl hunting guide
14 licenses.

15 BY repealing
16 Article - Natural Resources
17 Section 10-309
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY adding to
21 Article - Natural Resources
22 Section 10-309
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)

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

3 **Article - Natural Resources**

4 [10-309.

5 (a) (1) In this section, "master hunting guide" means an individual who:

6 (i) Owns or is responsible for the operation of a commercial
7 hunting guide organization that outfits or guides hunters to hunt wild waterfowl; and

8 (ii) Receives monetary consideration for the outfitting or guiding of
9 hunters to hunt wild waterfowl.

10 (2) "Master hunting guide" includes an individual who is self-employed.

11 (3) "Master hunting guide" does not include an agent, employee, or
12 helper of the master hunting guide.

13 (b) This section applies only to the licensing of master hunting guides who
14 receive monetary consideration to outfit hunters to hunt wild waterfowl.

15 (c) (1) An individual shall be licensed by the Department as a master
16 hunting guide before the individual may receive financial compensation for outfitting
17 or guiding hunters to hunt wild waterfowl.

18 (2) An agent, employee, or helper of a master hunting guide is exempt
19 from the licensing requirements of this section. However, a master hunting guide
20 shall register with the Department each agent, employee, or helper of the master
21 hunting guide who is a field assistant.

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

23 (i) Submit an application to any person designated by the
24 Department;

25 (ii) Furnish any information required by the Department on the
26 application, including the oath provided in subsection (e) of this section; and

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

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

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

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

Oath

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

(Signed)

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

.....

Notary Public

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

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

(h) (1) The term of a license as a master hunting guide is valid for a term of 1 year from August 1 through July 31 of each year.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (3) The Department:

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

20 (ii) May revoke the license of any master hunting guide for any
21 violation of law or regulation.]

22 10-309.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.

25 (2) "WATERFOWL HUNTING GUIDE" MEANS AN INDIVIDUAL WHO:

26 (I) IS AN EMPLOYEE OF A WATERFOWL OUTFITTER; AND

27 (II) FURNISHES PERSONAL GUIDING SERVICES IN ASSISTING
28 INDIVIDUALS TO HUNT WILD WATERFOWL.

29 (3) (I) "WATERFOWL OUTFITTER" MEANS AN INDIVIDUAL WHO
30 RECEIVES MONETARY CONSIDERATION FOR THE OUTFITTING OR GUIDING OF
31 HUNTERS TO HUNT WILD WATERFOWL.

32 (II) A "WATERFOWL OUTFITTER" MAY BE:

33 1. SELF-EMPLOYED; OR

1 2. AN OFFICER OF A CORPORATION OR PARTNER IN A
2 PARTNERSHIP THAT OPERATES A COMMERCIAL SERVICE THAT OUTFITS OR GUIDES
3 HUNTERS TO HUNT WILD WATERFOWL.

4 (III) "WATERFOWL OUTFITTER" DOES NOT INCLUDE A WATERFOWL
5 HUNTING GUIDE, AGENT, EMPLOYEE, OR HELPER OF A WATERFOWL OUTFITTER.

6 (B) AN INDIVIDUAL MUST BE LICENSED BY THE DEPARTMENT AS A
7 WATERFOWL OUTFITTER OR A WATERFOWL GUIDE BEFORE THE INDIVIDUAL MAY
8 RECEIVE MONETARY CONSIDERATION FOR OUTFITTING OR GUIDING A HUNTER TO
9 HUNT WILD WATERFOWL.

10 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT INCLUDE:

11 (1) MINIMUM QUALIFICATIONS TO OBTAIN A WATERFOWL OUTFITTER
12 AND WATERFOWL HUNTING GUIDE LICENSE AND OTHER APPLICATION
13 REQUIREMENTS;

14 (2) PROCEDURES FOR THE REVIEW OF APPLICATIONS;

15 (3) CRITERIA FOR THE ISSUANCE AND DENIAL OF LICENSES;

16 (4) GROUNDS FOR LICENSE SUSPENSION AND REVOCATION;

17 (5) STANDARDS FOR THE CONDUCT OF WATERFOWL OUTFITTERS AND
18 WATERFOWL HUNTING GUIDES; AND

19 (6) ANY OTHER PROVISIONS THE DEPARTMENT FINDS NECESSARY TO
20 REGULATE WATERFOWL OUTFITTERS AND WATERFOWL HUNTING GUIDES.

21 (D) (1) THE FEES FOR LICENSES ARE AS FOLLOWS:

22 (I) WATERFOWL OUTFITTER \$300

23 (II) WATERFOWL HUNTING GUIDE \$50

24 (2) THE TERM OF A WATERFOWL OUTFITTER LICENSE AND A
25 WATERFOWL HUNTING GUIDE LICENSE IS 1 YEAR FROM AUGUST 1 THROUGH JULY 31
26 OF EACH YEAR.

27 (E) THE DEPARTMENT MAY SUSPEND OR REVOKE A WATERFOWL OUTFITTER
28 LICENSE OF AN INDIVIDUAL BASED ON A CONVICTION FOR A VIOLATION BY A
29 WATERFOWL HUNTING GUIDE COMMITTED WHILE THE WATERFOWL HUNTING
30 GUIDE WAS EMPLOYED BY THE WATERFOWL OUTFITTER.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 February 1, 2005.

