

**Department of Legislative Services**  
 Maryland General Assembly  
 2004 Session

**FISCAL AND POLICY NOTE**

House Bill 492 (Chairman, Environmental Matters Committee)  
 (By Request – Departmental – Natural Resources)

Environmental Matters

Education, Health, and Environmental  
 Affairs

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

This departmental bill repeals provisions of current law relating to master hunting guide licenses and establishes two new licenses within the Department of Natural Resources (DNR) – a “waterfowl outfitter” license and a “waterfowl hunting guide” license. The fees for the new licenses would be \$300 and \$50, respectively. DNR must adopt regulations to implement the bill.

The bill takes effect February 1, 2005.

**Fiscal Summary**

**State Effect:** Special fund revenues will increase by \$50,000 annually beginning in FY 2006 as a result of the new licensing provisions. Special fund expenditures will increase by \$38,400 in FY 2006 to administer the regulatory program; future year expenditures are annualized and adjusted for inflation.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
SF Revenue	\$0	\$50,000	\$50,000	\$50,000	\$50,000
SF Expenditure	0	38,400	46,300	49,100	52,200
Net Effect	\$0	\$11,600	\$3,700	\$900	(\$2,200)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** DNR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment as discussed below.

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## Analysis

**Bill Summary:** A “waterfowl outfitter” means an individual who receives monetary consideration for the outfitting or guiding of hunters to hunt wild waterfowl. A waterfowl outfitter may be self-employed or an officer of a corporation or partner in a partnership that operates a commercial service that outfits or guides hunters to hunt wild waterfowl. The term does not include a waterfowl hunting guide, agent, employee, or helper of a waterfowl outfitter. A “waterfowl hunting guide” means an individual who is an employee of a waterfowl outfitter and furnishes only personal guiding services in assisting a person to hunt.

An individual must be licensed by DNR as a waterfowl outfitter or a waterfowl hunting guide before the individual may receive monetary consideration for outfitting or guiding hunters to hunt wild waterfowl. The term of a license as a waterfowl outfitter and a waterfowl hunting guide is one year from August 1 through July 31 of each year.

The regulations adopted by DNR must include minimum qualifications and other application requirements, procedures for the review of applications, criteria for the issuance and denial of licenses, standards for the conduct of licensees, and any other provisions DNR finds necessary to regulate waterfowl outfitters and waterfowl hunting guides.

DNR may suspend or revoke a waterfowl outfitter license based on conviction for a violation by a waterfowl hunting guide employed by the outfitter.

**Current Law:** A master hunting guide is an individual who owns or is responsible for the operation of a commercial hunting guide organization that outfits or guides hunters and receives payment for the outfitting or guiding of hunters. Before an individual can receive financial compensation for outfitting or guiding hunters to hunt waterfowl, the individual must be licensed by DNR as a master hunting guide. The fee for a master hunting guide license is \$100.

Any person who violates any provision of Title 10 – Wildlife of the Natural Resources Article is guilty of a misdemeanor. Unless another penalty is specifically provided for elsewhere, the person, upon conviction, is subject to a fine of up to \$1,500, with costs imposed in the discretion of the court. For a second or subsequent violation, a person is subject to a fine of up to \$4,000, or imprisonment for up to one year, or both. In addition, the license must be suspended for one year.

**Background:** This bill was developed out of a request by DNR’s Wildlife Advisory Commission. DNR advises that the commission is concerned with the past level of

commercial goose hunting and its contributory role in the overharvesting of Canada geese. The commission directed DNR to change the statutory framework or adopt new regulations that would prevent the level of commercial goose hunting from reaching the level observed in the 1980s and early 1990s. Accordingly, this proposal is intended to place limits on the commercial waterfowl hunting industry.

DNR advises that current law is so broad that any person wishing to take hunters for hire can do so by providing the required \$100 fee. There are virtually no requirements to become a master hunting guide. In addition, current law does not require guides or employees of a hunting guide organization to be licensed. According to DNR, this proposal will allow DNR to develop criteria that will ensure that only experienced, qualified, law-abiding citizens can become licensed outfitters or guides.

**State Revenues:** During the 2003-2004 season, DNR issued approximately 125 master hunting guide licenses at \$100 each. Under this bill, the master hunting guide license would be replaced with the waterfowl outfitter and waterfowl hunting guide licenses. Although the exact number of licenses that would be issued to outfitters and guides under the bill is unknown, special fund revenues could increase by an estimated \$50,000 annually beginning in fiscal 2006 (although the bill takes effect February 1, 2005, the bill's changes would not be implemented until the 2005-2006 season, which begins October 2005). This estimate assumes that DNR will issue 125 waterfowl outfitter licenses annually at \$300 each and 500 waterfowl hunting guide licenses annually, or an average of four guides per outfitter, at \$50 each.

**State Expenditures:** DNR advises that one permits coordinator currently handles the master hunting guide licenses in addition to several other types of permits. Special fund expenditures could increase by an estimated \$38,401 in fiscal 2006, which assumes that the bill's changes would be implemented in time for the 2005-2006 hunting season. This estimate reflects the cost of hiring one administrative specialist to administer the program, review license applications, monitor licenses, and administer revocation proceedings as needed. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses including travel.

Salary and Fringe Benefits	\$32,466
Equipment/Operating Expenses	<u>5,935</u>
<b>Total FY 2006 State Expenditures</b>	<b>\$38,401</b>

Future year expenditures reflect: (1) a full salary with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

**Small Business Effect:** Hunting guide organizations are typically small businesses. Based on information provided by DNR, the fee increases are not expected to significantly affect most hunting guide organizations. Because the bill's intent is to place limits on the waterfowl outfitter industry, however, Legislative Services advises that the regulations adopted by DNR pursuant to the bill could have potentially significant impacts on some organizations. For example, DNR has indicated that the regulations could include limits on the number of daily hunting parties that each guide would be allowed to take as well as the number of hunters in each party.

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### **Additional Information**

**Prior Introductions:** Similar legislation was introduced during the 2003 session as SB 104. The bill passed the Senate with amendments. The House Environmental Matters Committee reported the bill unfavorably.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2004  
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Analysis by: Lesley Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510