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

Introduced and read first time: January 21, 2005

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Fishing Licenses - Disability Exemption**

3 FOR the purpose of authorizing the Department of Natural Resources to issue certain
4 fishing license exemptions to certain organizations under certain circumstances;
5 providing a fishing license exemption for certain disabled veterans and certain
6 mental health patients under certain circumstances; and generally relating to
7 fishing licenses and exemptions for physically and mentally disabled
8 individuals.

9 BY adding to

10 Article - Natural Resources
11 Section 4-217
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - Natural Resources
16 Section 4-604, 4-614(a), and 4-745(a)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2004 Supplement)

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

21 **Article - Natural Resources**

22 4-217.

23 (A) (1) THE DEPARTMENT MAY ISSUE A 1-DAY LICENSE EXEMPTION TO A
24 NONPROFIT ORGANIZATION TO TAKE INDIVIDUALS WITH PHYSICAL OR MENTAL
25 DISABILITIES FISHING FROM SHORE IN THE TIDAL OR NONTIDAL WATERS OF THE
26 STATE.

1 (2) THE PRIMARY CAREGIVER OR REPRESENTATIVE OF THE
2 ORGANIZATION ATTENDING TO THE DISABLED INDIVIDUALS IS INCLUDED IN THE
3 LICENSE EXEMPTION.

4 (B) APPLICATION FOR A LICENSE EXEMPTION FOR AN ORGANIZATION
5 ATTENDING TO DISABLED INDIVIDUALS SHALL STATE THE LOCATION, TIME, AND
6 DAY OF THE EVENT AND THE NUMBER OF INDIVIDUALS COVERED BY THE
7 EXEMPTION.

8 (C) THE PRIMARY CAREGIVER OR REPRESENTATIVE OF THE ORGANIZATION
9 SHALL HAVE IN POSSESSION THE LETTER OF EXEMPTION FROM THE DIRECTOR OF
10 THE FISHERIES SERVICE WHILE THE ORGANIZATION IS ENGAGED IN FISHING
11 ACTIVITY.

12 (D) AN INDIVIDUAL COVERED UNDER THE ORGANIZATION'S LICENSE
13 EXEMPTION MAY:

14 (1) ENGAGE IN ANGLING ON THE NONTIDAL WATERS OF THE STATE
15 WITHOUT HOLDING AN ANGLER'S LICENSE UNDER § 4-604 OF THIS TITLE;

16 (2) ENGAGE IN ANGLING FOR TROUT ON THE NONTIDAL WATERS OF
17 THE STATE WITHOUT HOLDING A TROUT STAMP UNDER § 4-614 OF THIS TITLE; AND

18 (3) FISH FOR FINFISH IN THE CHESAPEAKE BAY AND ITS TRIBUTARIES
19 WITHOUT HOLDING A CHESAPEAKE BAY SPORT FISHING LICENSE UNDER § 4-745 OF
20 THIS TITLE.

21 (E) AN ANGLER'S LICENSE IS NOT REQUIRED OF THE FOLLOWING:

22 (1) A CONVALESCENT PATIENT OF A VETERANS' HOSPITAL
23 HOSPITALIZED FOR A SERVICE-CONNECTED DISABILITY WHO FISHES IN WATERS OF
24 THE STATE IF THE PATIENT SECURES A PERMIT ISSUED BY A SPECIAL SERVICE
25 OFFICER OF THE AMERICAN RED CROSS UNDER AUTHORITY GRANTED BY THE
26 DEPARTMENT;

27 (2) A PATIENT WHO IS UNDER TREATMENT BY A STATE-APPROVED
28 MENTAL HEALTH FACILITY AND AN INDIVIDUAL WHO ATTENDS OR RESIDES IN A
29 STATE-APPROVED RETARDATION FACILITY; OR

30 (3) A CAREGIVER, FAMILY MEMBER, OR DESIGNEE OF A MENTAL
31 HEALTH CARE FACILITY OR PRIVATE GROUP HOME OF A PATIENT WHO IS UNDER
32 TREATMENT BY A STATE-APPROVED MENTAL HEALTH FACILITY, IF:

33 (I) THE ADMINISTRATOR OF THE MENTAL HEALTH CARE FACILITY,
34 OR TREATING PHYSICIAN OR PSYCHOLOGIST PROVIDES THE DEPARTMENT WITH A
35 LETTER STATING THAT THE CAREGIVER OR FAMILY MEMBER IS THE PRIMARY
36 CARETAKER OF THE PATIENT; OR

37 (II) THE INDIVIDUAL ACCOMPANYING THE PATIENT CARRIES A
38 COPY OF THE LETTER DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH, OR A

1 PROFESSIONAL LICENSE OR CERTIFICATE OF A HEALTH CARE PROFESSIONAL
2 INVOLVED IN THE CARE OF THE PATIENT.

3 4-604.

4 (a) This section provides a fund to pay the expense of protecting and managing
5 game and freshwater fish and preventing unauthorized persons from fishing or
6 attempting to fish for any game and freshwater fish without first procuring an
7 angler's license.

8 (b) (1) In this section, "resident" means a person who resides in this State on
9 the date he applies for a license.

10 (2) "Resident" includes a member of the armed forces of the United
11 States who is on active duty and stationed officially in this State.

12 (c) Any person 16 years old or older shall secure an angler's license to fish in
13 the nontidal waters of the State. An angler's license entitles the holder to fish in the
14 nontidal waters of the State only during the open season.

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

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

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

23 (3) Any group of disabled or convalescent patients organized and under
24 the care and supervision of the American Red Cross, which upon the request of the
25 American Red Cross, is authorized by the Department to fish for any recreational
26 purpose in the nontidal waters;

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

30 [(5) Any patient who is under treatment by a State-approved mental
31 health facility, and any individual who attends or resides in a State-approved
32 retardation facility;

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

1 (i) The administrator of the mental health care facility, or treating
 2 physician or psychologist provides the Department with a letter stating that the
 3 caregiver or family member is the primary caretaker of the patient; or

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

7 (7)] (3) A person who fishes in nontidal waters of the State on free
 8 fishing days designated by the Secretary; [or

9 (8)] (4) A person holding a current resident consolidated senior sport
 10 fishing license issued under § 4-216 of this title; OR

11 (5) A PERSON AUTHORIZED BY A DISABILITY EXEMPTION ISSUED UNDER
 12 § 4-217 OF THIS TITLE.

13 (e) A person may apply for an angler's license to any person designated by the
 14 Department. The application shall be on a form the Department prepares and
 15 supplies. The applicant shall fill out, sign and submit the application to the person
 16 designated to issue an angler's license. A person may apply by mail.

17 (f) (1) The application shall contain the applicant's name and place of
 18 residence.

19 (2) A person may not use an assumed name or an address other than the
 20 person's legal place of residence or make any false statement to obtain an angler's
 21 license.

22 (3) Before an angler's license may be issued, the applicant for the license
 23 shall sign a statement which says:

24 "I understand that this license does not of itself permit me to fish on private
 25 property, and if I do so without permission of the owner I may be subject to a fine."

26 (g) (1) The following annual license fees shall apply:

27 (i) Resident \$10.50

28 (ii) Subject to paragraph (2)(ii) of this subsection, short-term
 29 license valid for 5 consecutive days from date of issuance \$7.50

30 (iii) Resident and nonresident blind persons No fee

31 (iv) Complimentary license No fee

32 (2) For a nonresident:

33 (i) The fee for an annual angler's license is the greater of:

34 1. \$20.50; or

1 2. A fee equal to the fee charged a Maryland resident by the
2 nonresident's home state for a similar license; and

3 (ii) The fee for a short-term license valid for 5 consecutive days
4 from the date of issuance is the greater of:

5 1. \$7.50; or

6 2. A fee equal to the fee charged a Maryland resident by the
7 nonresident's home state for a license that permits an equal number of days of fishing
8 or the next higher number of days as permitted by the Maryland license.

9 (iii) The fee for a short-term license valid for 3 consecutive days
10 from the date of issuance is the greater of:

11 1. \$5; or

12 2. A fee equal to the fee charged a Maryland resident by the
13 nonresident's home state for a license that permits an equal number of days of fishing
14 or the next higher number of days as permitted by the Maryland license.

15 (3) (i) All fees collected by the Department under this section may
16 only be used in accordance with § 4-208 of this title.

17 (ii) The Department shall publicly report annually the amounts
18 collected and the expenditures under this section.

19 (h) A person designated to sell an angler's license shall issue the license and
20 collect the fee prescribed in subsection (g) of this section. The Department shall
21 furnish the licenses to the designated persons. An angler's license shall bear the
22 Secretary's facsimile signature and the countersignature of the issuing person. The
23 person who issues the license shall enter the name and address of the licensee. The
24 collected money shall be transmitted to the Department as prescribed by the
25 Department. As compensation, the agent shall retain \$1 for each license issued.

26 (i) (1) Every angler's license shall expire on December 31 of each year
27 following the date of issuance.

28 [(j)] (2) The licensee shall sign his name in ink on the license at the time of
29 purchase.

30 (3) The license may not be transferred to another person, nor used or
31 presented by any person other than the person to whom it was issued.

32 4-614.

33 (a) (1) Except for a holder of a current resident consolidated senior sport
34 fishing license issued under § 4-216 of this title AND A PERSON AUTHORIZED BY A
35 DISABILITY EXEMPTION ISSUED UNDER § 4-217 OF THIS TITLE, a person 16 years old
36 or older may not fish in any special catch-and-return trout management area and

1 may not possess trout while fishing in nontidal waters unless the person first obtains
 2 a trout stamp in addition to an angler's license. The stamp shall be obtained from any
 3 authorized agent of the Department at a cost of \$5. The Department may designate a
 4 person engaged in a retail business to sell the trout stamp as an agent under the
 5 Department's control and supervision. The trout stamps may be furnished to agents
 6 upon consignment if the Department is given adequate security to insure ultimate
 7 payment to the Department for the stamps.

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

12 4-745.

13 (a) (1) Except as provided in subsections (c) and (d) of this section AND §
 14 4-217 OF THIS TITLE, a person may not fish for finfish in the Chesapeake Bay or in its
 15 tributaries up to tidal boundaries without first obtaining a Chesapeake Bay sport
 16 fishing license.

17 (2) The license may be obtained from the Department or from any
 18 authorized agent of the Department. The following annual license fees shall apply:

- | | | | |
|----|-------|--|--------|
| 19 | (i) | Resident | \$9 |
| 20 | (ii) | Short-term license valid for 5 consecutive days from date of | |
| 21 | issue | | \$6 |
| 22 | (iii) | Nonresident | \$14 |
| 23 | (iv) | Resident and nonresident blind persons | No fee |

24 (3) Except for a license issued under subsection (d) of this section, every
 25 Chesapeake Bay sport fishing license shall be valid for not more than 1 year and shall
 26 expire on December 31.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 October 1, 2005.