

SB0188/594730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 188
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “for” in line 2 down through “Members” in line 3; in line 4, strike “creating an” and substitute “authorizing the Department of Natural Resources to issue an annual”; strike beginning with “for” in line 5 down through “disability” in line 6 and substitute “to a governmental entity or nonprofit organization to take individuals serving or who have served in the armed forces with physical or mental disabilities fishing in certain waters; providing that the exemption applies to certain individuals attending to a certain disabled individual; requiring an application for the exemption to be submitted to the Department on a certain form; requiring a certain governmental entity or nonprofit organization to submit a certain report containing certain information within a certain time frame”; and strike in their entirety lines 9 through 23, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-217

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through line 2 on page 4, inclusive, and substitute:

“4-217.

(Over)

(a) (1) The Department may issue a 1-day license exemption to a nonprofit organization to take individuals with physical or mental disabilities fishing from shore in the tidal or nontidal waters of the State.

(2) The primary caregiver or representative of the organization attending to the disabled individuals is included in the license exemption UNDER THIS SUBSECTION.

[(b)] (3) Application for a license exemption for an organization attending to disabled individuals shall state the location, time, and day of the event and the number of individuals covered by the exemption.

(B) (1) THE DEPARTMENT MAY ISSUE AN ANNUAL LICENSE EXEMPTION TO A GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION TO TAKE INDIVIDUALS WITH PHYSICAL OR MENTAL DISABILITIES WHO ARE SERVING OR HAVE SERVED IN THE ARMED FORCES FISHING IN THE TIDAL OR NONTIDAL WATERS OF THE STATE.

(2) THE PRIMARY CAREGIVER OR REPRESENTATIVE OF THE GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION ATTENDING TO A DISABLED INDIVIDUAL UNDER THIS SUBSECTION IS INCLUDED IN THE LICENSE EXEMPTION.

(3) AN APPLICATION FOR A LICENSE EXEMPTION FOR A GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION ATTENDING TO A DISABLED INDIVIDUAL UNDER THIS SUBSECTION SHALL BE MADE ON A FORM PROVIDED BY THE DEPARTMENT.

(4) A GOVERNMENTAL ENTITY OR A NONPROFIT ORGANIZATION WITH AN EXEMPTION UNDER THIS SUBSECTION SHALL SUBMIT A REPORT TO

THE DEPARTMENT BY JANUARY 1 OF THE YEAR FOLLOWING THE EXEMPTION PERIOD THAT STATES:

(I) THE LOCATIONS FISHED UNDER THE EXEMPTION;

(II) THE DATES THE EXEMPTION WAS USED; AND

(III) THE NUMBER OF INDIVIDUALS WHO WERE COVERED BY THE EXEMPTION.

(c) The primary caregiver or representative of the GOVERNMENTAL ENTITY OR NONPROFIT organization EXEMPTED UNDER SUBSECTIONS (A) OR (B) OF THIS SECTION shall have in possession the letter of exemption from the Director of the Fisheries Service while the organization is engaged in fishing activity.

(d) An individual covered under [the organization's] A license exemption UNDER SUBSECTION (A) OR (B) OF THIS SECTION may:

(1) Engage in angling on the nontidal waters of the State without holding an angler's license under § 4-604 of this title;

(2) Engage in angling for trout on the nontidal waters of the State without holding a trout stamp under § 4-614 of this title; and

(3) Fish for finfish in the Chesapeake Bay and its tributaries or in the State waters of the Atlantic Ocean and the Atlantic coastal bays and tributaries without holding a Chesapeake Bay and coastal sport fishing license under § 4-745 of this title.

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

(Over)

(1) A convalescent patient of a veterans' hospital hospitalized for a service-connected disability who fishes in waters of the State if the patient secures a permit issued by a special service officer of the American Red Cross under authority granted by the Department;

(2) A patient who is under treatment by a State-approved mental health facility and an individual who attends or resides in a State-approved retardation facility; or

(3) A caregiver, family member, or designee of a mental health care facility or private group home of a patient who is under treatment by a State-approved mental health facility, if:

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

(ii) The individual accompanying the patient carries a copy of the letter described under item (i) of this paragraph, or a professional license or certificate of a health care professional involved in the care of the patient.”.