

SENATE BILL 188

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11r0658

By: **Senators Kittleman, Astle, Brinkley, Brochin, Colburn, Conway, Dyson, Edwards, Garagiola, Getty, Glassman, Jacobs, Jennings, McFadden, Middleton, Peters, Pipkin, Raskin, Reilly, Shank, Simonaire, and Young**
Introduced and read first time: January 26, 2011
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Recreational Fishing Licenses – Exemption for Disabled Armed Forces**
3 **Members**

4 FOR the purpose of creating an exemption from the requirement to obtain a
5 recreational fishing license under certain circumstances for a person who serves
6 in the armed forces and has a service-connected disability; clarifying that the
7 exemption applies to certain fishing activities; and generally relating to
8 exemptions from the requirement to obtain a recreational fishing license.

9 BY adding to

10 Article – Natural Resources
11 Section 4-217.1
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Natural Resources
16 Section 4-604(b) and 4-614(a)(1)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Natural Resources
21 Section 4-604(c), 4-614(a)(2), and 4-745(a)(1)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2010 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Natural Resources**

2 **4-217.1.**

3 **(A) A PERSON SERVING IN THE ARMED FORCES OF THE UNITED STATES**
4 **WHO HAS A SERVICE-CONNECTED DISABILITY MAY FISH IN THE WATERS OF THE**
5 **STATE FOR RECREATION WITHOUT OBTAINING A LICENSE OR AN APPLICABLE**
6 **STAMP IF, WHILE FISHING, THE PERSON POSSESSES VALID MILITARY**
7 **IDENTIFICATION.**

8 **(B) THE FISHING ACTIVITIES AUTHORIZED UNDER THIS SECTION**
9 **INCLUDE:**

10 **(1) ANGLING ON THE NONTIDAL WATERS OF THE STATE WITHOUT**
11 **HOLDING AN ANGLER'S LICENSE UNDER § 4-604 OF THIS TITLE;**

12 **(2) ANGLING FOR TROUT ON THE NONTIDAL WATERS OF THE**
13 **STATE WITHOUT HOLDING A TROUT STAMP UNDER § 4-614 OF THIS TITLE; AND**

14 **(3) FISHING FOR FINFISH IN THE CHESAPEAKE BAY AND ITS**
15 **TRIBUTARIES OR IN THE STATE WATERS OF THE ATLANTIC OCEAN AND THE**
16 **ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES WITHOUT HOLDING A**
17 **CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE UNDER § 4-745 OF**
18 **THIS TITLE.**

19 4-604.

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

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

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

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

30 (3) A person who fishes in nontidal waters of the State on free fishing
31 days designated by the Secretary;

1 (4) A person holding a current resident consolidated senior sport
2 fishing license issued under § 4–216 of this title; [or]

3 (5) A person authorized by a disability exemption issued under §
4 4–217 of this title; OR

5 (6) **A PERSON SERVING IN THE ARMED FORCES OF THE UNITED**
6 **STATES WHO HAS A SERVICE–CONNECTED DISABILITY AND POSSESSES VALID**
7 **MILITARY IDENTIFICATION AS PROVIDED UNDER § 4–217.1 OF THIS TITLE.**

8 4–614.

9 (a) (1) Except as provided in paragraph (2) of this subsection, a person
10 may not fish in a special catch–and–return trout management area or possess trout
11 while fishing in nontidal waters unless the person first obtains a trout stamp in
12 addition to an angler’s license.

13 (2) A trout stamp is not required of the following:

14 (i) A holder of a current resident consolidated senior sport
15 fishing license issued under § 4–216 of this title;

16 (ii) A holder of a lifetime complimentary angler’s license for
17 service disabled veterans or former prisoners of war issued under § 4–607(a)(2) of this
18 subtitle;

19 (iii) A person authorized by a disability exemption issued under
20 § 4–217 of this title;

21 (iv) A resident serving in the armed forces of the United States
22 while on leave if the resident possesses a copy of the resident’s official leave order
23 while fishing; [or]

24 (v) **A PERSON SERVING IN THE ARMED FORCES OF THE**
25 **UNITED STATES WHO HAS A SERVICE–CONNECTED DISABILITY AND POSSESSES**
26 **VALID MILITARY IDENTIFICATION AS PROVIDED UNDER § 4–217.1 OF THIS**
27 **TITLE; OR**

28 (VI) A person under 16 years of age.

29 4–745.

30 (a) (1) Except as provided in subsections (c) and (d) of this section and [§]
31 §§ 4–217 AND 4–217.1 of this title, a person may not fish for finfish in the
32 Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the
33 Atlantic Ocean and the Atlantic coastal bays and tributaries without first obtaining a

1 Chesapeake Bay and coastal sport fishing license or registration issued under
2 subsection (d)(3) of this section and possessing evidence of the license or registration.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2011.