

HOUSE BILL 62

M2

6lr0065

(PRE-FILED)

By: **Chair, Environment and Transportation Committee (By Request –
Departmental – Natural Resources)**

Requested: October 5, 2015

Introduced and read first time: January 13, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Fishing and Hunting Licenses**

3 FOR the purpose of altering the application and issuance requirements and procedures for
4 certain fishing and hunting licenses and registrations; repealing a requirement that
5 a complimentary angler's license be issued on a certain form; repealing certain
6 provisions of law authorizing under certain circumstances the issuance of certain
7 duplicate angling licenses or stamps and hunting licenses; repealing the
8 reimbursement standards and procedures applicable to agents of the Department of
9 Natural Resources who have unsold angler's or hunting licenses; altering certain
10 administrative penalties related to the unlawful use of an angler's or hunting license;
11 repealing a provision of law that authorizes a person who is sport fishing in tidal
12 waters of the State to possess evidence of a sport fishing license or registration
13 instead of actual possession of the license or registration; repealing the requirement
14 that an agent who sells Chesapeake Bay and coastal sport fishing licenses provide
15 to the Department certain security; establishing a certain administrative penalty for
16 an agent convicted of violating certain provisions of law related to the issuance of a
17 Chesapeake Bay and coastal sport fishing license or registration; repealing the
18 prohibition against issuing a hunting license without certain written consent to an
19 applicant who is under a certain age; authorizing an agent who sells and issues
20 nonresident senior hunting licenses to retain certain compensation; making certain
21 stylistic changes and technical corrections; and generally relating to fishing and
22 hunting licenses.

23 BY repealing and reenacting, with amendments,

24 Article – Natural Resources

25 Section 4-604(d), (e), (g), and (h), 4-607(c), 4-611, 4-613, 4-713(a), 4-731(a),

26 4-745(a)(1) and (4), (b), (d)(3), and (e)(3), 10-301(d), (e), (f), (h), and (j),

27 10-302, 10-303(a), 10-307, 10-308.1(c), and 10-312

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume and 2015 Supplement)

2 BY repealing

3 Article – Natural Resources

4 Section 4–609, 4–614(d), and 10–305

5 Annotated Code of Maryland

6 (2012 Replacement Volume and 2015 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – Natural Resources

9 Section 10–308.1(a) and (b)

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2015 Supplement)

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

14 **Article – Natural Resources**

15 4–604.

16 (d) [(1) A person may apply for an angler’s license to any person designated by
17 the Department.

18 (2) The application shall be on a form the Department prepares and
19 supplies.

20 (3) The applicant shall fill out, sign and submit the application to the
21 person designated to issue an angler’s license.

22 (4) A person may apply by mail] **A PERSON WHO WISHES TO OBTAIN AN
23 ANGLER’S LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION TO THE
24 DEPARTMENT OR TO ANY PERSON DESIGNATED BY THE DEPARTMENT TO ISSUE AN
25 ANGLER’S LICENSE.**

26 (e) (1) An applicant for a license issued under this section shall provide all the
27 information requested by the Department [on forms issued by the Department].

28 (2) The Department shall require an applicant for a license under this
29 section to provide the last four digits of the applicant’s Social Security number, if the
30 applicant has a Social Security number.

31 (g) A person designated to sell an angler’s license shall issue the license and
32 collect the fee prescribed in subsection (f) of this section. [The Department shall furnish the
33 licenses to the designated persons. An angler’s license shall bear the Secretary’s facsimile
34 signature and the countersignature of the issuing person. The person who issues the license

1 shall enter the name and address of the licensee.] The collected money shall be transmitted
2 to the Department as prescribed by the Department. As compensation, the agent shall
3 retain \$1 for each license issued.

4 (h) (1) Every angler's license shall be valid for 1 year following the date of
5 issuance.

6 (2) The licensee shall [sign his name in ink on the license at the time of
7 purchase] **ELECTRONICALLY OR PHYSICALLY SIGN THE LICENSE AT THE TIME OF**
8 **PURCHASE.**

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

11 4-607.

12 (c) A complimentary license is not transferable and shall be issued without a fee
13 [on forms the Department designates].

14 [4-609.

15 The Department or any authorized agent of the Department may issue a duplicate
16 angler's license for a fee not exceeding \$1 if a person indicates that the angler's license is
17 lost and is on record for previously purchasing an angler's license.]

18 4-611.

19 (a) Any person engaged in a retail business who desires to sell angler's licenses
20 as an agent under the Department's control and supervision shall apply to the Department
21 [on forms prepared and prescribed by the Department. The Department may furnish
22 angler's licenses on consignment to any agent who provides] **AND PROVIDE** a bond or other
23 security deemed sufficient and adequate by the Department to insure payment for the
24 licenses.

25 (b) [The agent shall fill out every license and duplicate stub in a legible and
26 proper manner and submit any necessary report of sales together with the duplicate stubs
27 after the first day of each month as long as he sells these licenses in accordance with §
28 4-604 of this subtitle. The report and stubs shall reach the Department by the seventh day
29 of each succeeding month. The Department shall reimburse any agent who does not dispose
30 of every angler's license purchased from the Department and who presents the unused
31 licenses intact in their original books to the Department for a refund before March 31 of
32 each year, for the amount of licenses returned and after they are checked and found correct.
33 Every angler's license not returned by March 31 shall be deemed sold and is not
34 reimbursable, unless accompanied by a notarized statement stating why the license is
35 returned late. The Department, after review, may reimburse the agent] **LICENSE FEES**

1 COLLECTED BY AN AGENT SHALL BE FORWARDED TO THE DEPARTMENT ON A
2 SCHEDULE AND IN A MANNER PRESCRIBED BY THE DEPARTMENT.

3 (c) (1) An agent may not make any false statement concerning any date of
4 issuance or other license data. [Every license book or stub shall be available for any law
5 enforcement officer to inspect at any time during the regular business day.]

6 (2) An agent may not issue any license without receiving the license fees
7 required by law. [A receipt may not be issued in lieu of an angler's license.]

8 (d) In addition to any other penalty provided for in this title, any agent convicted
9 of violating [the provisions of] this section shall [have his angler's license—issuing privilege
10 rescinded] **LOSE THE AGENT'S PRIVILEGES.**

11 4-613.

12 (a) [A Natural Resources police officer or law enforcement officer may confiscate]
13 **THE DEPARTMENT MAY SUSPEND** a person's angler's license if it is transferred to
14 another person or used or presented **TO A LAW ENFORCEMENT OFFICER** by a person other
15 than the person to whom it was issued, **PENDING THE DISPOSITION OF A CRIMINAL**
16 **PROCEEDING AGAINST THE OTHER PERSON.**

17 (b) In addition to any penalty provided in this title, if any person is convicted of
18 fishing without a proper angler's license in his possession, or using another person's
19 angler's license, the angler's license shall be [confiscated] **RENDERED VOID.** The person
20 upon whom the angler's license is found and the licensee[,] may not procure an angler's
21 license [the following calendar year] **FOR 1 YEAR FOLLOWING THE DATE OF**
22 **CONVICTION.** However, the provisions of this section do not apply to a licensee who does
23 not knowingly give his license to another.

24 4-614.

25 [(d) The Department or any authorized agent of the Department may issue a
26 duplicate trout stamp for a fee not exceeding \$1 if a person indicates that the trout stamp
27 is lost and is on record for previously purchasing a trout stamp.]

28 4-713.

29 (a) A person who fishes with haul seine equipment shall [carry] **POSSESS** a tidal
30 fish license to catch finfish.

31 4-731.

32 (a) (1) Except as provided in paragraph (2) of this subsection, a person may
33 not sell, offer for sale, or transport across a boundary of the State any striped bass,

1 commonly known as rockfish, caught from the State waters of the Chesapeake Bay and its
2 tributaries unless the person [has in his possession] **POSSESSES** one of the following:

- 3 (i) A valid commercial fishing license issued in his name;
- 4 (ii) A dated bill of sale signed by the licensed commercial fisherman
5 who caught the fish; or
- 6 (iii) A dated bill of sale signed by a dealer or wholesaler from whom
7 the fish were purchased.

8 (2) However, a nonresident of the State who has caught striped bass from
9 State waters by hook and line may transport across a boundary of the State not more than
10 100 pounds of striped bass on any day for any purpose other than sale.

11 4-745.

12 (a) (1) Except as provided in subsections (c) and (d) of this section and § 4-217
13 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up
14 to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays
15 and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing
16 license or registration issued under subsection (d)(3) of this section and possessing
17 [evidence of] the license or registration.

18 (4) An applicant for a license issued under this section shall provide all the
19 information requested by the Department [on forms issued by the Department].

20 (b) (1) The Department may designate a person engaged in a commercial
21 enterprise to sell the Chesapeake Bay and coastal sport fishing license or issue a
22 registration under subsection (d) of this section as an agent under the Department's control
23 and supervision.

24 (2) (i) As compensation, the agent shall retain \$1 for each license
25 issued.

26 (ii) There is no agent compensation for each registration issued.

27 (3) [The Chesapeake Bay and coastal sport fishing license shall be
28 furnished to an agent upon satisfactory payment or upon consignment and only if the
29 Department is given adequate security to insure ultimate payment by an agent to the
30 Department for the licenses.

31 (4) (i) Except as provided in subparagraph (ii) of this paragraph, all
32 fees collected on behalf of the Department pursuant to this section shall be remitted to the
33 Department in accordance with its rules and regulations for deposit with the State
34 Treasurer to the credit of the Fisheries Research and Development Fund to be used for the
35 replenishment, protection, and conservation of fish stocks caught by recreational

1 fishermen, for enhancement of recreational fishing opportunities, and for research
 2 concerning tidal fishery resources. The Department shall publicly report annually the
 3 amounts collected and the expenditures.

4 (ii) In fiscal year 1999 and in each subsequent fiscal year, the
 5 Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall use:

6 1. \$2 from the sale of each license under subsection (a) of this
 7 section;

8 2. \$20 from the sale of each license under subsection (d)(2) of
 9 this section; and

10 3. \$225 of the special charter boat license under subsection
 11 (d)(1) of this section.

12 (iii) The Department shall use the moneys specified in subparagraph
 13 (ii) of this paragraph for:

14 1. Achieving the maximum federal fund apportionments;

15 2. Management assessment and sport fishing surveys; and

16 3. Angler outreach and public fishing information.

17 ~~[(5)]~~ (4) In the preparation of plans for the expenditure of license receipts,
 18 the Secretary annually shall solicit the advice and opinions of the Department's Sport
 19 Fisheries Advisory Commission, representative fishing and boating associations, and other
 20 interested parties.

21 **(5) IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR IN THIS**
 22 **TITLE, AN AGENT CONVICTED OF VIOLATING THIS SECTION SHALL LOSE THE**
 23 **AGENT'S PRIVILEGES.**

24 (d) (3) (i) An individual shall register with the Department before fishing
 25 in any of the following areas that do not require a Chesapeake Bay and coastal sport fishing
 26 license:

27 1. A free fishing area established under § 4-214(b)(1) of this
 28 title with hook and line;

29 2. On private real property bordering on tidal water as an
 30 owner or tenant of the property, or a spouse or an immediate family member who resides
 31 on the property with the owner or tenant; and

32 3. On a boat licensed under paragraph (2) of this subsection.

1 (ii) There is no fee for registration under this paragraph.

2 (iii) An individual required to register under this paragraph shall
3 provide all the information requested by the Department [on forms issued by the
4 Department].

5 (e) (3) A complimentary license is not transferable [and shall be issued on
6 forms the Department designates].

7 10-301.

8 (d) [(1) A person may apply for a hunter's license to any person designated by
9 the Department.

10 (2) The application shall be on a form the Department prepares and
11 supplies.

12 (3) The applicant shall fill out, sign, and submit the application to the
13 person designated to issue the hunter's license.

14 (4) A person may apply by mail] **A PERSON WHO WISHES TO OBTAIN A
15 HUNTING LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION TO THE
16 DEPARTMENT OR TO ANY PERSON DESIGNATED BY THE DEPARTMENT TO ISSUE A
17 HUNTING LICENSE.**

18 (e) [(1) The application shall contain the applicant's name, height, color of eyes
19 and hair, place of residence, and] **AN APPLICANT FOR A LICENSE ISSUED UNDER THIS
20 SECTION SHALL PROVIDE ALL THE INFORMATION REQUIRED BY THE DEPARTMENT,
21 INCLUDING** the last four digits of the applicant's Social Security number, if the applicant
22 has a Social Security number.

23 [(2) If the applicant is a nonresident, the applicant also shall present the
24 applicant's driver's license, voter's card, or resident hunter's license.]

25 (f) Before a hunting license may be issued the applicant for the license shall [sign
26 a statement which says:

27 "I understand that this hunting license does not of itself permit me to hunt on private
28 property, and if I do so without permission of the owner, I may be subject to a fine."]
29 **ACKNOWLEDGE, AS A COMPONENT OF THE APPLICATION, THAT A HUNTING LICENSE
30 DOES NOT OF ITSELF PERMIT AN INDIVIDUAL TO HUNT ON PRIVATE PROPERTY.**

31 (h) (1) The person designated to sell the hunting licenses and individual
32 hunting stamps shall issue the hunting licenses and individual hunting stamps and collect
33 the fee prescribed in subsection (g) of this section. [A hunting license may not be issued to

1 any person under the age of 16 years without the written consent of the person's parent or
2 guardian. The Department shall furnish the hunting licenses and individual hunting
3 stamps to the designated person. The issuing person shall countersign the license, and
4 retain the duplicate copy of the license. The duplicate copies and money collected every
5 month shall be mailed to the Department on the first day of the succeeding month each
6 year.]

7 (2) The designated person who sells and issues the hunting licenses and
8 individual hunting stamps shall retain as compensation 75 cents for each resident senior
9 hunting license and individual hunting stamp sold and issued and shall retain as
10 compensation \$1.50 for each resident junior, nonresident junior, resident regular,
11 nonresident regular, **NONRESIDENT SENIOR**, and nonresident 3-day hunting license sold
12 and issued.

13 (j) The licensee shall [sign the licensee's name in ink on] **ELECTRONICALLY OR**
14 **PHYSICALLY SIGN** the hunting license at the time the licensee obtains the hunting license.
15 It may not be transferred to any other person.

16 10-302.

17 (a) Any person engaged in a retail business who desires to sell the resident
18 hunting license, either nonresident hunting license or individual hunting stamps as an
19 agent under the Department's control and supervision shall apply to the Department [on
20 forms prepared and prescribed by the Department. The Department may furnish resident
21 and nonresident hunting licenses of any type and individual hunting stamps on
22 consignment to any agent who provides] **AND PROVIDE** a bond or other security deemed
23 sufficient and adequate by the Department to insure payment for the resident and
24 nonresident hunting licenses of any type and individual hunting stamps.

25 (b) [(1) The agent shall fill out every license and duplicate license in a legible
26 and proper manner.

27 (2) The agent shall submit any necessary report of sale together with the
28 duplicate license after the first day of each month as long as the agent sells these licenses
29 in accordance with § 10-301 of this subtitle. The report and duplicate licenses shall reach
30 the Department by the seventh day of each succeeding month.

31 (3) The Department shall reimburse any agent not operating on
32 consignment the sum paid for unissued resident and nonresident hunting licenses of any
33 type and individual hunting stamps provided they are returned intact, and still attached
34 in the issuing books by June 30 of each year, and have been checked and found to be correct
35 by the Department. Every hunting license and individual hunting stamp not returned by
36 June 30 shall be deemed sold and not reimbursable unless accompanied by a statement
37 under oath stating why the hunting license or individual hunting stamp is returned late.
38 The Department, after review, may reimburse the agent] **LICENSE FEES COLLECTED BY**

1 AN AGENT SHALL BE FORWARDED TO THE DEPARTMENT ON A SCHEDULE AND IN A
2 MANNER PRESCRIBED BY THE DEPARTMENT.

3 (c) (1) [A designated person] AN AGENT may not make any false statement
4 concerning any date of issuance or other resident or nonresident hunting license of any type
5 or individual hunting stamp data. [Every hunting license book, duplicate individual
6 hunting license, or individual hunting stamp shall be available for any law enforcement
7 officer to inspect at any time during the regular business day.]

8 (2) An agent may not issue any hunting license or individual hunting
9 stamp without receiving the fees required by law. [A receipt may not be issued in lieu of a
10 hunting license or individual hunting stamp.]

11 (d) In addition to any other penalty provided for by the provisions of this title, any
12 agent convicted of violating the provisions of this section shall [have the agent's hunting
13 license and individual hunting stamp issuing privilege rescinded] **LOSE THE AGENT'S**
14 **PRIVILEGES.**

15 10-303.

16 (a) (1) The Department annually may issue a complimentary hunter's license
17 to the President of the United States, the governor of any state, or an official or an
18 enforcement officer of the game and fish management agency of another state which
19 reciprocally offers complimentary hunting licenses.

20 (2) (i) The Department may issue a lifetime complimentary hunter's
21 license to a Maryland resident who certifies that the resident is a former prisoner of war or
22 100% service connected disabled American veteran.

23 (ii) The Department may issue a lifetime complimentary hunter's
24 license to an out-of-state person who certifies that the person is a former prisoner of war
25 or a 100% service connected disabled American veteran if the person's state of residence
26 extends similar privileges to former prisoners of war or 100% service connected disabled
27 American veterans of this State.

28 (3) A complimentary license is not transferable [and shall be issued on
29 forms designated by the Department].

30 [10-305.

31 If any person loses the person's hunter's license, the person may make affidavit
32 stating the date the license was issued, its number, description, and the name of the
33 designated person who issued the license. Upon receipt of this information the Department
34 may issue a duplicate hunting license for a \$5 fee.]

1 10-307.

2 The Department may issue a special permit to a disabled person who has a hunting
3 license authorizing the person to hunt from a stopped vehicle which is not on a public
4 highway. The Department shall prescribe regulations requiring applicants to submit
5 reasons for granting this permit, and shall require every licensee to [carry] POSSESS this
6 permit while hunting.

7 10-308.1.

8 (a) In addition to any other requirement, a person hunting migratory game birds
9 in the State first shall purchase a Maryland migratory game bird stamp.

10 (b) (1) A person may obtain a Maryland migratory game bird stamp for a fee
11 of \$9.00 from any person designated by the Department. The issuing person designated
12 shall retain the sum of 75 cents as compensation for issuing each stamp. The balance of the
13 fee is paid over and accounted for to the State Treasurer. The Treasurer shall credit all
14 such fees received to the State Wildlife Management and Protection Fund, in accordance
15 with § 10-209 of this title.

16 (2) The Department may sell expired stamps below face value to the
17 general public for a period of 3 years, after which time the Department shall shred any
18 unsold expired stamps. All revenues derived from the sale of these stamps shall revert back
19 to the Game Management Fund.

20 (c) [A printed receipt from the Department showing proof of purchase of the
21 Maryland migratory game bird stamp must be carried on the person while hunting
22 migratory game birds] **WHILE HUNTING MIGRATORY GAME BIRDS, A PERSON MUST BE
23 IN POSSESSION OF PROOF OF PURCHASE OF THE MARYLAND MIGRATORY GAME
24 BIRD STAMP.**

25 10-312.

26 (a) [A Natural Resources police officer or law enforcement officer shall confiscate]
27 **THE DEPARTMENT SHALL SUSPEND** a person's hunter's license if the license is used or
28 presented **TO A LAW ENFORCEMENT OFFICER** by a person other than the person to whom
29 the license was issued, **PENDING THE DISPOSITION OF A CRIMINAL PROCEEDING
30 AGAINST THE OTHER PERSON.**

31 (b) In addition to any penalty provided in this title, if any person is convicted of
32 hunting without a proper hunter's license in the person's possession, or using another
33 person's hunter's license, the hunter's license shall be [confiscated] **RENDERED VOID.** The
34 person upon whom the hunter's license is found and the licensee may not procure a hunter's
35 license the following [calendar] **HUNTING LICENSE** year. However, this section does not
36 apply to a licensee who does not knowingly give the licensee's license to another.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2016.