

HOUSE BILL 62

M2

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(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

Committee Report: Favorable

House action: Adopted

Read second time: February 23, 2016

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Natural Resources
 3 Section 4–604(d), (e), (g), and (h), 4–607(c), 4–611, 4–613, 4–713(a), 4–731(a),
 4 4–745(a)(1) and (4), (b), (d)(3), and (e)(3), 10–301(d), (e), (f), (h), and (j),
 5 10–302, 10–303(a), 10–307, 10–308.1(c), and 10–312
 6 Annotated Code of Maryland
 7 (2012 Replacement Volume and 2015 Supplement)

8 BY repealing
 9 Article – Natural Resources
 10 Section 4–609, 4–614(d), and 10–305
 11 Annotated Code of Maryland
 12 (2012 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, without amendments,
 14 Article – Natural Resources
 15 Section 10–308.1(a) and (b)
 16 Annotated Code of Maryland
 17 (2012 Replacement Volume and 2015 Supplement)

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

20 **Article – Natural Resources**

21 4–604.

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

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

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

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

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

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

4 (g) A person designated to sell an angler's license shall issue the license and
5 collect the fee prescribed in subsection (f) of this section. [The Department shall furnish the
6 licenses to the designated persons. An angler's license shall bear the Secretary's facsimile
7 signature and the countersignature of the issuing person. The person who issues the license
8 shall enter the name and address of the licensee.] The collected money shall be transmitted
9 to the Department as prescribed by the Department. As compensation, the agent shall
10 retain \$1 for each license issued.

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

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

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

18 4-607.

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

21 [4-609.

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

25 4-611.

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

32 (b) [The agent shall fill out every license and duplicate stub in a legible and
33 proper manner and submit any necessary report of sales together with the duplicate stubs
34 after the first day of each month as long as he sells these licenses in accordance with §
35 4-604 of this subtitle. The report and stubs shall reach the Department by the seventh day

1 of each succeeding month. The Department shall reimburse any agent who does not dispose
2 of every angler's license purchased from the Department and who presents the unused
3 licenses intact in their original books to the Department for a refund before March 31 of
4 each year, for the amount of licenses returned and after they are checked and found correct.
5 Every angler's license not returned by March 31 shall be deemed sold and is not
6 reimbursable, unless accompanied by a notarized statement stating why the license is
7 returned late. The Department, after review, may reimburse the agent] **LICENSE FEES**
8 **COLLECTED BY AN AGENT SHALL BE FORWARDED TO THE DEPARTMENT ON A**
9 **SCHEDULE AND IN A MANNER PRESCRIBED BY THE DEPARTMENT.**

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

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

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

18 4-613.

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

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

31 4-614.

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

35 4-713.

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

3 4-731.

4 (a) (1) Except as provided in paragraph (2) of this subsection, a person may
5 not sell, offer for sale, or transport across a boundary of the State any striped bass,
6 commonly known as rockfish, caught from the State waters of the Chesapeake Bay and its
7 tributaries unless the person [has in his possession] POSSESSES one of the following:

8 (i) A valid commercial fishing license issued in his name;

9 (ii) A dated bill of sale signed by the licensed commercial fisherman
10 who caught the fish; or

11 (iii) A dated bill of sale signed by a dealer or wholesaler from whom
12 the fish were purchased.

13 (2) However, a nonresident of the State who has caught striped bass from
14 State waters by hook and line may transport across a boundary of the State not more than
15 100 pounds of striped bass on any day for any purpose other than sale.

16 4-745.

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

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

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

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

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

32 (3) [The Chesapeake Bay and coastal sport fishing license shall be
33 furnished to an agent upon satisfactory payment or upon consignment and only if the

1 Department is given adequate security to insure ultimate payment by an agent to the
2 Department for the licenses.

3 (4) (i) Except as provided in subparagraph (ii) of this paragraph, all
4 fees collected on behalf of the Department pursuant to this section shall be remitted to the
5 Department in accordance with its rules and regulations for deposit with the State
6 Treasurer to the credit of the Fisheries Research and Development Fund to be used for the
7 replenishment, protection, and conservation of fish stocks caught by recreational
8 fishermen, for enhancement of recreational fishing opportunities, and for research
9 concerning tidal fishery resources. The Department shall publicly report annually the
10 amounts collected and the expenditures.

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

- 13 1. \$2 from the sale of each license under subsection (a) of this
14 section;
- 15 2. \$20 from the sale of each license under subsection (d)(2) of
16 this section; and
- 17 3. \$225 of the special charter boat license under subsection
18 (d)(1) of this section.

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

- 21 1. Achieving the maximum federal fund apportionments;
- 22 2. Management assessment and sport fishing surveys; and
- 23 3. Angler outreach and public fishing information.

24 [(5)] (4) In the preparation of plans for the expenditure of license receipts,
25 the Secretary annually shall solicit the advice and opinions of the Department's Sport
26 Fisheries Advisory Commission, representative fishing and boating associations, and other
27 interested parties.

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

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

- 1 1. A free fishing area established under § 4–214(b)(1) of this
2 title with hook and line;
- 3 2. On private real property bordering on tidal water as an
4 owner or tenant of the property, or a spouse or an immediate family member who resides
5 on the property with the owner or tenant; and
- 6 3. On a boat licensed under paragraph (2) of this subsection.
- 7 (ii) There is no fee for registration under this paragraph.
- 8 (iii) An individual required to register under this paragraph shall
9 provide all the information requested by the Department [on forms issued by the
10 Department].
- 11 (e) (3) A complimentary license is not transferable [and shall be issued on
12 forms the Department designates].
- 13 10–301.
- 14 (d) [(1) A person may apply for a hunter’s license to any person designated by
15 the Department.
- 16 (2) The application shall be on a form the Department prepares and
17 supplies.
- 18 (3) The applicant shall fill out, sign, and submit the application to the
19 person designated to issue the hunter’s license.
- 20 (4) A person may apply by mail] **A PERSON WHO WISHES TO OBTAIN A
21 HUNTING LICENSE SHALL COMPLETE AND SUBMIT AN APPLICATION TO THE
22 DEPARTMENT OR TO ANY PERSON DESIGNATED BY THE DEPARTMENT TO ISSUE A
23 HUNTING LICENSE.**
- 24 (e) [(1) The application shall contain the applicant’s name, height, color of eyes
25 and hair, place of residence, and] **AN APPLICANT FOR A LICENSE ISSUED UNDER THIS
26 SECTION SHALL PROVIDE ALL THE INFORMATION REQUIRED BY THE DEPARTMENT,
27 INCLUDING** the last four digits of the applicant’s Social Security number, if the applicant
28 has a Social Security number.
- 29 [(2) If the applicant is a nonresident, the applicant also shall present the
30 applicant’s driver’s license, voter’s card, or resident hunter’s license.]
- 31 (f) Before a hunting license may be issued the applicant for the license shall [sign
32 a statement which says:

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

5 (h) (1) The person designated to sell the hunting licenses and individual
6 hunting stamps shall issue the hunting licenses and individual hunting stamps and collect
7 the fee prescribed in subsection (g) of this section. [A hunting license may not be issued to
8 any person under the age of 16 years without the written consent of the person’s parent or
9 guardian. The Department shall furnish the hunting licenses and individual hunting
10 stamps to the designated person. The issuing person shall countersign the license, and
11 retain the duplicate copy of the license. The duplicate copies and money collected every
12 month shall be mailed to the Department on the first day of the succeeding month each
13 year.]

14 (2) The designated person who sells and issues the hunting licenses and
15 individual hunting stamps shall retain as compensation 75 cents for each resident senior
16 hunting license and individual hunting stamp sold and issued and shall retain as
17 compensation \$1.50 for each resident junior, nonresident junior, resident regular,
18 nonresident regular, **NONRESIDENT SENIOR**, and nonresident 3–day hunting license sold
19 and issued.

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

23 10–302.

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

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

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

1 (3) The Department shall reimburse any agent not operating on
2 consignment the sum paid for unissued resident and nonresident hunting licenses of any
3 type and individual hunting stamps provided they are returned intact, and still attached
4 in the issuing books by June 30 of each year, and have been checked and found to be correct
5 by the Department. Every hunting license and individual hunting stamp not returned by
6 June 30 shall be deemed sold and not reimbursable unless accompanied by a statement
7 under oath stating why the hunting license or individual hunting stamp is returned late.
8 The Department, after review, may reimburse the agent] **LICENSE FEES COLLECTED BY
9 AN AGENT SHALL BE FORWARDED TO THE DEPARTMENT ON A SCHEDULE AND IN A
10 MANNER PRESCRIBED BY THE DEPARTMENT.**

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

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

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

23 10-303.

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

28 **(2)** **(i)** The Department may issue a lifetime complimentary hunter's
29 license to a Maryland resident who certifies that the resident is a former prisoner of war or
30 100% service connected disabled American veteran.

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

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

1 [10-305.

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

6 10-307.

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

12 10-308.1.

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

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

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

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

30 10-312.

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.