

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 911

(Senator Simonaire)

Education, Energy, and the Environment

Environment and Transportation

Natural Resources - Fishing Licenses and Stamps - Exemptions

This bill authorizes the Department of Natural Resources (DNR) to issue an annual recreational fishing license exemption to a governmental entity or a nonprofit organization to provide fishing clinics and instructional opportunities to specified individuals, allowing the individuals to participate in the clinics and instructional opportunities without being licensed. The bill also alters a reporting requirement that applies to the bill's exemption as well as an existing exemption. Finally, the bill authorizes DNR to adopt related regulations. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: No material effect in FY 2023. Special fund revenues may increase beginning in FY 2024, as discussed below. Expenditures are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill adds to existing provisions authorizing certain recreational fishing license exemptions for governmental entities and/or nonprofit organizations. Specifically, the bill authorizes DNR to issue an annual license exemption to a governmental entity or a nonprofit organization to provide fishing clinics and instructional opportunities to (1) individuals who are serving or have served in the U.S. Armed Forces; (2) individuals who are participating in a physical or mental wellness outdoor event; (3) individuals who are participating in a special needs outdoor event; (4) individuals who are acting under the

authority of a scientific collection permit (issued to a properly accredited person who has demonstrated a legitimate scientific or educational need to collect fish, fish eggs, shellfish, or aquatic invertebrates from the wild for scientific or educational purposes); or (5) residents of the State who are underserved with respect to fishing opportunities, as determined by DNR in regulation.

An individual covered under the license exemption may (1) engage in angling on the nontidal waters of the State without holding an angler's license; (2) engage in angling for trout on the nontidal waters of the State without holding a trout stamp; 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 their tributaries without holding a Chesapeake Bay and coastal sport fishing license. The primary caregiver or representative of the governmental entity or nonprofit organization attending to or instructing an individual is also included in the license exemption.

A governmental entity or nonprofit organization must apply for the exemption on a form provided by DNR, and the primary caregiver or representative of the governmental entity or nonprofit organization must have in possession the letter of exemption from the Director of the Fisheries Service while the organization is engaged in fishing activity.

The bill modifies an existing requirement that a governmental entity or a nonprofit organization submit a report to DNR by January 1 of the year following the exemption period – which, under the bill, applies to both the new exemption authorized by the bill and an existing annual license exemption (discussed below under Current Law) – so that statute requires the governmental entity or nonprofit organization to provide event and participant information as required by DNR rather than specifying that the information submitted be (1) the locations fished under the exemption; (2) the dates the exemption was used; and (3) the number of individuals who were covered by the exemption.

The bill also authorizes DNR to adopt regulations to carry out the bill's provision authorizing the new exemption, as well as specified existing provisions authorizing exemptions.

Current Law:

Existing Exemptions for Governmental Entities and Nonprofit Organizations

DNR may issue (1) a one-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 and (2) 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 of the United States fishing in the tidal or nontidal waters of the State.

An individual covered under the license exemptions may (1) engage in angling on the nontidal waters of the State without holding an angler's license; (2) engage in angling for trout on the nontidal waters of the State without holding a trout stamp; 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 their tributaries without holding a Chesapeake Bay and coastal sport fishing license. The primary caregiver or representative of the governmental entity or nonprofit organization attending to a disabled individual is also included in the license exemptions.

The primary caregiver or representative of the governmental entity or nonprofit organization must have in possession the letter of exemption from the Director of the Fisheries Service while the organization is engaged in fishing activity.

For the annual license exemption, the governmental entity or nonprofit organization must submit a report to DNR by January 1 of the year following the exemption period that states (1) the locations fished under the exemption; (2) the dates the exemption was used; and (3) the number of individuals who were covered by the exemption.

Angler's Licenses, Trout Stamps, and Sport Fishing Licenses

Subject to certain exceptions:

- any person age 16 or older must secure an angler's license to fish in the nontidal waters of the State;
- a person may not fish or possess trout in an area established by DNR as an area where a trout stamp is required, unless the person first obtains a trout stamp in addition to an angler's license; and
- a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or a specified registration.

The fees for annual resident angler's and Chesapeake Bay and coastal sport fishing licenses are \$20.50 and \$15.00, respectively. The fee for a trout stamp is \$5 for residents. Lower fees apply for short-term, seven-day licenses and higher fees apply for annual nonresident licenses and for trout stamps for nonresidents.

State Revenues: Special fund revenues may increase, beginning in fiscal 2024, to the extent that participants in fishing clinics and instructional opportunities held under the SB 911/ Page 3

bill's license exemption subsequently purchase an angler's license, trout stamp, and/or Chesapeake Bay and coastal sport fishing license to fish on their own. The extent of any increase cannot be reliably estimated, but DNR indicates that the increase in revenues may be meaningful. DNR indicates that events/opportunities held under the existing license exemptions (discussed under Current Law) serve approximately 800 individuals on average and the bill allows for fishing clinics and instructional opportunities to be offered to a broader range of individuals.

The bill is not expected to result in any decrease in revenues. The license exemption is not expected to cause any individuals to forego purchasing a license they otherwise would have purchased.

Angler's license and trout stamp fee revenues are deposited in the Fisheries Management and Protection Fund and Chesapeake Bay and coastal sport fishing license fee revenues are deposited in the Fisheries Research and Development Fund.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): University System of Maryland; Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2023
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