

SENATE BILL 46

M2

(7lr0487)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senators Simonaire, Hough, Kagan, Salling, Waugh, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Hunting and Fishing Licenses – Active Military, Former Prisoners of War,**
3 **Recipients of the Purple Heart Award, and Disabled Veterans**

4 FOR the purpose of authorizing the Department of Natural Resources to issue certain
5 complimentary fishing licenses to an out-of-state person who certifies that the
6 person is a former prisoner of war or a 100% service connected disabled American
7 veteran if the person's state of residence extends similar privileges to former
8 prisoners of war or 100% service connected disabled American veterans of this State;
9 altering a certain exemption from the requirement to obtain a trout stamp; making
10 a certain complimentary hunting license subject to certain provisions of law; making
11 conforming changes; requiring the Department to implement certain programs to
12 provide certain discounted licenses, *stamps, and permits* to Maryland residents who
13 are recipients of the Purple Heart Award; requiring the Department to submit a
14 certain report to the Governor and the General Assembly on or before a certain date;

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.

Italics indicate opposite chamber/conference committee amendments.



1 providing for the termination of this Act; making stylistic changes; and generally
2 relating to hunting and fishing licenses.

3 BY repealing and reenacting, with amendments,
4 Article – Natural Resources
5 Section 4–604(c) and (f), 4–607, 4–614(a)(3), 4–745(a), (c), and (e), 10–301(g), and
6 ~~10–303(a)(2)~~ 10–303(a)(1) and (2)
7 Annotated Code of Maryland
8 (2012 Replacement Volume and 2016 Supplement)

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

11 **Article – Natural Resources**

12 4–604.

13 (c) An angler’s license is not required of the following:

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

17 (2) Any resident serving in the armed forces of the United States, while on
18 leave in the State, during [his] **THE RESIDENT’S** leave period, if, while angling, [he] **THE**
19 **RESIDENT** possesses a copy of [his] **THE RESIDENT’S** official leave [orders] **ORDER**;

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

22 (4) A person holding a current resident consolidated senior sport fishing
23 license issued under § 4–216 of this title;

24 (5) A person fishing in a free fishing area established under § 4–214(b)(2)
25 of this title; or

26 (6) A person authorized by a disability exemption issued under § 4–217 of
27 this title.

28 (f) (1) **[The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
29 following annual license fees shall apply:

30 (i) Resident.....\$20.50

31 (ii) Subject to paragraph (2)(ii) of this subsection, short-term license
32 valid for 7 consecutive days from date of issuance.....\$7.50

1 (iii) Resident and nonresident blind persons.....No fee

2 (iv) Complimentary license.....No fee

3 (2) For a nonresident:

4 (i) The fee for an annual angler’s license is the greater of:

5 1. \$30.50; or

6 2. A fee equal to the fee charged a Maryland resident by the
7 nonresident’s home state for a similar license; and

8 (ii) The fee for a short–term license valid for 7 consecutive days from
9 the date of issuance is the greater of:

10 1. \$7.50; or

11 2. A fee equal to the fee charged a Maryland resident by the
12 nonresident’s home state for a license that permits an equal number of days of fishing or
13 the next higher number of days as permitted by the Maryland license.

14 (iii) The fee for a short–term license valid for 3 consecutive days from
15 the date of issuance is the greater of:

16 1. \$5; or

17 2. A fee equal to the fee charged a Maryland resident by the
18 nonresident’s home state for a license that permits an equal number of days of fishing or
19 the next higher number of days as permitted by the Maryland license.

20 **(3) THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO PROVIDE**
21 **DISCOUNTED ANGLER’S LICENSES AND TROUT STAMPS TO MARYLAND RESIDENTS**
22 **WHO ARE RECIPIENTS OF THE PURPLE HEART AWARD.**

23 ~~[(3)]~~ (4) (i) All fees collected by the Department under this section
24 may only be used in accordance with § 4–208 of this title.

25 (ii) The Department shall publicly report annually the amounts
26 collected and the expenditures under this section.

27 4–607.

1 (a) (1) The Department may issue annually a complimentary angler's license
2 to the President of the United States, the governor of any state, and any official of the game
3 and fish department of any other state.

4 (2) The Department may issue a lifetime complimentary angler's license to
5 any Maryland resident who certifies that the resident is a former prisoner of war or 100%
6 service connected disabled American veteran.

7 **(3) THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY**
8 **ANGLER'S LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE**
9 **PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED**
10 **AMERICAN VETERAN IF THE PERSON'S STATE OF RESIDENCE EXTENDS SIMILAR**
11 **PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED**
12 **DISABLED AMERICAN VETERANS OF THIS STATE.**

13 (b) Not more than 20 complimentary ANGLER'S licenses for each state other than
14 Maryland shall be outstanding at any time.

15 (c) A complimentary ANGLER'S license is not transferable and shall be issued
16 without a fee.

17 (d) For the purposes of this section, "former prisoner of war" means a person who,
18 while serving in the active military, naval, or air service of the United States, was forcibly
19 detained or interned in the line of duty by an enemy government or its agents, or a hostile
20 force, during a period of armed conflict.

21 4-614.

22 (a) (3) A trout stamp is not required of the following:

23 (i) A holder of a current resident consolidated senior sport fishing
24 license issued under § 4-216 of this title;

25 (ii) A holder of a lifetime complimentary angler's license for 100%
26 service connected disabled American veterans or former prisoners of war issued under
27 § 4-607(a)(2) **OR (3)** of this subtitle;

28 (iii) A person authorized by a disability exemption issued under
29 § 4-217 of this title;

30 (iv) **[A] ANY** resident serving in the armed forces of the United
31 States while on leave **[if] IN THE STATE, DURING THE RESIDENT'S LEAVE PERIOD, IF,**
32 **WHILE ANGLING,** the resident possesses a copy of the resident's official leave order **[while**
33 **fishing];** or

34 (v) A person under 16 years of age.

1 4-745.

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

8 (2) The license may be obtained from the Department or from any
9 authorized agent of the Department.

10 (3) [The] **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE**
11 following annual license fees shall apply:

- 12 (i) Resident.....\$15
- 13 (ii) Short-term resident license valid for 7 consecutive days from
14 date of issue.....\$6
- 15 (iii) For a short-term nonresident license valid for 7 consecutive days
16 from date of issue.....\$12
- 17 (iv) Nonresident.....\$22.50
- 18 (v) Resident and nonresident blind persons.....No fee
- 19 (vi) Complimentary license under subsection (e) of this
20 section.....No fee

21 (4) **THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO PROVIDE**
22 **DISCOUNTED CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSES TO**
23 **MARYLAND RESIDENTS WHO ARE RECIPIENTS OF THE PURPLE HEART AWARD.**

24 [(3)] (5) Except as provided in subsection (d)(1) of this section, every
25 Chesapeake Bay and coastal sport fishing license and registration shall be valid for 1 year
26 following the date of issuance.

27 [(4)] (6) An applicant for a license issued under this section shall provide
28 all the information requested by the Department.

29 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or
30 in State waters of the Atlantic Ocean and coastal bays and their tributaries without a
31 Chesapeake Bay and coastal sport fishing license if the person:

1 (1) Is under the age of 16;

2 (2) Possesses a valid commercial license;

3 (3) Holds a valid tidal water sport fishing license issued by the State of
4 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that this
5 exemption shall not take effect until the Secretary has published notice in the Maryland
6 Register of the Secretary's determination that the Virginia, Potomac River Fisheries
7 Commission, or District of Columbia requirements for a tidal water sport fishing license
8 are substantially similar to and reciprocal with the Chesapeake Bay and coastal sport
9 fishing license requirements of this section;

10 (4) Is fishing pursuant to any special charter boat license issued under
11 subsection (d)(1) of this section;

12 (5) [(i) Is on active duty with the armed forces of the United States;

13 (ii) Is a resident of this State;

14 (iii) Is on leave from the armed forces; and

15 (iv) Has, while fishing, a copy of the person's official leave orders] **IS**
16 **A RESIDENT SERVING IN THE ARMED FORCES OF THE UNITED STATES WHILE ON**
17 **LEAVE IN THE STATE, DURING THE RESIDENT'S LEAVE PERIOD, IF, WHILE FISHING,**
18 **THE RESIDENT POSSESSES A COPY OF THE RESIDENT'S OFFICIAL LEAVE ORDER;**

19 (6) Fishes on a free fishing day designated by the Secretary;

20 (7) Holds a current resident consolidated senior sport fishing license issued
21 under § 4-216 of this title;

22 (8) Holds a current registration issued under subsection (d)(3) of this
23 section; or

24 (9) Is fishing on a commercial fishing pier licensed under subsection (d)(4)
25 of this section.

26 (e) (1) In this subsection, "former prisoner of war" means a person who, while
27 serving in the active military, naval, or air service of the United States, was forcibly
28 detained or interned in the line of duty by an enemy government or its agents, or a hostile
29 force, during a period of armed conflict.

30 (2) The Department may issue a lifetime complimentary Chesapeake Bay
31 and coastal sport fishing license to any Maryland resident who certifies that the resident
32 is a former prisoner of war or a 100% service connected disabled American veteran.

1 (3) **THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY**
2 **CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO AN OUT-OF-STATE**
3 **PERSON WHO CERTIFIES THAT THE PERSON IS A FORMER PRISONER OF WAR OR A**
4 **100% SERVICE CONNECTED DISABLED AMERICAN VETERAN IF THE PERSON'S STATE**
5 **OF RESIDENCE EXTENDS SIMILAR PRIVILEGES TO FORMER PRISONERS OF WAR OR**
6 **100% SERVICE CONNECTED DISABLED AMERICAN VETERANS OF THIS STATE.**

7 (4) A complimentary CHESAPEAKE BAY AND COASTAL SPORT FISHING
8 license is not transferable.

9 [(4)] (5) The Department may issue annually a complimentary
10 Chesapeake Bay and coastal sport fishing license to the President of the United States, the
11 governor of any state, and any official of the game and fish department of any other state.

12 [(5)] (6) Not more than 20 complimentary CHESAPEAKE BAY AND
13 COASTAL SPORT FISHING licenses for each state other than Maryland shall be
14 outstanding at any time.

15 10-301.

16 (g) (1) There shall be the following types of hunting licenses in the State:

17 (i) A resident hunting license that enables the purchaser to hunt all
18 legal game birds and mammals during any appropriate season in Maryland without the
19 purchase of additional stamps, unless the purchaser is hunting migratory game birds or
20 deer during bow and arrow season or black powder season. To hunt migratory game birds
21 the purchaser must also buy a Maryland migratory game bird stamp and to hunt wild
22 waterfowl the purchaser must buy both a Maryland migratory game bird stamp and a
23 federal migratory bird hunting and conservation stamp. To hunt deer during bow and arrow
24 season and black powder season the purchaser must also purchase a bow and arrow or
25 black powder stamp.

26 (ii) A nonresident hunting license that enables the purchaser to hunt
27 all legal game birds and mammals during any appropriate season without the purchase of
28 additional stamps unless the purchaser is hunting migratory game birds or deer during
29 bow and arrow season or black powder season. This license enables the purchaser to hunt
30 migratory game birds only with the purchase of a Maryland migratory game bird stamp
31 and to hunt wild waterfowl only with the purchase of both a Maryland migratory game bird
32 stamp and a federal migratory bird hunting and conservation stamp. This license enables
33 the purchaser to hunt deer during bow and arrow season and black powder season only
34 with the purchase of a nonresident bow and arrow or black powder stamp.

35 (iii) A nonresident 3-day hunting license that enables the purchaser
36 to hunt all legal game birds and mammals except deer and turkey for the 3 consecutive
37 legal hunting days in a single season that are specified on the license by the issuing agent.
38 The purchaser must also purchase a Maryland migratory game bird stamp to hunt

1 migratory game birds and a federal migratory bird hunting and conservation stamp to hunt
2 wild waterfowl with this license. Under no circumstance does this license authorize the
3 purchaser to hunt deer and turkey.

4 (2) Residents and nonresidents may purchase a senior hunting license
5 beginning in the calendar year in which they attain the age of 65.

6 (3) A nonresident of any age must purchase either a nonresident hunting
7 license or a nonresident 3-day hunting license to hunt in the State.

8 (4) [The] **SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE** fees
9 for hunting licenses are according to the following schedule:

- 10 (i) Resident, junior, under the age of 16 years \$ 10.50
- 11 (ii) Resident, regular, at least 16 years old and under the age of 65
12 years.....\$ 24.50
- 13 (iii) Resident, senior, at least 65 years old.....\$ 5.00
- 14 (iv) Nonresident, regular, at least 16 years old.....\$ 130.00
- 15 (v) Nonresident, junior, under the age of 16 years.....\$ 32.50
- 16 (vi) Nonresident, senior, at least 65 years old.....\$ 65.00
- 17 (vii) Complimentary license authorized to be issued under § 10-303
18 of this subtitleNo fee
- 19 (viii) Nonresident 3-day hunting license.....\$ 45.00

20 (5) The fees for individual hunting stamps are according to the following
21 schedule:

- 22 (i) Bow and arrow stamp.....\$ 6.00
- 23 (ii) Nonresident bow and arrow stamp.....\$ 25.00
- 24 (iii) Black powder stamp.....\$ 6.00
- 25 (iv) Nonresident black powder stamp.....\$ 25.00
- 26 (v) Maryland migratory game bird stamp.....\$ 9.00
- 27 (vi) Resident bonus antlered deer stamp.....\$ 10.00

1 (vii) Nonresident bonus antlered deer stamp for each type of deer
2 hunting season..... \$ 25

3 (6) THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO PROVIDE
4 DISCOUNTED HUNTING LICENSES AND ANY ASSOCIATED STATE-ISSUED STAMPS OR
5 PERMITS TO MARYLAND RESIDENTS WHO ARE RECIPIENTS OF THE PURPLE HEART
6 AWARD.

7 10-303.

8 (a) ~~(2)~~ (1) The Department annually may issue a complimentary [hunter's]
9 HUNTING license to the President of the United States, the governor of any state, or an
10 official or an enforcement officer of the game and fish management agency of another state
11 which reciprocally offers complimentary hunting licenses.

12 (2) (i) [The] **SUBJECT TO THE REQUIREMENTS OF § 10-301.1 OF**
13 **THIS SUBTITLE, THE** Department may issue a lifetime complimentary ~~hunter's~~ **HUNTING**
14 license to a Maryland resident who certifies that the resident is a former prisoner of war or
15 100% service connected disabled American veteran.

16 (ii) [The] **SUBJECT TO THE REQUIREMENTS OF § 10-301.1 OF**
17 **THIS SUBTITLE, THE** Department may issue a lifetime complimentary ~~hunter's~~ **HUNTING**
18 license to an out-of-state person who certifies that the person is a former prisoner of war
19 or a 100% service connected disabled American veteran if the person's state of residence
20 extends similar privileges to former prisoners of war or 100% service connected disabled
21 American veterans of this State.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
23 2019, the Department of Natural Resources shall report to the Governor and, in accordance
24 with § 2-1246 of the State Government Article, the General Assembly on:

25 (1) the number of discounted angler's licenses and trout stamps,
26 Chesapeake Bay and coastal sport fishing licenses, and hunting licenses and associated
27 State-issued stamps and permits issued to recipients of the Purple Heart Award under this
28 Act;

29 (2) the number and identity of any other states that have enacted legislation
30 authorizing the issuance of a lifetime complimentary angler's license, a recreational salt
31 water sport fishing license, or a hunting license to a Maryland resident who certifies that
32 the resident is a former prisoner of war or a 100% service connected disabled veteran;

33 (3) the total number of complimentary angler's licenses, recreational salt
34 water sport fishing licenses, and hunting licenses issued to Maryland residents under the
35 legislation; and

1 (4) the total number of complimentary angler’s licenses, Chesapeake Bay
 2 and coastal sport fishing licenses, and hunting licenses issued by the Department to
 3 out-of-state persons under this Act and § 10-303(a)(2)(ii) of the Natural Resources Article.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 5 1, 2017. It shall remain effective for a period of 3 years and, at the end of June 30, 2020,
 6 with no further action required by the General Assembly, this Act shall be abrogated and of
 7 no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.