

SENATE BILL 911

M2

3lr2954

By: **Senator Simonaire**

Introduced and read first time: February 15, 2023

Assigned to: Rules

Re-referred to: Education, Energy, and the Environment, February 24, 2023

Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Fishing Licenses and Stamps – Exemptions**

3 FOR the purpose of authorizing the Department of Natural Resources to issue an annual
4 fishing license and stamp exemption to certain entities and organizations to provide
5 fishing clinics and instructional opportunities to certain individuals; altering certain
6 reporting requirements for certain entities and organizations that are issued certain
7 fishing license and stamp exemptions; and generally relating to exemptions to
8 requirements to obtain a fishing license or stamp.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 4–217
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2022 Supplement)

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

16 **Article – Natural Resources**

17 4–217.

18 (a) (1) The Department may issue a 1–day license exemption to a nonprofit
19 organization to take individuals with physical or mental disabilities fishing from shore in

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.



the tidal or nontidal waters of the State.

(2) The primary caregiver or representative of the organization attending to the disabled individuals is included in the license exemption under this subsection.

(3) Application for a license exemption for an organization attending to disabled individuals shall state the location, time, and day of the event and the number of individuals covered by the exemption.

(b) (1) The Department may issue an annual license exemption to a governmental entity or a nonprofit organization to [take]:

(I) 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; OR

(II) PROVIDE FISHING CLINICS AND INSTRUCTIONAL OPPORTUNITIES TO:

1. INDIVIDUALS WHO ARE SERVING OR HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES;

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 UNDER § 4-212 OF THIS SUBTITLE; OR

5. RESIDENTS OF THE STATE WHO ARE UNDERSERVED WITH RESPECT TO FISHING OPPORTUNITIES, AS DETERMINED BY THE DEPARTMENT IN REGULATION.

(2) The primary caregiver or representative of the governmental entity or a nonprofit organization attending to [a disabled] OR INSTRUCTING AN individual under this subsection is included in the license exemption.

(3) An application for a license exemption for a governmental entity or a nonprofit organization attending to [a disabled] OR INSTRUCTING AN individual under this subsection shall be made on a form provided by the Department.

(4) A governmental entity or a nonprofit organization with an exemption

under this subsection shall submit a report to the Department by January 1 of the year following the exemption period that [states:

(i) The locations fished under the exemption;

(ii) The dates the exemption was used; and

(iii) The number of individuals who were covered by the exemption]

PROVIDES CERTAIN EVENT AND PARTICIPANT INFORMATION AS REQUIRED BY THE DEPARTMENT.

(c) The primary caregiver or representative of the governmental entity or nonprofit organization exempted under subsection (a) or (b) of this section shall have in possession the letter of exemption from the Director of the Fisheries Service while the organization is engaged in fishing activity.

(d) An individual covered under a license exemption under subsection (a) or (b) of this section may:

(1) Engage in angling on the nontidal waters of the State without holding an angler's license under § 4–604 of this title;

(2) Engage in angling for trout on the nontidal waters of the State without holding a trout stamp under § 4–614 of this title; 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 under § 4–745 of this title.

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

(1) A patient who is under treatment by a State–approved mental health facility and an individual who attends or resides in a State–approved facility for developmentally disabled individuals; or

(2) A caregiver, family member, or designee of a mental health care facility or private group home of a patient who is under treatment by a State–approved mental health facility, if:

(i) The administrator of the mental health care facility, or treating physician or psychologist provides the Department with a letter stating that the caregiver or family member is the primary caretaker of the patient; or

(ii) The individual accompanying the patient carries a copy of the letter described under item (i) of this item, or a professional license or certificate of a health care professional involved in the care of the patient.

1 **(F) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**
2 **SECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.