

HOUSE BILL 368

M2

7lr0479

By: Delegates Metzgar, Adams, Afzali, Anderton, Angel, Arentz, D. Barnes, Beitzel, Brooks, Buckel, Cassilly, Ciliberti, Folden, Ghrist, Hornberger, Impallaria, Jacobs, Krimm, Long, Malone, McComas, McConkey, McDonough, McKay, W. Miller, Saab, Shoemaker, Szeliga, West, B. Wilson, and Wivell

Introduced and read first time: January 25, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting and Fishing Licenses and Stamps – Seniors, Veterans, and Military**
3 **Personnel**
4 **(Howard’s Law)**

5 FOR the purpose of repealing the annual fees for a resident consolidated senior sport
6 fishing license and a resident senior hunting license; establishing that, under certain
7 circumstances, a nonresident member of the armed forces of the United States is not
8 required to obtain certain hunting or fishing licenses or stamps before hunting or
9 fishing in the State; authorizing the Department of Natural Resources to issue
10 certain lifetime complimentary fishing licenses and hunting licenses to certain
11 veterans; making certain conforming changes; repealing restrictions on the number
12 of certain complimentary fishing licenses for states other than Maryland that may
13 be outstanding at any time; defining certain terms; and generally relating to hunting
14 and fishing licenses and stamps.

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 4–216, 4–604(c), 4–607, 4–614(a), 4–745(c) and (e), 10–301(c)(1), (g), and (h),
18 and 10–303
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

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

23 **Article – Natural Resources**

24 4–216.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) The Department shall establish a resident consolidated senior sport fishing license, to be issued to residents of Maryland beginning in the calendar year in which they attain the age of 65.

(b) **(1)** The resident consolidated senior sport fishing license may be obtained from the Department or from any authorized agent of the Department. [The annual fee for the license is \$5. As compensation, an agent shall retain 50 cents for each license issued.]

(2) THERE IS NO FEE FOR A RESIDENT CONSOLIDATED SENIOR SPORT FISHING LICENSE.

(c) A resident consolidated senior sport fishing license shall be valid for 1 year following the date of issuance.

(d) A holder of a resident consolidated senior sport fishing license 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.

4-604.

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

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

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

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

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

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

(6) A person authorized by a disability exemption issued under § 4-217 of this title.
4-607.

(A) IN THIS SECTION, “VETERAN” MEANS A RESIDENT OR A NONRESIDENT WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.

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

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

[(b) Not more than 20 complimentary licenses for each state other than Maryland shall be outstanding at any time.]

(c) A complimentary license is not transferable and shall be issued without a fee.

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

4-614.

(a) (1) The Department shall adopt regulations to establish fishing areas where a trout stamp is required.

(2) Except as provided in paragraph (3) of this subsection, a person may not fish or possess trout in an area established in paragraph (1) of this subsection unless the person first obtains a trout stamp in addition to an angler’s license.

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

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

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

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

(iv) [A resident] **AN INDIVIDUAL** serving in the armed forces of the United States while on leave if the [resident] **INDIVIDUAL** possesses a copy of the resident's official leave order while fishing; or

(v) A person under 16 years of age.

(4) The stamp may be obtained from the Department or an authorized agent of the Department.

4-745.

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

(1) Is under the age of 16;

(2) Possesses a valid commercial license;

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

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

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

[(ii) Is a resident of this State;]

[(iii)] **(II)** Is on leave from the armed forces; and

[(iv)] **(III)** Has, while fishing, a copy of the person's official leave orders;

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

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

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

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

(e) (1) In this subsection, [“former prisoner of war” means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict] **“VETERAN” MEANS A RESIDENT OR NONRESIDENT WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES AND WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.**

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

(3) A complimentary license is not transferable.

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

[(5) Not more than 20 complimentary licenses for each state other than Maryland shall be outstanding at any time.]

10-301.

(c) (1) Except as provided in paragraph (2) of this subsection, the following persons are not required to obtain a hunter’s license, bow and arrow stamp, black powder stamp, or bonus antlered deer stamp:

(i) With respect to hunting on farmland only:

1. The resident owner of the farmland and the owner’s spouse, child, and child’s spouse;

2. A tenant and the tenant’s spouse, child, and child’s spouse. A tenant is a person holding land under a lease, or a sharecropper who resides in a dwelling on the land, but a tenant does not include any employee of the owner or tenant; and

1 3. A nonresident owner of a parcel of farmland and the
2 owner's spouse, child, and child's spouse if:

3 A. The parcel of farmland is located in Maryland and an
4 adjacent state;

5 B. The owner's primary residence is on the parcel of
6 farmland; and

7 C. The adjacent state extends similar privileges to a resident
8 of Maryland;

9 (ii) Any [resident] **INDIVIDUAL** serving in the armed forces of the
10 United States while on leave in the State, during the [resident's] **INDIVIDUAL'S** leave
11 period, if, while hunting, the [resident] **INDIVIDUAL** possesses a copy of the [resident's]
12 **INDIVIDUAL'S** official leave order;

13 (iii) Any person serving in the armed forces of the United States who
14 has a service-connected disability, if, while hunting, the person possesses valid military
15 identification; and

16 (iv) Any unarmed person participating in an organized foxhunt.

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

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

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

(iii) A nonresident 3-day hunting license that enables the purchaser to hunt all legal game birds and mammals except deer and turkey for the 3 consecutive legal hunting days in a single season that are specified on the license by the issuing agent. The purchaser must also purchase a Maryland migratory game bird stamp to hunt migratory game birds and a federal migratory bird hunting and conservation stamp to hunt wild waterfowl with this license. Under no circumstance does this license authorize the purchaser to hunt deer and turkey.

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

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

(4) The fees for hunting licenses are according to the following schedule:

(i)	Resident, junior, under the age of 16 years	\$ 10.50
(ii)	Resident, regular, at least 16 years old and under the age of 65 years	\$ 24.50
(iii)	Resident, senior, at least 65 years old	[\$ 5.00] NO FEE
(iv)	Nonresident, regular, at least 16 years old	\$ 130.00
(v)	Nonresident, junior, under the age of 16 years	\$ 32.50
(vi)	Nonresident, senior, at least 65 years old	\$ 65.00
(vii)	Complimentary license authorized to be issued under § 10-303 of this subtitle	No fee
(viii)	Nonresident 3-day hunting license	\$ 45.00

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

(i)	Bow and arrow stamp	\$ 6.00
(ii)	Nonresident bow and arrow stamp	\$ 25.00
(iii)	Black powder stamp	\$ 6.00
(iv)	Nonresident black powder stamp	\$ 25.00
(v)	Maryland migratory game bird stamp	\$ 9.00

1 (vi) Resident bonus antlered deer stamp \$ 10.00

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

4 (h) (1) The person designated to sell the hunting licenses and individual
5 hunting stamps shall issue the hunting licenses and individual hunting stamps and collect
6 the fee prescribed in subsection (g) of this section.

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 and
12 issued.

13 10-303.

14 (A) IN THIS SECTION, "VETERAN" MEANS A RESIDENT OR A NONRESIDENT
15 WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES AND
16 WAS DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN DISHONORABLE.

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

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

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

29 (3) A complimentary license is not transferable.

30 [(b)] For the purposes of this section, "former prisoner of war" means a person who,
31 while serving in the active military, naval, or air service of the United States, was forcibly
32 detained or interned in the line of duty by an enemy government or its agents, or a hostile
33 force, during a period of armed conflict.]

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
35 1, 2017.