

# HOUSE BILL 1419

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 29, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 5, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Hunting Licenses and Stamps**

3 FOR the purpose of clarifying the uses of the State Wildlife and Management  
4 Protection Fund; repealing obsolete language; ~~repealing provisions of law that~~  
5 establish bonus antlered deer stamps; clarifying that a certain nonresident  
6 license does not authorize bear hunting; altering the fees for certain hunting  
7 stamps and licenses; establishing a ~~nonresident Maryland migratory game bird~~  
8 ~~stamp and certain turkey stamps~~ bonus deer stamp; repealing a certain  
9 requirement that the Department of Natural Resources use certain funds for a  
10 certain purpose; repealing certain nonresident hunting and trapping  
11 restrictions; altering the fee for a certain trapping license; ~~establishing certain~~  
12 ~~consolidated hunting licenses and stamps~~; making certain technical corrections;  
13 ~~providing for a delayed effective date for certain provisions of this Act~~; requiring  
14 the Department to work with certain organizations to identify certain funding  
15 mechanisms on or before a certain date; and generally relating to hunting  
16 licenses and stamps.

17 BY repealing and reenacting, without amendments,  
18 Article – Natural Resources  
19 Section 10–209(a), (b), (c), and (f)  
20 Annotated Code of Maryland  
21 (2007 Replacement Volume and 2011 Supplement)

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**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 10–209(g), 10–301(c)(1) and (g), 10–305, 10–308(a), 10–308.1(b)(1),  
 4 10–415, and 10–502  
 5 Annotated Code of Maryland  
 6 (2007 Replacement Volume and 2011 Supplement)

7 BY repealing  
 8 Article – Natural Resources  
 9 Section 10–308(b) and 10–503  
 10 Annotated Code of Maryland  
 11 (2007 Replacement Volume and 2011 Supplement)

12 ~~BY repealing and reenacting, with amendments,~~  
 13 ~~Article – Natural Resources~~  
 14 ~~Section 10–301(e)(1) and (g)~~  
 15 ~~Annotated Code of Maryland~~  
 16 ~~(2007 Replacement Volume and 2011 Supplement)~~  
 17 ~~(As enacted by Section 1 of this Act)~~

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

20 **Article – Natural Resources**

21 10–209.

22 (a) In this section, “Fund” means the State Wildlife Management and  
 23 Protection Fund.

24 (b) There is a State Wildlife Management and Protection Fund in the  
 25 Department.

26 (c) The purpose of the Fund is to finance the scientific investigation,  
 27 protection, propagation, and management of wildlife.

28 (f) The Fund consists of:

29 (1) Any money received for a license, stamp, application, or permit fee  
 30 under this title, unless otherwise provided; and

31 (2) Any investment earnings of the Fund.

32 (g) The Fund may be used **ONLY** for:

33 (1) The scientific investigation, protection, propagation, and  
 34 management of wildlife; and

1                   (2)    Administrative costs calculated in accordance with § 1–103(b)(2) of  
2 this article.

3 10–301.

4           (c)    (1)    Except as provided in paragraph (2) of this subsection, the  
5 following persons are not required to obtain a [hunter’s] HUNTING license, bow [and  
6 arrow] stamp, [black powder] MUZZLELOADER stamp, or bonus ~~entered~~ deer stamp:

7                   (i)    With respect to hunting on farmland only:

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

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

14                               3.    A nonresident owner of a parcel of farmland and the  
15 owner’s spouse, child, and child’s spouse if:

16                                       A.    The parcel of farmland is located in Maryland and an  
17 adjacent state;

18                                       B.    The owner’s primary residence is on the parcel of  
19 farmland; and

20                                       C.    The adjacent state extends similar privileges to a  
21 resident of Maryland;

22                               (ii)   Any resident serving in the armed forces of the United  
23 States while on leave in the State, during the resident’s leave period, if, while hunting,  
24 the resident possesses a copy of the resident’s official leave order;

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

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

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

30                               (i)    A [resident] hunting license that enables the purchaser to  
31 hunt all legal game birds and mammals during any appropriate season in Maryland  
32 [without the purchase of additional stamps, unless the purchaser is hunting migratory

1 game birds or deer during bow and arrow season or black powder season. To hunt  
 2 migratory game birds the purchaser must also buy a Maryland migratory game bird  
 3 stamp and to hunt wild waterfowl the purchaser must buy both a Maryland migratory  
 4 game bird stamp and a federal migratory bird hunting and conservation stamp. To  
 5 hunt deer during bow and arrow season and black powder season the purchaser must  
 6 also purchase a bow and arrow or black powder stamp]. **THIS LICENSE DOES NOT**  
 7 **INCLUDE DEER STAMPS, A MIGRATORY GAME BIRD STAMP, A ~~TURKEY STAMP~~, OR**  
 8 **ANY OTHER HUNTING STAMP OR PERMIT REQUIRED BY THE DEPARTMENT IN**  
 9 **REGULATION.**

10 (ii) [A nonresident hunting license that enables the purchaser  
 11 to hunt all legal game birds and mammals during any appropriate season without the  
 12 purchase of additional stamps unless the purchaser is hunting migratory game birds  
 13 or deer during bow and arrow season or black powder season. This license enables the  
 14 purchaser to hunt migratory game birds only with the purchase of a Maryland  
 15 migratory game bird stamp and to hunt wild waterfowl only with the purchase of both  
 16 a Maryland migratory game bird stamp and a federal migratory bird hunting and  
 17 conservation stamp. This license enables the purchaser to hunt deer during bow and  
 18 arrow season and black powder season only with the purchase of a nonresident bow  
 19 and arrow or black powder stamp.

20 (iii)] A nonresident 3-day hunting license that enables the  
 21 purchaser to hunt all legal game birds and mammals except deer, **BEAR**, and turkey  
 22 for the 3 consecutive legal hunting days in a single season that are specified on the  
 23 license by the issuing agent. The purchaser must also purchase a ~~NONRESIDENT~~  
 24 Maryland migratory game bird stamp to hunt migratory game birds and a federal  
 25 migratory bird hunting and conservation stamp to hunt wild waterfowl with this  
 26 license. Under no circumstance does this license authorize the purchaser to hunt deer  
 27 [and], **BEAR, OR** turkey.

28 **(III) A JUNIOR HUNTING LICENSE FOR AN INDIVIDUAL**  
 29 **UNDER THE AGE OF 16 YEARS THAT ENABLES THE LICENSEE TO HUNT AND**  
 30 **TRAP ALL LEGAL GAME BIRDS AND MAMMALS NOT EXCEPTED BY THE**  
 31 **DEPARTMENT IN REGULATION, DURING ANY APPROPRIATE SEASON IN**  
 32 **MARYLAND, WITHOUT THE PURCHASE OF AN ADDITIONAL LICENSE OR STAMP.**

33 (2) Residents may purchase a senior hunting license beginning in the  
 34 calendar year in which they attain the age of 65.

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

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

39 (i) Resident, junior, under the age of 16 years.....\$10.50

- 1 (ii) Resident, regular, at least 16 years old and under the age of
- 2 65 years..... ~~[\$24.50]~~ **\$40.00**
- 3 (iii) Resident, senior, at least 65 years old ..... \$5.00
- 4 (iv) Nonresident, regular, at least 16 years
- 5 old..... ~~[\$130.00]~~ **\$160.00**
- 6 (v) Nonresident, junior, under the age of 16 years ..... \$65.00
- 7 (vi) Complimentary license authorized to be issued under §
- 8 10-303 of this subtitle.....No fee
- 9 (vii) Nonresident 3-day hunting license ..... ~~[\$45.00]~~ **\$60.00**

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

- 12 (i) Bow [and arrow] stamp ..... \$6.00
- 13 (ii) Nonresident bow [and arrow] stamp ..... ~~[\$25.00]~~ **\$30.00**
- 14 (iii) [Black powder] **MUZZLELOADER** stamp..... \$6.00
- 15 (iv) Nonresident [black powder] **MUZZLELOADER**
- 16 stamp..... ~~[\$25.00]~~ **\$30.00**
- 17 (v) Maryland migratory game bird stamp..... ~~\$9.00~~ **\$12.00**

18 ~~(vi) NONRESIDENT MARYLAND MIGRATORY GAME BIRD~~  
19 ~~STAMP.....\$30.00~~

20 ~~[(vi)] (vii) Resident bonus antlered~~ **BONUS** deer  
21 stamp..... ~~\$10.00~~ **\$25.00**

22 ~~[(vii)] (viii) Nonresident bonus antlered deer stamp for each type~~  
23 ~~of deer hunting season.....\$25.00~~ **\$30.00**

24 ~~(ix) RESIDENT TURKEY STAMP.....\$10.00~~

25 ~~(x) NONRESIDENT TURKEY STAMP.....\$30.00~~

26 10-305.

1 If any person loses the person's hunter's license, the person may make affidavit  
2 stating the date the license was issued, its number, description, and the name of the  
3 designated person who issued the license. Upon receipt of this information the  
4 Department may issue a duplicate hunting license for a [~~\$5~~] \$10 fee.

5 10-308.

6 [(a)] The Department shall use \$1 from the sale of each resident regular and  
7 full season nonresident hunting license as follows:

8 (1) Up to 40 percent to:

9 (i) Provide bow hunter education;

10 (ii) Acquire, construct, and maintain public archery ranges; or

11 (iii) Perform any study necessary to evaluate any program or  
12 project related to bow or muzzle loader hunting; and

13 (2) The remaining percentage to:

14 (i) Establish an effective and efficient deer checking system  
15 during the muzzle loader and bow hunting deer season;

16 (ii) Acquire additional hunter access during the muzzle loader  
17 and bow hunting season by:

18 1. The opening of additional State-owned lands to  
19 muzzle loader and bow hunting;

20 2. The purchase of rights-of-way or access roads to  
21 reach areas not open to muzzle loader and bow hunting;

22 3. The acquisition of additional lands for muzzle loader  
23 and bow hunting; and

24 4. The administration of a permit system applicable to  
25 newly opened areas; and

26 (iii) Police hunting lands during the muzzle loader and bow  
27 hunting season and provide additional law enforcement personnel as necessary to  
28 accomplish additional hunter access under item (ii) of this item.

29 [(b)] The Department shall use \$1 from the sale of each resident regular and  
30 full season nonresident hunting license to provide funding for the processing of deer  
31 for donation to the needy.]

1 10-308.1.

2 (b) (1) A person may obtain a Maryland migratory game bird stamp for  
3 [a] THE fee [of \$9.00] ESTABLISHED IN § 10-301 OF THIS SUBTITLE from any  
4 person designated by the Department. The issuing person designated shall retain the  
5 sum of 75 cents as compensation for issuing each stamp. The balance of the fee is paid  
6 over and accounted for to the State Treasurer. The Treasurer shall credit all such fees  
7 received to the State Wildlife Management and Protection Fund, in accordance with §  
8 10-209 of this title.

9 10-415.

10 (a) There are the following 3 seasons to hunt deer:

11 (1) Deer bow [hunting] season;

12 (2) Deer firearms season; and

13 (3) Deer muzzle loader season.

14 [(b) (1) Every person killing a deer shall report with the deer to a  
15 designated checking station within 24 hours after killing the deer.

16 (2) Notwithstanding any requirement of law, if the designated  
17 checking stations are closed in the county where a person kills a deer, a Natural  
18 Resources police officer shall authorize the person to report with the deer to a  
19 designated checking station in another county.

20 (c) (1) A person with a hunting license also may purchase bonus deer  
21 stamps from the Department.

22 (2) A bonus deer stamp allows a person with the hunting license to  
23 hunt 1 deer for each stamp purchased in any of the following hunting seasons for deer  
24 in the State:

25 (i) Deer bow hunting season;

26 (ii) Deer muzzle loader season; and

27 (iii) Deer firearms season.

28 (3) An individual who purchases a bonus antlered deer stamp but does  
29 not use it during a particular season may use that stamp during any subsequent  
30 season in that hunting license year.

31 (4) The fee for each bonus antlered deer stamp issued in accordance  
32 with this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

1           (5)    The Department may establish by regulation the type and number  
2 of deer stamps issued under this subsection if necessary to control the deer harvest in  
3 various areas of the State.

4           (d)    Repealed.

5           (e)    A person may not remove the head or hide or any part from any deer,  
6 except internal organs, or cut the meat into parts until the deer has been checked by  
7 the Department or 1 of the Department's agents at a designated checking station.  
8 Removal of the head or the hide of any deer not checked at a designated checking  
9 station shall be prima facie evidence that the deer was hunted illegally. Each separate  
10 deer or part of any deer taken illegally or found in possession shall be considered a  
11 separate offense.

12           (f)    Any person who, while operating a motor vehicle on any highway in the  
13 State, accidentally strikes and kills a deer on the highway may have the deer if the  
14 person produces visible evidence of collision with the deer to any Natural Resources  
15 police officer, State law enforcement officer, or other designated representative of the  
16 Secretary. The provisions of this subsection shall be applicable to deer killed by  
17 collision with a motor vehicle at any time whether during the open season for killing  
18 deer or during the legally closed season.

19           (g)    A person may not hunt a deer while the deer is taking refuge in or  
20 swimming through the waters of the State.

21           (h)    Abrogated.]

22           [(i)] (B)    Upon written request from a federal facility for a variance from the  
23 established deer hunting season, the Department shall review the request and may:

24                   (1)    Approve the request;

25                   (2)    Deny the request; or

26                   (3)    Approve the request with conditions.

27   10-502.

28           (a)    Any nonresident of the State who desires to trap furbearers[, except otter  
29 or beaver, first] shall procure a nonresident [trapper's] **TRAPPING** license in addition  
30 to any other license, **STAMP, OR PERMIT** required. [The license shall be issued only to  
31 residents of other states which grant the same trapping privileges to Maryland  
32 residents.]

33           (b)    The license shall be:



1 (1) Issued for a ~~[\$25.50]~~ **\$50** fee [or a fee equal to that charged by the  
2 nonresident's home state for a similar license, whichever is greater]; AND

3 (2) [Issued in accordance with the procedures for issuing nonresident  
4 hunting licenses; and

5 (3)] Effective for the same period as a hunter's license.

6 (c) In addition to the license fee, the designated person who sells and issues  
7 the license may collect a processing fee equal to 10% of the license fee, and the balance  
8 of the fee shall be paid and accounted for in the manner provided by § 10-209 of this  
9 title.

10 [10-503.

11 A nonresident of the State may not hunt or trap or attempt to hunt or trap any  
12 beaver or otter in the State.]

13 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~  
14 ~~read as follows:~~

15 ~~Article Natural Resources~~

16 ~~10-301.~~

17 ~~(c) (1) Except as provided in paragraph (2) of this subsection, the following~~  
18 ~~persons are not required to obtain a hunting license, DEER STAMP, bow stamp, OR~~  
19 ~~muzzleloader stamp[, or bonus antlered deer stamp]:~~

20 ~~(i) With respect to hunting on farmland only:~~

21 ~~1. The resident owner of the farmland and the owner's~~  
22 ~~spouse, child, and child's spouse;~~

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

27 ~~3. A nonresident owner of a parcel of farmland and the~~  
28 ~~owner's spouse, child, and child's spouse if:~~

29 ~~A. The parcel of farmland is located in Maryland and an~~  
30 ~~adjacent state;~~

1                                   B. ~~The owner's primary residence is on the parcel of~~  
2 ~~farmland; and~~

3                                   C. ~~The adjacent state extends similar privileges to a~~  
4 ~~resident of Maryland;~~

5                                   (ii) ~~Any resident serving in the armed forces of the United~~  
6 ~~States while on leave in the State, during the resident's leave period, if, while hunting,~~  
7 ~~the resident possesses a copy of the resident's official leave order;~~

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

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

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

13                                   ~~(I)   A CONSOLIDATED HUNTING AND TRAPPING LICENSE~~  
14 ~~THAT ENABLES THE PURCHASER TO HUNT AND TRAP ALL LEGAL GAME BIRDS~~  
15 ~~AND MAMMALS NOT EXCEPTED BY THE DEPARTMENT IN REGULATION, DURING~~  
16 ~~ANY APPROPRIATE SEASON IN MARYLAND, WITHOUT THE PURCHASE OF~~  
17 ~~ADDITIONAL LICENSES AND STAMPS.~~

18                                   ~~[(i)] (II)   A hunting license that enables the purchaser to hunt~~  
19 ~~all legal game birds and mammals during any appropriate season in Maryland. This~~  
20 ~~license does not include deer stamps, a migratory game bird stamp, a turkey stamp, or~~  
21 ~~any other hunting stamp or permit required by the Department in regulation.~~

22                                   ~~[(ii)] (III)   A nonresident 3-day hunting license that enables the~~  
23 ~~purchaser to hunt all legal game birds and mammals except deer, bear, and turkey for~~  
24 ~~the 3 consecutive legal hunting days in a single season that are specified on the license~~  
25 ~~by the issuing agent. The purchaser must also purchase a nonresident Maryland~~  
26 ~~migratory game bird stamp to hunt migratory game birds and a federal migratory bird~~  
27 ~~hunting and conservation stamp to hunt wild waterfowl with this license. Under no~~  
28 ~~circumstance does this license authorize the purchaser to hunt deer, bear, or turkey.~~

29                                   (2) ~~Residents may purchase a senior hunting license beginning in the~~  
30 ~~calendar year in which they attain the age of 65.~~

31                                   (3) ~~A nonresident of any age must purchase either a nonresident~~  
32 ~~hunting license, A NONRESIDENT CONSOLIDATED HUNTING LICENSE, or a~~  
33 ~~nonresident 3-day hunting license to hunt in the State.~~

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

1	(i)	<del>Resident, junior, under the age of 16 years .....</del>	<del>\$10.50</del>
2	(ii)	<del>Resident, regular, at least 16 years old and under the age of</del>	
3		<del>65 years.....</del>	<del>\$40.00</del>
4	(iii)	<del>Resident, senior, at least 65 years old .....</del>	<del>\$5.00</del>
5	<b>(IV)</b>	<b><del>RESIDENT, CONSOLIDATED.....</del></b>	<b><del>\$95.00</del></b>
6	<del>[(iv)]</del> (v)	<del>Nonresident, regular, at least 16 years old.....</del>	<del>\$160.00</del>
7	<del>[(v)]</del> (VI)	<del>Nonresident, junior, under the age of 16 years..</del>	<del>\$65.00</del>
8	<del>[(vi)]</del> (VII)	<del>Complimentary license authorized to be issued under</del>	
9		<del>§ 10-303 of this subtitle.....</del>	<del>No fee</del>
10	<del>[(vii)]</del> (VIII)	<del>Nonresident 3 day hunting license.....</del>	<del>\$60.00</del>
11	<b>(IX)</b>	<b><del>NONRESIDENT, CONSOLIDATED.....</del></b>	<b><del>\$295.00</del></b>
12	(5)	<del>The fees for individual hunting stamps are according to the</del>	
13		<del>following schedule:</del>	
14	<del>[(i)]</del>	<del>Bow stamp.....</del>	<del>\$6.00]</del>
15	<b>(I)</b>	<b><del>RESIDENT DEER STAMP.....</del></b>	<b><del>\$40.00</del></b>
16	<b>(II)</b>	<b><del>NONRESIDENT CONSOLIDATED DEER STAMP .....</del></b>	<b><del>\$80.00</del></b>
17	<del>[(ii)]</del> (III)	<del>Nonresident bow stamp.....</del>	<del>\$30.00</del>
18	<del>[(iii)]</del>	<del>Muzzleloader stamp.....</del>	<del>\$6.00]</del>
19	(iv)	<del>Nonresident muzzleloader stamp.....</del>	<del>\$30.00</del>
20	(v)	<del>Maryland migratory game bird stamp.....</del>	<del>[\$9.00] \$12.00</del>
21	(vi)	<del>Nonresident Maryland migratory game bird stamp ....</del>	<del>\$30.00</del>
22	(vii)	<del>[Resident bonus antlered deer stamp .....</del>	<del>\$10.00</del>
23	(viii)	<del>Nonresident bonus antlered deer stamp for each type of deer</del>	
24		<del>hunting season.....</del>	<del>\$30.00</del>
25	<del>(ix)]</del>	<del>Resident turkey stamp .....</del>	<del>\$10.00</del>

1                                    ~~[(x)] (VIII)~~ Nonresident turkey stamp..... \$30.00

2    ~~10-308.1.~~

3                    ~~(b) (1) A person may obtain a Maryland migratory game bird stamp for~~  
4 ~~[a] THE fee [of \$9.00] ESTABLISHED IN § 10-301 OF THIS SUBTITLE from any~~  
5 ~~person designated by the Department. The issuing person designated shall retain the~~  
6 ~~sum of 75 cents as compensation for issuing each stamp. The balance of the fee is paid~~  
7 ~~over and accounted for to the State Treasurer. The Treasurer shall credit all such fees~~  
8 ~~received to the State Wildlife Management and Protection Fund, in accordance with §~~  
9 ~~10-209 of this title.~~

10                    SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That ~~Section 2 of this Act~~  
11 ~~shall take effect July 1, 2013~~ the Department shall consult with the Wildlife Advisory  
12 Commission, the Maryland Legislative Sportsmen’s Foundation, and other interested  
13 organizations to identify additional funding mechanisms for wildlife management in  
14 Maryland before December 31, 2012.

15                    SECTION ~~4.~~ 3. AND BE IT FURTHER ENACTED, That, ~~except as provided in~~  
16 ~~Section 3 of this Act,~~ this Act shall take effect July 1, 2012.

Approved:

\_\_\_\_\_ Governor.

\_\_\_\_\_ Speaker of the House of Delegates.

\_\_\_\_\_ President of the Senate.