

SENATE BILL 225

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6lr0527
CF HB 1531

By: **Senator Simonaire**

Introduced and read first time: January 21, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of exempting a certain person serving in the armed forces of the United
5 States from the requirement to obtain certain licenses to fish in certain waters of the
6 State under certain circumstances; authorizing the Department of Natural
7 Resources to issue certain complimentary hunting and fishing licenses to an
8 out-of-state person who certifies that the person is a former prisoner of war or a
9 100% service connected disabled American veteran if the person's state of residence
10 extends similar privileges to former prisoners of war or 100% service connected
11 disabled American veterans of this State; repealing a certain limit on the number of
12 complimentary angler's licenses for each state other than Maryland that may be
13 outstanding at any time; making a certain complimentary hunting license subject to
14 certain provisions of law; making conforming changes; requiring the Department to
15 implement a program to provide certain discounted licenses to Maryland residents
16 who are recipients of the Purple Heart Award; providing for the termination of
17 certain provisions of this Act; making stylistic changes; and generally relating to
18 hunting and fishing licenses.

19 BY repealing and reenacting, with amendments,
20 Article – Natural Resources
21 Section ~~4-604(c)~~, 4-607, 4-614(a)(2), ~~4-745(e)~~ 4-745(c) and (e), and 10-303(a)(2)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2015 Supplement)

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

3 **Article – Natural Resources**

4 4–604.

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

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

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

12 (3) ANY PERSON SERVING IN THE ARMED FORCES OF THE UNITED
13 STATES WHO HAS A SERVICE-CONNECTED DISABILITY, IF, WHILE ANGLING, THE
14 PERSON POSSESSES VALID MILITARY IDENTIFICATION;

15 [(3)] (4) A person who fishes in nontidal waters of the State on free fishing
16 days designated by the Secretary;

17 [(4)] (5) A person holding a current resident consolidated senior sport
18 fishing license issued under § 4–216 of this title;

19 [(5)] (6) A person fishing in a free fishing area established under §
20 4–214(b)(2) of this title; or

21 [(6)] (7) A person authorized by a disability exemption issued under §
22 4–217 of this title.

23 4–607.

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

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

30 (3) **THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY**
31 **ANGLER'S LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE**
32 **PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED**

1 AMERICAN VETERAN IF THE PERSON'S STATE OF RESIDENCE EXTENDS SIMILAR
 2 PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED
 3 DISABLED AMERICAN VETERANS OF THIS STATE.

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

6 (c)] A complimentary license is not transferable and shall be issued without a fee
 7 on forms the Department designates.

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

12 4-614.

13 (a) (2) A trout stamp is not required of the following:

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

16 (ii) A holder of a lifetime complimentary angler's license for service
 17 disabled veterans or former prisoners of war issued under § 4-607(a)(2) OR (3) of this
 18 subtitle;

19 (iii) A person authorized by a disability exemption issued under
 20 § 4-217 of this title;

21 (iv) ~~A~~ ANY resident serving in the armed forces of the United States
 22 while on leave ~~if~~ IN THE STATE, DURING THE RESIDENT'S LEAVE PERIOD, IF, WHILE
 23 ANGLING, the resident possesses a copy of the resident's official leave order ~~while fishing;~~
 24 ~~or~~

25 (v) ANY PERSON SERVING IN THE ARMED FORCES OF THE
 26 UNITED STATES WHO HAS A SERVICE-CONNECTED DISABILITY, IF, WHILE ANGLING,
 27 THE PERSON POSSESSES VALID MILITARY IDENTIFICATION; OR

28 (VI) A person under 16 years of age.

29 4-745.

30 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or
 31 in State waters of the Atlantic Ocean and coastal bays and their tributaries without a
 32 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) SERVES IN THE ARMED FORCES OF THE UNITED STATES AND HAS**
 20 **A SERVICE-CONNECTED DISABILITY, IF, WHILE FISHING, THE PERSON POSSESSES**
 21 **VALID MILITARY IDENTIFICATION;**

22 **[(6)] (7) Fishes on a free fishing day designated by the Secretary;**

23 **[(7)] (8) Holds a current resident consolidated senior sport fishing license**
 24 **issued under § 4-216 of this title;**

25 **[(8)] (9) Holds a current registration issued under subsection (d)(3) of this**
 26 **section; or**

27 **[(9)] (10) Is fishing on a commercial fishing pier licensed under subsection**
 28 **(d)(4) of this section.**

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

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

4 (3) **THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY**
5 **CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO AN OUT-OF-STATE**
6 **PERSON WHO CERTIFIES THAT THE PERSON IS A FORMER PRISONER OF WAR OR A**
7 **100% SERVICE CONNECTED DISABLED AMERICAN VETERAN IF THE PERSON'S STATE**
8 **OF RESIDENCE EXTENDS SIMILAR PRIVILEGES TO FORMER PRISONERS OF WAR OR**
9 **100% SERVICE CONNECTED DISABLED AMERICAN VETERANS OF THIS STATE.**

10 (4) A complimentary license is not transferable and shall be issued on
11 forms the Department designates.

12 10-303.

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural
24 Resources shall implement a program to provide discounted anglers' licenses, Chesapeake
25 Bay and coastal sport fishing licenses, and hunter's licenses to Maryland residents who are
26 recipients of the Purple Heart Award.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2016. Section 2 of this Act shall remain effective for a period of ~~2 years and 5 months~~ 3
29 years and, at the end of ~~December 31, 2018~~ June 30, 2019, with no further action required
30 by the General Assembly, Section 2 of this Act shall be abrogated and of no further force
31 and effect.