

DEPARTMENT OF NATURAL RESOURCES

SUBTITLE 03 WILDLIFE

Chapter 14 Waterfowl Outfitting and Guiding

Authority: Natural Resources Article, §10-309, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Convicted" or "conviction" means:

- (a) To have been found guilty in a court of law; or
- (b) To have forfeited collateral.

(2) "Hunter" means a person who attempts to pursue, kill, shoot, or in any manner reduce to personal possession, any wild waterfowl.

(3) "Hunting club" means a group of individuals who pay dues or other compensation to hunt wild waterfowl.

(4) "Master hunting guide" means a person who was licensed as a master hunting guide by the Service before April 11, 2005.

(5) "Outfitting" means, for compensation, providing hunters with:

- (a) Access to a hunting area;
- (b) Hunting equipment, including but not limited to, a blind, a boat, and decoys;

and

- (c) A licensed waterfowl hunting guide who provides personal guiding services.

(6) "Personal guiding services" means:

- (a) Accompanying hunters while in the field; and
- (b) Performing any of the following activities:
 - (i) Calling wild waterfowl;
 - (ii) Directing the times and zones of shooting by hunters;
 - (iii) Directing the species and number of wild waterfowl taken by hunters;
 - (iv) Dispatching wounded wild waterfowl; and
 - (v) Retrieving downed wild waterfowl.

(7) "Waterfowl hunting guide" means an individual who:

- (a) Is an employee of a waterfowl outfitter; and
- (b) Furnishes personal guiding services.

(8) "Waterfowl outfitter" means an individual who receives monetary compensation for the outfitting of hunters to hunt wild waterfowl.

.02 Licenses.

A. Licenses Required.

(1) An individual shall be licensed by the Service as a waterfowl outfitter before the individual may outfit a hunter to hunt wild waterfowl for monetary consideration including:

- (a) Direct monetary consideration from hunters for daily or multi-day hunts; or

(b) Indirect monetary consideration from the dues or membership payments of hunting club members.

(2) An individual must be licensed by the Service as a waterfowl hunting guide before the individual may provide personal guiding services for which a waterfowl outfitter receives monetary consideration as described in §A(1) of this regulation.

(3) A waterfowl outfitter may not employ or provide an unlicensed waterfowl hunting guide for the purpose of providing personal guiding services.

B. Application.

(1) To apply for a waterfowl outfitter license or a waterfowl hunting guide license, an applicant shall submit the following information:

(a) A completed application including the applicant's:

- (i) Full name;
- (ii) Address of residence;
- (iii) Address of business;
- (iv) Social security number;
- (v) Birth date; and
- (vi) Telephone number;

(b) A copy of a current Maryland hunting license; and

(c) An application fee of:

- (i) \$300 for a waterfowl outfitter license; or
- (ii) \$50 for a waterfowl hunting guide license.

(2) An applicant for a waterfowl outfitter license shall include with the application a statement documenting the applicant's qualifications in meeting the requirements of Regulation .03B(3) of this chapter. An applicant using the provisions of Regulation .03B(3)(b) of this chapter to qualify for a waterfowl outfitter license shall provide a statement documenting the applicant's waterfowl hunting guide experience.

(3) Permit applications may be obtained from the Wildlife and Heritage Service, Tawes State Office Building, 580 Taylor Ave., E-1, Annapolis, Maryland, 21401, or by calling 410-260-8540, or online at www.dnr.state.md.us.

(4) Completed applications shall be mailed or delivered to: Permits Coordinator, Wildlife and Heritage Service, Tawes State Office Building, 580 Taylor Ave., E-1, Annapolis, Maryland, 21401.

C. Duration. Waterfowl outfitter and waterfowl hunting guide licenses are valid from August 1 to July 31.

.03 Qualifications for Waterfowl Outfitter License.

A. The Service may not issue a waterfowl outfitter license if the applicant does not meet the qualifications of this regulation.

B. A waterfowl outfitter licensee shall meet the following qualifications:

(1) Be 18 years old or older;

(2) Possess a valid Maryland hunting license; and

(3) Have one of following sources of experience:

(a) Previously licensed by the Service as a master hunting guide; or

(b) Previously employed by a licensed waterfowl outfitter, for two seasons, as a waterfowl hunting guide licensed by the Service.

C. The Service shall review each license application to determine if, within the prior 3 year period, the applicant has been convicted of violating state or federal migratory game bird laws or regulations pertaining to:

(1) Hunting with the aid of bait;

(2) Exceeding the daily bag limit;

(3) Hunting with the aid of live decoys;

(4) Violation of shooting hours;

(5) Hunting during a closed season; or

(6) Waterfowl outfitting and guiding.

D. If, upon the review specified in §C of this regulation, the Service determines that the applicant has two or more convictions that arise out of a separate set of circumstances, the applicant shall be denied issuance of a license for a period of 1 year. The period of denial shall begin on August 1 following the date the applicant is convicted for the second violation. Following the 1-year period of denial, the applicant shall serve a 3-year probationary period during which any additional conviction for violating the laws or regulations listed in §A of this regulation shall result in an additional 1 year period of denial, starting on August 1, following the date of conviction. The applicant shall remain on probation until there are no convictions for violating the laws or regulations listed in §A of this regulation for a period of 3 years.

E. A waterfowl outfitter license may not be issued if the applicant has been convicted at any time of fraud, deception, or material misrepresentation in procuring any previous master hunting guide, waterfowl outfitter, waterfowl hunting guide, or hunting license.

F. If an application for a waterfowl outfitter license is denied, the Service shall send the applicant a notice of the grounds upon which the denial is based. An individual who has received a notice that the Service has denied or refused an individual's application may file, within 21 days after the notice was mailed, a letter to the Director of the Service requesting a contested case hearing. Upon receipt of the letter, the Service shall schedule a contested case hearing before the Office of Administrative Hearings in accordance with the procedures of the Administrative Procedures Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

.04 Qualifications for Waterfowl Hunting Guide License.

A. The Service may not issue waterfowl hunting guide license if the applicant does not meet the qualifications of this regulation.

B. A waterfowl hunting guide licensee shall meet the following qualifications:

- (1) Be 16 years old or older; and
- (2) Possess a valid Maryland hunting license.

C. The Service shall review each license application to determine if, within the prior 3 year period, the applicant has been convicted of violating state or federal migratory game bird laws or regulations pertaining to:

- (1) Hunting with the aid of bait;
- (2) Exceeding the daily bag limit;
- (3) Hunting with the aid of live decoys;
- (4) Violation of shooting hours;
- (5) Hunting during a closed season; or
- (6) Waterfowl outfitting and guiding.

D. If, upon the review specified in §C of this regulation, the Service determines that the applicant has two or more convictions that arise out of a separate set of circumstances, the applicant shall be denied issuance of a license for a period of 1 year. The period of denial begins on August 1 following the date the applicant is convicted for the second violation. Following the 1-year period of denial, the applicant shall serve a 3-year probationary period during which any additional conviction for violating the laws or regulations listed in §A of this regulation shall result in an additional 1-year period of denial, starting on August 1, following the date of conviction. The applicant shall remain on probation until there are no convictions for violating the laws or regulations listed in §A of this regulation for a period of 3 years.

E. A waterfowl hunting guide license may not be issued if the applicant has been convicted at any time of fraud, deception, or material misrepresentation in procuring any previous master hunting guide, waterfowl outfitter, waterfowl hunting guide, or hunting license.

F. If an application for a waterfowl hunting guide license is denied, the Service shall send the applicant a notice of the grounds upon which the denial is based. An individual who has received a notice that the Service has denied or refused an individual's application may file, within 21 days after the notice was mailed, a letter to the Director of the Service requesting a contested case hearing. Upon receipt of the letter, the Service shall schedule a contested case hearing

before the Office of Administrative Hearings in accordance with the procedures of the Administrative Procedures Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04.

.05 Restrictions On Waterfowl Hunting Guides While Guiding.

- A. A waterfowl hunting guide may not provide personal guiding services in either the offshore waterfowl or sea duck hunting zones unless the licensee possesses a valid U.S. Coast Guard Captain's or master's license.
- B. A waterfowl hunting guide shall possess a valid Maryland hunting license while guiding waterfowl hunters.

.06 Record-keeping Requirements.

- A. A licensed waterfowl outfitter or waterfowl hunting guide shall maintain accurate and complete records as provided in this regulation.
- B. The waterfowl outfitter shall maintain a list that contains the following information for each waterfowl hunting guide the waterfowl outfitter employs:
 - (1) Full name;
 - (2) Waterfowl hunting guide license number;
 - (3) Address of residence;
 - (4) Birth date; and
 - (5) Telephone number.
- C. The waterfowl hunting guide shall maintain a field record updated within 24 hours following the completion of a hunting day that contains the following information for each hunter:
 - (1) Full name;
 - (2) Address of residence;
 - (3) Valid hunting license number;
 - (4) Date;
 - (5) Number and species of wild waterfowl that were killed by each hunter;
 - (6) Name and waterfowl hunting guide license number of the accompanying waterfowl hunting guide.
- D. The waterfowl outfitter or waterfowl hunting guide shall make the completed field records available for inspection by any law enforcement officer upon request during all reasonable hours.
- E. The waterfowl hunting guide may use a field record form provided by the Service or incorporate the required information into forms provided by the waterfowl outfitter.
- F. The waterfowl outfitter shall obtain each waterfowl hunting guide's field records within 7 days following the completion of the hunting day..
- G. The waterfowl outfitter shall retain all waterfowl hunting guide field records for a period of three years.