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By: **Delegates Schisler, Weir, and Guns**  
Introduced and read first time: February 2, 2000  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Hunting - Duck Blinds - Site Licenses**

3 FOR the purpose of repealing certain requirements for an application for a duck blind  
4 site license; repealing certain requirements for obtaining a duck blind site  
5 license; repealing certain requirements for the content of a duck blind site  
6 license; repealing certain requirements for issuance of a duck blind site license;  
7 repealing certain exceptions to requirements for a duck blind site license; and  
8 generally relating to requirements for a duck blind site license.

9 BY repealing and reenacting, with amendments,  
10 Article - Natural Resources  
11 Section 10-612  
12 Annotated Code of Maryland  
13 (1990 Replacement Volume and 1999 Supplement)  
14 (As enacted by Chapter 703 of the Acts of the General Assembly of 1999)

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

17 **Article - Natural Resources**

18 10-612.

19 (a) The Department shall inspect a licensed blind site to determine the  
20 validity of the certifications in an application upon request of the owner of the shore  
21 front property.

22 (b) If the Department finds that the certifications of the application are  
23 erroneous, the Department may revoke the license by giving written notice to the  
24 applicant.

25 [(c) (1) A riparian owner owning the required amount of shoreline shall  
26 certify in writing to the clerk that the riparian owner is the owner of the required  
27 amount of shoreline. A lessee, licensee, or assignee of a riparian owner shall present  
28 to the clerk a written statement from the riparian owner authorizing the lessee,

1 licensee, or assignee to erect a stationary blind or a blind site. The lessee, licensee, or  
2 assignee also shall certify that the riparian owner owns the required amount of  
3 shoreline.

4 (2) A riparian owner owning less than the required amount of shoreline  
5 who desires to erect a stationary blind shall present the written permission of every  
6 shoreowner having continuous shore frontage along the required amount of shoreline.

7 (3) A riparian owner owning less than the required amount of shoreline  
8 applying between August 1 and August 14, inclusive, shall certify that the owner is a  
9 riparian owner, that the owner desires to erect a blind site, and that there is no  
10 previously licensed stationary blind or blind site within the distance prohibited by §  
11 10-617 of this subtitle.

12 (4) Any other resident applying after August 14 shall certify that the  
13 resident is a resident of the State, that the resident desires to erect a blind site, and  
14 that there is no previously licensed stationary blind or blind site within the distance  
15 prohibited by § 10-617 of this subtitle.

16 (d) (1) A stationary blind or blind site license may be obtained from the clerk  
17 of the circuit court of the county within whose jurisdiction the stationary blind or  
18 blind site lies.

19 (2) Application shall be made on forms, furnished by the Secretary to the  
20 clerks of courts, which provide for the location of the blind and the name of the  
21 riparian owner. A person may apply by mail.

22 (3) The number of stationary blind and blind site licenses that the clerk  
23 shall issue to any resident nonowner during 1 day is limited to no more than two.

24 (4) The clerk shall issue the license upon payment of a \$11.00 fee. The  
25 clerk shall retain \$1.00 to cover issuing costs.

26 (5) The Department shall provide each participating county with maps  
27 designed for public display and indication of the geographic locations of each  
28 purchased site.

29 (e) The license shall bear the Secretary's signature and be countersigned by  
30 the issuing clerk. The clerk also shall fill in the name and address of the licensee and  
31 the location of the blind on the attached stub and mail the stub to the Secretary.

32 (f) The clerk shall issue blind site licenses to:

33 (1) Riparian owners having less than the required amount of shoreline;  
34 and

35 (2) Any other State resident in the order in which applications are  
36 received.

37 (g) The license shall expire June 30 after the date of issuance.

1 (h) (1) Notwithstanding any other provisions of this subtitle, the licensing  
2 provisions of this section apply to the waters of Talbot County.

3 (2) Any person desiring to erect a stationary blind or blind site in the  
4 waters of Talbot County first shall obtain a license in accordance with the following  
5 schedule of priorities:

6 (i) Any owner of at least 500 yards of contiguous shoreline in  
7 Talbot County, or the owner's lessee, licensee, or assignee shall receive first priority to  
8 license a stationary blind or blind site in front of the owner's, lessee's, licensee's, or  
9 assignee's riparian property if an application is made between July 1 and November  
10 1, inclusive. An owner shall certify by written application that the owner owns the  
11 required amount of shoreline. A lessee, licensee, or assignee of an owner of 500 yards  
12 of contiguous yards of shoreline shall certify by written application that the lessee,  
13 licensee, or assignee possesses the required amount of shoreline;

14 (ii) A lessee, licensee, or assignee of 500 yards of contiguous  
15 shoreline owned by more than 1 person may obtain a stationary blind or blind site  
16 license if an application is made between July 1 and November 1, inclusive. An  
17 applicant shall present the written consent of the owners of the shoreline;

18 (iii) An owner of riparian rights or the owner's lessees, licensees, or  
19 assignees, owning less than 500 contiguous yards of shoreline shall have priority to  
20 obtain a license for blind site between October 11 and 21 inclusive of each year,  
21 provided the owner or the owner's lessee, licensee, or assignee complies with the  
22 requirements of written consent; and

23 (iv) After November 1, any resident of Talbot County may license a  
24 blind site no closer than 500 yards of the nearest licensed stationary blind or blind  
25 site.

26 (3) After November 1, the clerk shall issue blind site licenses in rotation  
27 as applications are received. The Department shall inspect any licensed blind site to  
28 determine the validity of the certifications in any application upon request of the  
29 owner of the shoreline property. If the Department finds that the certifications of the  
30 application are erroneous, the Department may revoke the license by written notice to  
31 the applicant.

32 (4) Any person choosing a location for a stationary blind or blind site  
33 pursuant to the provisions of this section shall mark the position by erecting a stake  
34 showing the licensee's name and number.

35 (5) If any licensee erects a stationary blind or blind site or sets a stake  
36 and the stationary blind, blind site, or stake is lost or destroyed in any manner  
37 beyond the licensee's control, the licensee may not lose the licensee's location but may  
38 reestablish the stationary blind, blind site, or stake at any time during the current  
39 hunting season.

1           (6)     A resident who applies after November 1 shall remove any stake  
2 erected pursuant to the provisions of this section within 30 days after wild waterfowl  
3 season closes.

4           (7)     Whenever conflicts occur between applicants within the lines  
5 specified, the applicant first applying shall prevail.

6           (8)     An owner of at least 500 yards of shoreline, or the owner's lessee,  
7 licensee, or assignee, may not place a stationary blind or blind site within 250 yards  
8 of the dividing line of any property owned by the owner, lessee, licensee, or assignee  
9 and the adjoining property bordering on the waters of Talbot County without the  
10 consent of the adjoining landowner. Any other person may not erect a stationary blind  
11 or blind site less than 500 yards from the nearest licensed stationary blind or blind  
12 site when measured in a straight line.

13          (9)     A person may not erect a stationary blind or blind site at a greater  
14 distance from shore than one-third of the distance from shore to the opposite shore or  
15 300 yards from the shoreline, whichever is less. The Secretary shall be sole judge of  
16 what constitutes "opposite shore" for the purposes of this subsection. Where  
17 circumstances require and with regard for the rights of adjoining owners, the  
18 Secretary may designate the points with respect to distances from shore.

19          (10)    However, unless the written permission of the riparian owner is first  
20 obtained, no person other than the owner shall locate a blind site closer than 300  
21 yards from any dwelling house.

22          (11)    Any owner of 500 yards of contiguous shoreline, or the owner's lessee,  
23 licensee, or assignee, shall have the sole right to body boot or hunt from gunning rigs  
24 or boat or floating blinds anchored or tied at the blind site in any area which the  
25 owner, lessee, licensee, or assignee has protected by licensed stationary blind or blind  
26 site. However, the owner, lessee, licensee, or assignee may not hunt closer than 500  
27 yards of the nearest stationary blind or blind site of another licensee without the  
28 other licensee's written consent.

29          (12)    Any other person who obtains a blind site license has the sole right to  
30 body boot or hunt from any gunning rig, boat, or floating blind if the gunning rig,  
31 boat, or floating blind is tied or anchored at a blind site.

32          (13)    A person may not hunt or occupy any blind in the waters of Talbot  
33 County that is situated within 300 yards of any blind permanently constructed on  
34 shore.]

35    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 June 1, 2000.