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By: **Delegates Weir and Guns**

Introduced and read first time: February 10, 2000

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2000

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CHAPTER 627

1 AN ACT concerning

2 **Natural Resources - Wild Waterfowl - Blind Sites**

3 FOR the purpose of prohibiting a person from possessing shotgun shells that are  
4 loaded with certain shot under certain circumstances; providing that persons  
5 that have the written consent of adjoining landowners to achieve a certain  
6 length of continuous shoreline may erect an offshore stationary blind or blind  
7 site; allowing a riparian landowner who owns less than a certain length of  
8 continuous shoreline to establish an offshore blind site if no other shoreline is  
9 licensed within a certain distance of the blind site; allowing a riparian  
10 landowner to lease or assign certain rights to license their riparian shoreline;  
11 providing that all applications to license riparian shoreline shall be approved by  
12 the Department of Natural Resources in a certain manner; providing a certain  
13 exception to the requirement that reflective material be attached to certain  
14 stationary blinds; allowing the licensee of riparian shoreline to have the sole  
15 right to establish offshore stationary blinds or blind sites within certain  
16 distances of the licensed shoreline or opposite shore; and generally relating to  
17 offshore stationary blinds and blind sites.

18 BY repealing and reenacting, with amendments,  
19 Article - Natural Resources  
20 Section 10-602(e), 10-607, and 10-609  
21 Annotated Code of Maryland  
22 (1990 Replacement Volume and 1999 Supplement)

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

1 **Article - Natural Resources**

2 10-602.

3 (e) (1) The only firearm that a person may use to hunt wild waterfowl is a  
4 shotgun fired from the shoulder.5 (2) A shotgun used to hunt wild waterfowl may not be larger than a 10  
6 gauge or loaded with shot not approved by the United States Fish and Wildlife  
7 Service.8 (3) WHILE HUNTING OR ATTEMPTING TO HUNT WILD WATERFOWL, A  
9 PERSON MAY NOT POSSESS SHOTGUN SHELLS THAT ARE LOADED WITH SHOT NOT  
10 APPROVED BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

11 10-607.

12 (a) (1) This section shall apply only to owners of riparian property in  
13 Maryland regardless of the residency of the owner.14 (2) Persons owning riparian property in Virginia or West Virginia that is  
15 adjacent to the Potomac River may not license their shoreline under this subtitle.

16 (b) Riparian landowners may license their riparian shoreline:

17 (1) To establish offshore stationary blinds or blind sites for hunting wild  
18 waterfowl; and19 (2) To prevent other persons from licensing the riparian shoreline for the  
20 purpose of hunting wild waterfowl offshore.21 (c) (1) On the nontidal waters of the Potomac River, Conococheague Creek,  
22 and the Monocacy River, the Department may not license riparian shoreline owned by  
23 a federal or State unit or the assignee of the federal or State unit.24 (2) (i) A federal or State unit that owns riparian shoreline on the  
25 nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River  
26 may apply to the Department to establish a waterfowl safety zone in a specified area  
27 of the shoreline.28 (ii) The Secretary shall review each request and determine whether  
29 sufficient need for a waterfowl safety zone exists.30 (3) On or before August 15 of each year, the Department shall mark each  
31 waterfowl safety zone with clearly visible signs.32 (d) (1) Except as provided in paragraph (2) of this subsection, only persons  
33 [owning] THAT OWN at least 250 yards of continuous shoreline, OR PERSONS THAT  
34 HAVE THE WRITTEN CONSENT OF ADJOINING LANDOWNERS TO ACHIEVE THE  
35 REQUIRED 250 YARDS OF CONTINUOUS SHORELINE, may erect an offshore stationary  
36 blind or blind site.

1           (2)     A riparian landowner who owns less than 250 yards of continuous  
2 shoreline may [erect an offshore stationary blind or blind site if the riparian  
3 landowner has the written consent of adjoining riparian landowners to achieve the  
4 required 250 yards of continuous shoreline] ESTABLISH AN OFFSHORE BLIND SITE IF  
5 NO OTHER SHORELINE IS LICENSED WITHIN 125 YARDS OF THE BLIND SITE.

6           (e)     Riparian landowners may lease or assign their rights to [an offshore  
7 stationary blind or blind site] LICENSE THEIR RIPARIAN SHORELINE.

8           (f)     (1)     [Without the written permission of the adjacent landowner] EXCEPT  
9 AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, riparian landowners may not  
10 locate an offshore stationary blind or blind site within 125 yards of the property line  
11 or where the line would be if it were extended out over the water perpendicular to the  
12 shore at the point where the property line reaches the water's edge.

13           (2)     A RIPARIAN LANDOWNER WHO OWNS LESS THAN 250 YARDS OF  
14 CONTINUOUS SHORELINE MAY NOT LOCATE AN OFFSHORE BLIND SITE CLOSER  
15 THAN 125 YARDS FROM THE NEAREST LICENSED SHORELINE.

16           (g)     Notwithstanding the other provisions of this section, where circumstances  
17 require, such as in coves and when two properties extend onto a point of land, the  
18 Secretary may determine where an offshore stationary blind or blind site license shall  
19 be located. The Secretary shall try to locate the sites so that each riparian landowner  
20 gets a site and may locate the blinds closer than 250 yards apart with the written  
21 consent of the two riparian landowners.

22           (h)     (1)     Riparian landowners, including government agencies, shall license  
23 their shoreline annually in accordance with this section.

24           (2)     An applicant for a license shall:

25                   (i)     Submit to the Department:

26                           1.     An application by mail prior to June 1 of each year on a  
27 form provided by the Department;

28                           2.     A map showing the exact location of the shoreline to be  
29 licensed and the exact location of the proposed offshore stationary blinds or blind  
30 sites, if any;

31                           3.     The written permission of adjacent landowners if  
32 necessary; and

33                           4.     The written lease or assignment of the riparian landowner  
34 if necessary; and

35                   (ii)    Pay to the Department a fee of \$20.

36           (3)     A unit of government is exempt from the application fee required  
37 under paragraph (2) of this subsection.

1 (i) (1) At least 1 month before a license expires on June 30 of each year, the  
2 Department shall mail a renewal notice and a renewal application to all riparian  
3 landowners who received a license the previous year.

4 (2) The renewal notice shall state:

5 (i) The date on which the current license expires;

6 (ii) The date by which the Department must receive the renewal  
7 application for the renewal to be issued and mailed before the license expires; and

8 (iii) The amount of the renewal fee.

9 (j) Before the license expires, the licensee may renew the license for an  
10 additional 1-year term, if the licensee:

11 (1) Is otherwise entitled to be licensed;

12 (2) Pays to the Department a renewal fee of \$20; and

13 (3) Submits to the Department a renewal application on the form that  
14 the Department requires.

15 (k) (1) ALL APPLICATIONS TO LICENSE RIPARIAN SHORELINE SHALL BE  
16 APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH APPLICABLE LAWS AND  
17 REGULATIONS.

18 (2) Whenever conflicts occur between applicants WISHING TO  
19 ESTABLISH OFFSHORE STATIONARY BLINDS OR BLIND SITES and those conflicts  
20 cannot be resolved by application of subsection (g) of this section, the applicant  
21 applying first shall prevail. If both applications arrive in the mail on the same day a  
22 coin toss shall determine which applicant shall prevail. The applicants may be  
23 present for the coin toss.

24 (l) Funds collected under this section shall be used to administer the licensing  
25 program under this section. Any funds not expended in a fiscal year for administering  
26 the licensing program under this section shall revert to the General Fund.

27 10-609.

28 (a) Offshore stationary blinds and offshore blind sites shall be at least 250  
29 yards apart from each other.

30 (b) Offshore stationary blinds and offshore blind sites shall be located within  
31 300 yards of the shoreline or one-third the distance to the opposite shore, whichever  
32 is less, except that in the Chesapeake Bay in Anne Arundel and Calvert Counties, and  
33 in Prospect Bay in Queen Anne's County, all offshore stationary blinds and blind sites  
34 may be no more than 800 yards from the shoreline.

35 (c) Offshore stationary blinds and blind sites may not be less than 150 yards  
36 from any dwelling house without the written permission of the owner of the house.

1 (d) (1) ~~Offshore~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
2 SUBSECTION, OFFSHORE stationary blinds shall be marked with the licensee's name  
3 and license number and marked on each side with at least 100 square inches of  
4 clearly visible reflective material attached to the OUTSIDE OF THE stationary blind at  
5 least 3 feet above the high water mark.

6 (2) REFLECTIVE MATERIAL IS NOT REQUIRED TO BE DISPLAYED OR  
7 ATTACHED TO THE OUTSIDE OF A STATIONARY BLIND WHILE THE STATIONARY  
8 BLIND IS OCCUPIED AND IS BEING USED FOR HUNTING.

9 (e) Offshore blind sites shall be marked by a stake showing the licensee's  
10 name and license number. Each stake shall be marked on all sides with reflective  
11 material at least 4 inches wide and located at least 3 feet above the high water mark.  
12 All stakes shall be removed within 30 days after the last wild waterfowl season closes.

13 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
14 LICENSEE OF RIPARIAN SHORELINE SHALL HAVE THE SOLE RIGHT TO ESTABLISH  
15 OFFSHORE STATIONARY BLINDS OR BLIND SITES WITHIN 300 YARDS OF THE  
16 LICENSED SHORELINE OR ONE-THIRD THE DISTANCE TO THE OPPOSITE SHORE,  
17 WHICHEVER IS LESS.

18 (2) IN THE CHESAPEAKE BAY IN ANNE ARUNDEL AND CALVERT  
19 COUNTIES, AND IN PROSPECT BAY IN QUEEN ANNE'S COUNTY, THE LICENSEE ~~OR~~ OF  
20 RIPARIAN SHORELINE SHALL HAVE THE SOLE RIGHT TO ESTABLISH OFFSHORE  
21 STATIONARY BLINDS OR BLIND SITES WITHIN 800 YARDS OF THE LICENSED  
22 SHORELINE.

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