

SENATE BILL 59

Unofficial Copy
M2

2004 Regular Session
(4lr0016)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Chairman, Education, Health, and Environmental Affairs
Committee (By Request - Departmental - Natural Resources)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 85

1 AN ACT concerning

2 **Natural Resources - ~~Shoreline and Blind Site Licensing~~ Hunting Licenses -**
3 **Licensing Procedures and Shoreline Licenses**

4 FOR the purpose of ~~altering the duration of a certain shoreline license; altering the~~
5 ~~amount, timing, and disposition of the fee for obtaining a certain shoreline~~
6 ~~license; requiring Maryland residents who are not licensing their own property~~
7 ~~to possess a current year or prior year Maryland hunting license; altering the~~
8 ~~method by which the Department of Natural Resources shall notify the public of~~
9 ~~shoreline licensing; specifying the methods by which certain licenses may be~~
10 ~~issued; providing that only certain persons may erect and maintain stationary~~
11 ~~blinds or blind sites in certain counties; authorizing the Department to adopt~~
12 ~~certain regulations; and generally relating to the licensing of shoreline and blind~~
13 ~~sites~~ extending, at the option of the applicant, the term of a certain shoreline
14 license; establishing the amount, timing, and disposition of the fee for obtaining
15 an extended shoreline license; providing that certain unexpended funds shall be
16 credited to a certain fund and may not be transferred to or revert to the General

1 Fund of the State; authorizing the Department of Natural Resources to use a
 2 lottery-based system to issue hunting licenses, permits, and stamps; requiring
 3 Maryland residents who are not licensing their own property to possess a certain
 4 hunting license before applying for a license; authorizing the Department to
 5 adopt certain regulations; and generally relating to hunting license issuance
 6 procedures and shoreline hunting licenses.

7 BY adding to
 8 Article - Natural Resources
 9 Section 10-601.1 and 10-607(m)
 10 Annotated Code of Maryland
 11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article - Natural Resources
 14 Section 10-205, 10-607(h), (i), (j), and (l), and 10-608
 15 Annotated Code of Maryland
 16 (2000 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article - Natural Resources
 19 Section 10-607(k)
 20 Annotated Code of Maryland
 21 (2000 Replacement Volume and 2003 Supplement)

22 ~~BY adding to~~
 23 ~~Article - Natural Resources~~
 24 ~~Section 10-607(m)~~
 25 ~~Annotated Code of Maryland~~
 26 ~~(2000 Replacement Volume and 2003 Supplement)~~

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

29 **Article - Natural Resources**

30 10-205.

31 (a) Having a due regard for the distribution, abundance, economic value, and
 32 breeding habits of wildlife, the Secretary may adopt regulations to enlarge, extend,
 33 restrict, or prohibit hunting, possessing, selling, purchasing, shipping, carrying,
 34 transporting, or exporting wildlife.

35 (b) In addition to any other penalty provided in this title, any person convicted
 36 of violating any regulation adopted by the Department shall be fined \$5 for each bird,
 37 mammal, amphibian, or reptile illegally hunted or possessed. However, this additional

1 penalty does not apply to game birds and mammals. If a person is convicted a second
 2 or subsequent time within the same 12 month period for a violation of the regulations
 3 the Department adopts, the person:

4 (1) Shall have the person's hunter's license suspended; and

5 (2) May not procure a hunter's license the following calendar year.

6 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT
 7 MAY USE A LOTTERY-BASED SYSTEM TO ISSUE HUNTING LICENSES, PERMITS, OR
 8 STAMPS.

9 10-601.1.

10 THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS
 11 OF THIS SUBTITLE.

12 10-607.

13 (h) (1) Riparian landowners, including government agencies, shall license
 14 their shoreline [annually] ~~EVERY 5 YEARS~~ EITHER ANNUALLY OR EVERY 3 YEARS in
 15 accordance with this section.

16 (2) An applicant for a license shall:

17 (i) Submit to the Department:

18 1. An application by mail prior to June 1 of [each] THE year
 19 ~~IN WHICH THE CURRENT LICENSE EXPIRES OR FOR WHICH A NEW LICENSE IS~~
 20 ~~REQUESTED~~ on a form provided by the Department;

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

24 3. The written permission of adjacent landowners if
 25 necessary; and

26 4. The written lease or assignment of the riparian landowner
 27 if necessary; and

28 (ii) Pay to the Department a fee of [~~\$20~~] ~~\$60~~;

29 1. \$20 FOR A 1-YEAR LICENSE; OR

30 2. \$60 FOR A 3-YEAR LICENSE.

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

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

5 (2) The renewal notice shall state:

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

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

9 (iii) The amount of the renewal fee.

10 (j) Before JUNE 1ST OF THE YEAR the license expires, the licensee may renew
11 the license for an additional [1-year] ~~5-YEAR~~ 1-YEAR OR 3-YEAR term, if the licensee:

12 (1) Is otherwise entitled to be licensed;

13 (2) Pays to the Department a renewal fee of [\$20] ~~\$60~~;

14 (I) \$20 FOR A 1-YEAR LICENSE; OR

15 (II) \$60 FOR A 3-YEAR LICENSE; and

16 (3) Submits to the Department a renewal application on the form that
17 the Department requires.

18 (k) (1) All applications to license riparian shoreline shall be approved by the
19 Department in accordance with applicable laws and regulations.

20 (2) Whenever conflicts occur between applicants wishing to establish
21 offshore stationary blinds or blind sites and those conflicts cannot be resolved by
22 application of subsection (g) of this section, the applicant applying first shall prevail.
23 If both applications arrive in the mail on the same day a coin toss shall determine
24 which applicant shall prevail. The applicants may be present for the coin toss.

25 (l) Funds collected under this section shall be used to administer the licensing
26 program under this section. Any funds not expended in a fiscal year for administering
27 the licensing program under this section ~~shall~~ MAY NOT BE TRANSFERRED OR
28 revert to the General Fund OF THE STATE, BUT SHALL BE CREDITED TO THE STATE
29 WILDLIFE MANAGEMENT AND PROTECTION FUND.

30 (M) A RIPARIAN LANDOWNER WHO FAILS TO MEET THE JUNE 1 DEADLINE FOR
31 LICENSE APPLICATION MAY LICENSE SHORELINE AND ESTABLISH A STATIONARY
32 BLIND OR BLIND SITE FOR A ~~5-YEAR~~ 1-YEAR PERIOD DURING THE LICENSING
33 PROCESS DESCRIBED IN § ~~40-608~~ 10-608(B) THROUGH (H) OF THIS SUBTITLE.

1 10-608.

2 (a) A Maryland resident [or a person who owns riparian property in
3 Maryland, regardless of State residency,] WHO POSSESSES A CURRENT YEAR OR
4 PRIOR YEAR HUNTING LICENSE may apply to the Department to license riparian
5 shoreline for the purpose of establishing an offshore blind site.

6 (b) An applicant for a license shall:

7 (1) Submit to the Department:

8 (i) An application on a form provided by the Department; and

9 (ii) A signed statement that:

10 1. The location of the blind site is at least 125 yards from all
11 other previously licensed riparian shoreline; and

12 2. The offshore blind site complies with all other pertinent
13 laws and regulations; and

14 (2) Pay to the Department an application fee of \$20 for each license
15 requested.

16 (c) (1) The completed application shall be submitted to Department regional
17 service centers or other designated local sites on days designated by the Department.

18 (2) The Department shall establish and adequately staff a site in each
19 county where licensing occurs.

20 (3) The Department shall [post notices of dates and locations for
21 licensing of blind sites in the office of the clerk of the court in each county] PROVIDE
22 PUBLIC NOTICE OF THE LICENSING PROCESS THROUGH THE MEDIA, INTERNET, AND
23 OTHER SOURCES.

24 (4) Licensing shall begin on or before the first Tuesday in August of each
25 year on dates set by the Department.

26 (d) Each designated site or regional service center shall have maps available
27 by July 15 of each year that show the location of all shoreline licensed by riparian
28 landowners.

29 (e) Except for riparian landowners licensing their own property, a person may
30 not obtain more than two licenses per day.

31 (f) Each license shall apply to 250 yards of shoreline. Blind sites shall be
32 located equidistant from the boundaries described by the license.

33 (g) ~~In Kent County and Queen Anne's County CAROLINE, DORCHESTER, KENT,~~
34 ~~QUEEN ANNE'S, AND TALBOT COUNTIES~~ and on the nontidal waters of the Potomac
35 River and its nontidal tributaries, only a riparian landowner owning the amount of

1 shoreline required under § 10-607(d) of this subtitle or a landowner's lessee, licensee,
2 or assignee may erect and maintain a stationary blind or blind site.

3 (g) In Kent County and Queen Anne's County and on the nontidal waters of the
4 Potomac River and its nontidal tributaries, only a riparian landowner owning the
5 amount of shoreline required under § 10-607(d) of this subtitle or a landowner's lessee,
6 licensee, or assignee may erect and maintain a stationary blind or blind site.

7 (h) Licenses are valid until June 30 of the following year and shall be issued in
8 the order the applications are received in person ~~OR THE DEPARTMENT MAY UTILIZE~~
9 ~~A LOTTERY BASED SYSTEM.~~

10 ~~(i) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~
11 ~~SUBTITLE.~~

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect July 1, 2004.