

SENATE BILL 327

M2

(3lr1693)

ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Senators Elfreth, Bailey, Gallion, Gile, Hester, Jackson, James, King, McKay, Rosapepe, and Salling**

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 _____

1 AN ACT concerning

2 **Hunting, Wildlife Conservation, and Outdoor Recreation – Funding, Promotion,**
3 **Management, Licenses, Permits, and Stamps**

4 FOR the purpose of altering the purpose of the Heritage Conservation Fund to include
5 acquiring interests in land that can be used by the general public for hunting;
6 establishing the Wildlife Conservation, Education, and Outreach Program to provide
7 outreach and foster an interest in outdoor recreation and stewardship, hunting, and
8 wildlife conservation; establishing a stamp for hunting sika deer; authorizing a
9 nonresident attending a college or university in the State to purchase a resident
10 hunting license; altering the fees charged for certain hunting and trapping licenses,
11 permits, and stamps; codifying and altering the fees charged for a nonresident
12 trapping license and a group furbearer permit; codifying the fee charged for an
13 individual furbearer permit; ~~authorizing a person to hunt migratory game birds on~~
14 ~~Sundays~~; altering the purposes for which the Wildlife Management and Protection

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.

Italics indicate opposite chamber/conference committee amendments.



Fund may be used; requiring the Department of Natural Resources, in consultation with the Department of Agriculture, to develop a plan to address the overpopulation of deer in the State; requiring that a portion of an increase in certain funding be used for new Position Identification Numbers for the Department of Natural Resources to use in a certain manner and to create and fund a certain farmer cost-share program; and generally relating to hunting, wildlife conservation, and outdoor recreation.

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 5–1102 and 5–1502
 Annotated Code of Maryland
 (2018 Replacement Volume and 2022 Supplement)

BY adding to
 Article – Natural Resources
 Section 10–103
 Annotated Code of Maryland
 (2012 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 10–301(c) and (g), and 10–308.1, and ~~10–410(a)(12) and (13)~~
 Annotated Code of Maryland
 (2012 Replacement Volume and 2022 Supplement)

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

Article – Natural Resources

5–1102.

(a) **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO:**

(1) REQUIRE A LANDOWNER TO ALLOW THE GENERAL PUBLIC ACCESS TO THE LANDOWNER’S LAND; OR

(2) PROHIBIT A LANDOWNER FROM LIMITING OR POSTING THE LANDOWNER’S LAND AGAINST ENTRY.

(B) The purpose of this subtitle is to encourage any owner of land to make land, water, and airspace above the land and water areas available to the public for any recreational and educational purpose, or on a limited entry basis for any recreational hunting purpose, by limiting the owner’s liability toward any person who enters on land, water, and airspace above the land and water areas for these purposes.

1 **[(b)] (C)** This subtitle does not:

2 (1) **[create] CREATE** a duty of care or ground of liability for injury to
3 persons or property**[,]; OR**

4 (2) **[relieve] RELIEVE** any person using the land of another for any
5 recreational or educational purpose from **[any]:**

6 **(I)** **ANY** obligation which **[he] A PERSON** might have in the absence
7 of this subtitle to exercise care in using the land and in **[his] A PERSON'S** activities on the
8 land**[,];** or **[from the]**

9 **(II)** **THE** legal consequences of **[his] A PERSON'S** failure to employ
10 care.

11 5–1502.

12 The purposes of the Heritage Conservation Fund are for the State to acquire
13 conservation easements or a fee simple or other interests in:

14 (1) Forestlands;

15 (2) Unique ecological areas of the State;

16 (3) Any area characterized by significant natural scenic beauty;

17 (4) Tidal or nontidal wetlands;

18 (5) Lands in the Chesapeake Bay Critical Area, as defined under § 8–1807
19 of this article;

20 (6) Any land designated as a unique ecological area under the Natural
21 Heritage Program in the Department;

22 (7) Any wilderness area that remains relatively undisturbed by human
23 encroachment;

24 (8) Lands supporting rare, threatened, or endangered plants or animals;

25 (9) Lands that support diverse ecological communities of plants or animals;

26 (10) Any land whose conversion to development would significantly affect
27 water quality or unique natural habitat; **[and]**

1 (11) Natural areas that have been designated by the State or submitted by
2 a county for designation as areas of critical State concern under § 5–611 of the State
3 Finance and Procurement Article; AND

4 (12) LANDS THAT CAN BE USED BY THE GENERAL PUBLIC FOR
5 HUNTING.

6 10–103.

7 (A) IN THIS SECTION, “PROGRAM” MEANS THE WILDLIFE CONSERVATION,
8 EDUCATION, AND OUTREACH PROGRAM.

9 (B) THERE IS A WILDLIFE CONSERVATION, EDUCATION, AND OUTREACH
10 PROGRAM IN THE DEPARTMENT.

11 (C) THE PURPOSE OF THE PROGRAM IS TO:

12 (1) PROVIDE OUTREACH ON OUTDOOR RECREATION AND
13 STEWARDSHIP TO SUBURBAN AND EXURBAN COMMUNITY LEADERS,
14 ORGANIZATIONS, SCHOOLS, AND UNIVERSITIES;

15 (2) CONNECT ELEMENTARY AND MIDDLE SCHOOL STUDENTS, THEIR
16 PARENTS, AND UNIVERSITY STUDENTS LOCATED IN SUBURBAN AND EXURBAN
17 AREAS TO OUTDOOR RECREATION AND STEWARDSHIP OPPORTUNITIES;

18 (3) FOSTER INTEREST IN THE USE OF PRIVATE LAND AND
19 UNDEVELOPED PUBLIC LAND FOR OUTDOOR RECREATION; AND

20 (4) FOSTER INTEREST IN HUNTING AND WILDLIFE CONSERVATION.

21 (D) THE DEPARTMENT, IN CONSULTATION WITH PROGRAM STAFF, SHALL
22 DEVELOP A PLAN TO INCREASE ENGAGEMENT OF COMMUNITIES THAT
23 HISTORICALLY HAVE NOT HAD ACCESS TO HUNTING AND CONSERVATION
24 PROGRAMS AND ENGAGEMENT OF VETERANS IN:

25 (1) OUTDOOR RECREATION AND STEWARDSHIP;

26 (2) HUNTING; AND

27 (3) WILDLIFE CONSERVATION.

28 10–301.

1 (c) (1) Except as provided in paragraph (2) of this subsection, the following
2 persons are not required to obtain a hunter's license, bow and arrow stamp, black powder
3 stamp, [or] bonus antlered deer stamp, **OR SIKA DEER STAMP**:

4 (i) With respect to hunting on farmland only:

5 1. The resident owner of the farmland and the owner's
6 spouse, child, and child's spouse;

7 2. A tenant and the tenant's spouse, child, and child's spouse.
8 A tenant is a person holding land under a lease, or a sharecropper who resides in a dwelling
9 on the land, but a tenant does not include any employee of the owner or tenant; and

10 3. A nonresident owner of a parcel of farmland and the
11 owner's spouse, child, and child's spouse if:

12 A. The parcel of farmland is located in Maryland and an
13 adjacent state;

14 B. The owner's primary residence is on the parcel of
15 farmland; and

16 C. The adjacent state extends similar privileges to a resident
17 of Maryland;

18 (ii) Any resident serving in the armed forces of the United States
19 while on leave in the State, during the resident's leave period, if, while hunting, the resident
20 possesses a copy of the resident's official leave order;

21 (iii) Any person serving in the armed forces of the United States who
22 has a service-connected disability, if, while hunting, the person possesses valid military
23 identification; and

24 (iv) Any unarmed person participating in an organized foxhunt.

25 (2) (i) Except as provided in subparagraph (ii) of this paragraph, in
26 order to qualify for the license and stamp exemption in accordance with paragraph (1) of
27 this subsection, a child or child's spouse must be eligible to purchase a junior resident or
28 junior nonresident hunting license.

29 (ii) If a child or child's spouse is ineligible to purchase a junior
30 resident or junior nonresident hunting license, the child or child's spouse shall qualify for
31 the license and stamp exemption if the child or child's spouse:

32 1. Lives on the farmland;

1 **3.** To hunt deer during bow and arrow season and black
2 powder season the purchaser must also purchase a bow and arrow or black powder stamp.

3 **4. TO HUNT SIKA DEER THE PURCHASER MUST ALSO**
4 **PURCHASE A SIKA DEER STAMP.**

5 (ii) **1. [A] THERE IS A** nonresident hunting license that enables
6 the purchaser to hunt all legal game birds and mammals during any appropriate season
7 without the purchase of additional stamps unless the purchaser is hunting migratory game
8 birds [or], deer during bow and arrow season or black powder season, **OR SIKA DEER.**

9 **2.** This license enables the purchaser to hunt migratory
10 game birds only with the purchase of a Maryland migratory game bird stamp and to hunt
11 wild waterfowl only with the purchase of both a Maryland migratory game bird stamp and
12 a federal migratory bird hunting and conservation stamp.

13 **3.** This license enables the purchaser to hunt deer during
14 bow and arrow season and black powder season only with the purchase of a nonresident
15 bow and arrow or black powder stamp.

16 **4. THIS LICENSE ENABLES THE PURCHASER TO HUNT**
17 **SIKA DEER ONLY WITH THE PURCHASE OF A NONRESIDENT SIKA DEER STAMP.**

18 (iii) **1. [A] THERE IS A** nonresident 3–day hunting license that
19 enables the purchaser to hunt all legal game birds and mammals except deer and turkey
20 for the 3 consecutive legal hunting days in a single season that are specified on the license
21 by the issuing agent.

22 **2.** The purchaser must also purchase a Maryland migratory
23 game bird stamp to hunt migratory game birds and a federal migratory bird hunting and
24 conservation stamp to hunt wild waterfowl with this license.

25 **3.** Under no circumstance does this license authorize the
26 purchaser to hunt deer and turkey.

27 (iv) **1. [An] THERE IS AN** apprentice hunting license that
28 enables the purchaser to hunt all legal game birds and mammals in a single season without
29 the purchase of additional stamps unless the purchaser is hunting migratory game birds
30 [or], deer during bow and arrow season or black powder season, **OR SIKA DEER.**

31 **2.** This license enables the purchaser to hunt migratory
32 game birds only with the purchase of a Maryland migratory game bird stamp and to hunt
33 wild waterfowl only with the purchase of both a Maryland migratory game bird stamp and
34 a federal migratory bird hunting and conservation stamp.

1 **3.** This license enables the purchaser to hunt deer during
2 bow and arrow season and black powder season only with the purchase of a bow and arrow
3 or black powder stamp.

4 **4. THIS LICENSE ENABLES THE PURCHASER TO HUNT**
5 **SIKA DEER ONLY WITH THE PURCHASE OF A SIKA DEER STAMP.**

6 **[2. A.] 5.** A person may obtain an apprentice hunting license
7 on satisfactory completion of a short online or electronic course of instruction in competency
8 in firearms and hunter safety approved by the Department.

9 **[B.] 6. A. [A] EXCEPT AS PROVIDED IN**
10 **SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH,** A person may hunt under an
11 apprentice hunting license only if accompanied and directly supervised by another person
12 who is at least 18 years of age and possesses a valid resident nonapprentice hunting license
13 issued under this subtitle.

14 **[C.] B.** A person who accompanies and directly supervises
15 an apprentice hunting licensee shall maintain close visual and verbal contact with, provide
16 adequate direction to, and be in a position to immediately assume control of the firearm of
17 the apprentice hunting licensee.

18 **[3.] C.** Except for a person participating in a junior hunt
19 approved by the Department, an apprentice hunting licensee who has obtained a certificate
20 of competency in firearms and hunter safety under § 10–301.1 of this subtitle may hunt
21 without supervision.

22 **[4.] 7.** An apprentice hunting license:

23 A. May be issued to a person only once in the person's
24 lifetime;

25 B. May not be renewed; and

26 C. May not be issued to a person who has previously been
27 issued any hunting license under this subtitle.

28 (2) Residents may purchase a senior hunting license beginning in the
29 calendar year in which they attain the age of 65.

30 (3) **(I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
31 **PARAGRAPH,** A nonresident of any age must purchase either a nonresident hunting license
32 or a nonresident 3–day hunting license to hunt in the State.

33 **(II) A NONRESIDENT ATTENDING A COLLEGE OR UNIVERSITY IN**
34 **THE STATE MAY PURCHASE A RESIDENT HUNTING LICENSE IF THE NONRESIDENT**

1 PROVIDES TO THE DEPARTMENT PROOF THAT THE NONRESIDENT IS ENROLLED AT
 2 A COLLEGE OR UNIVERSITY IN THE STATE.

3 (4) Subject to paragraph [(6)] (7) of this subsection, the fees for hunting
 4 AND TRAPPING licenses are according to the following schedule:

- 5 (i) Resident, junior, under the age of 16 years[\$10.50] **\$15.00**
- 6 (ii) Resident, regular, at least 16 years old and under the age of 65
 7 years.....[\$24.50] **\$35.00**
- 8 (iii) Resident, senior, at least 65 years old\$5.00
- 9 (iv) Nonresident, regular, at least 16 years old[\$130.00] **\$160.00**
- 10 (v) Nonresident, junior, under the age of 16 years[\$65.00] **\$80.00**
- 11 (vi) Complimentary license authorized to be issued under § 10-303
 12 of this subtitle..... No fee
- 13 (vii) Nonresident 3-day hunting license[\$45.00] **\$65.00**
- 14 (viii) Resident apprentice[\$10.00] **\$15.00**
- 15 (ix) Nonresident apprentice[\$20.00] **\$40.00**
- 16 (X) NONRESIDENT TRAPPING LICENSE\$50.00

17 (5) The fees for individual hunting stamps are according to the following
 18 schedule:

- 19 (i) Bow and arrow stamp\$6.00
- 20 (ii) Nonresident bow and arrow stamp\$25.00
- 21 (iii) Black powder stamp\$6.00
- 22 (iv) Nonresident black powder stamp\$25.00
- 23 (v) Maryland migratory game bird stamp[\$9.00] **\$15.00**
- 24 (vi) Resident bonus antlered deer stamp\$10.00
- 25 (vii) Nonresident bonus antlered deer stamp for each type of deer
 26 hunting season[\$25] **\$25.00**

1 (VIII) RESIDENT SIKA DEER STAMP\$10.00

2 (IX) NONRESIDENT SIKA DEER STAMP\$25.00

3 (6) THE FEES FOR FURBEARER PERMITS ARE ACCORDING TO THE
4 FOLLOWING SCHEDULE:

5 (I) INDIVIDUAL\$5.00

6 (II) GROUP\$50.00

7 [(6)] (7) The Department shall establish a program to provide discounted
8 hunting licenses and any associated State-issued stamps or permits to Maryland residents
9 who are recipients of the Purple Heart Award.

10 10-308.1.

11 (a) In addition to any other requirement, a person hunting migratory game birds
12 in the State first shall purchase a Maryland migratory game bird stamp.

13 (b) (1) (I) A person may obtain a Maryland migratory game bird stamp for
14 a fee of [\$9.00] \$15.00 from any person designated by the Department.

15 (II) The issuing person designated shall retain the sum of 75 cents
16 as compensation for issuing each stamp.

17 (III) The balance of the fee is paid over and accounted for to the State
18 Treasurer.

19 (IV) The Treasurer shall credit all such fees received to the State
20 Wildlife Management and Protection Fund, in accordance with § 10-209 of this title.

21 (2) (I) The Department may sell expired stamps below face value to the
22 general public for a period of 3 years, after which time the Department shall shred any
23 unsold expired stamps.

24 (II) All revenues derived from the sale of [these] THE stamps SOLD
25 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH shall revert back to the Game
26 Management Fund.

27 (c) While hunting migratory game birds, a person must be in possession of proof
28 of purchase of the Maryland migratory game bird stamp.

1 (d) (1) All revenues accruing to the Wildlife Management and Protection Fund
2 from sales of the migratory game bird stamps shall be expended solely for the following
3 purposes:

4 (i) Migratory game bird projects included in an approved State
5 program to create, develop, enhance, maintain, and manage nesting cover, winter foods,
6 and other habitat components on public lands to satisfy the habitat requirements of a broad
7 range of wintering migratory game birds and native migratory game bird species;

8 (ii) Migratory game bird research, management, and surveys; and

9 (iii) [Not more than 30% to adopt and implement a program to control
10 the species *Phragmites communis* (phragmites) on private lands] **MIGRATORY GAME
11 BIRD PROJECTS THAT CONSERVE MIGRATORY GAME BIRD BREEDING HABITATS IN
12 CANADA.**

13 (2) (I) To encourage waterfowl habitat conservation on private lands,
14 the Department shall implement a 10-year licensing agreement for approved projects on
15 privately owned lands detailing the landowner's responsibilities.

16 (II) Expenditures by private landowners on private land for these
17 waterfowl projects approved by the Department and covered by the licensing agreement
18 shall be considered a contribution to the State.

19 (3) **ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT
20 SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF
21 THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF ANY
22 EXPENDITURES FROM THE WILDLIFE MANAGEMENT AND PROTECTION FUND FOR
23 MIGRATORY GAME BIRD PROJECTS UNDER PARAGRAPH (1)(III) OF THIS
24 SUBSECTION.**

25 [(3)] (E) (1) The Governor shall appoint a Migratory Game Bird
26 Advisory Committee of 9 members who have a practical knowledge of migratory game bird
27 habitat conservation, migratory game bird ecology, migratory game bird management, or
28 migratory game bird hunting.

29 [(4)] (2) The Committee shall advise the Department on:

30 (i) Matters relating to expenditures of funds derived from the sale
31 of Maryland migratory game bird stamps;

32 (ii) Policy, regulations, and legislation related to migratory game
33 birds; and

34 (iii) Migratory game bird habitat conservation projects.

1 ~~10-410.~~

2 ~~(a) (12) Except as provided in paragraphs (8) through (10) AND (13) of this~~
 3 ~~subsection and subject to paragraph (7) of this subsection, a person may not hunt on Sunday~~
 4 ~~in:~~

5 ~~(i) Baltimore City;~~

6 ~~(ii) Baltimore County;~~

7 ~~(iii) Howard County; or~~

8 ~~(iv) Prince George's County.~~

9 ~~(13) A person may [not] hunt migratory game birds on Sunday.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) On or before December 1, 2023, the Department of Natural Resources, in
 12 consultation with the Department of Agriculture, shall develop a plan to address the
 13 overpopulation of deer in the State.

14 (b) The plan shall include:

15 (1) the feasibility of implementing a rotational closure hunting strategy on
 16 State land, ~~including State park system lands and hunting on State land on Sundays;~~

17 (2) any legislative, budgetary, or regulatory changes needed to implement
 18 a rotational closure hunting strategy on State-owned land;

19 (3) subject to subsection (c) of this section, the feasibility of implementing
 20 a rotational closure hunting strategy on locally owned land;

21 (4) proposals the Department of Natural Resources determines are viable
 22 and effective for addressing the overpopulation of deer in the State; and

23 (5) suitable uses for any increased federal funding to the State Wildlife
 24 Management and Protection Fund.

25 (c) The Department of Natural Resources shall consult with local governments
 26 regarding the feasibility of a rotational closure hunting strategy under subsection (b)(3) of
 27 this section.

28 SECTION 3. AND BE IT FURTHER ENACTED, That if the State Wildlife
 29 Management and Protection Fund or the Department of Natural Resources receives an
 30 increase in federal funds due to the increased fees under § 10-301 of the Natural Resources
 31 Article, as enacted under Section 1 of this Act:

1 (1) any portion of the increase may be transferred to the Heritage
2 Conservation Fund for the acquisition of conservation easements or fee simple or other
3 interests in lands that can be used by the general public for hunting; and

4 (2) a portion of the increase shall be used for:

5 (i) the creation of eight Position Identification Numbers for the
6 Department of Natural Resources to hire staff for the Wildlife Conservation, Education,
7 and Outreach Program established under Section 1 of this Act; and

8 (ii) the creation and funding of a farmer cost-share program to
9 provide funding for farmers to plant forage crops on private agricultural land to:

10 1. reduce the loss of commercial crops due to wildlife
11 foraging; and

12 2. increase forage habitat for wildlife.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.