



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

February 16, 2024

BILL NUMBER: House Bill 590 – First Reader

SHORT TITLE: Boating – Migratory Waterfowl Season – Prohibited Acts

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department opposes House Bill 590.

Current law prohibits fishing from within 500 yards of an occupied duck blind. Expanding this to vessels, means that in some smaller creeks, individuals would have no egress through the area or ability to re-enter an area while someone is occupying the blind site. This creates additional user conflicts, which will likely result in additional enforcement calls from both user groups.

Of greater concern is the constitutionality of prohibiting vessels from navigable federal waters. Some of these blind sites are within 500 yards of federal channels. Under the United States Constitution’s commerce clause, “all navigable waters within said State shall be common highways and forever free.” Therefore, it would be unconstitutional to bar vessels from entering a federal channel.

BACKGROUND INFORMATION

This bill was introduced as House Bill 1085 in 2023.

BILL EXPLANATION

The bill would prohibit the use of a vessel from within 500 yards of a blind or blind site being used for waterfowl hunting.

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