

HB 590 TSHutchinson Testimony.pdf

Uploaded by: Tom Hutchinson

Position: FAV

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Health and Government Operations
Committee

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Public Health and
Minority Health Disparities

Health Occupations and
Long-Term Care

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB590 Boating- Migratory Waterfowl Season- Prohibited Actions

Environment and Transportation Committee

February 16, 2024

Why We Need This Bill

This bill is a matter of public safety and the Right to Hunt laws.

Many people in Maryland enjoy the migratory waterfowl season to hunt from their stationary blind or blind site without any interruptions. Currently the law states that during migratory hunting season, a person **cannot fish** within 500 yards of any stationary blind site.

Annotate Code Natural Resources 4-512 (attached)

Now with increased recreation on the water, the code does not prohibit anyone on a Vessel such as a boat, canoe, paddle board or other watercraft from coming within 500 yards unless the occupant is fishing. Frequently, hunters are encountering individuals on such vessels and approaching stationary blinds or blind sites. This creates a safety issue to the operator of the vessel and violates the hunters right to hunt.

What Does This Bill Do

HB590 includes in the bill all water vessels are prohibited to operate within a certain distance of occupied stationary blind or blind site that is being used for hunting during the waterfowl open season.

I respectfully ask the Committee for a FAVORABLE vote on HB590.

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Uploaded by: Tom Hutchinson

Position: FAV



HB0590/183628/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

16 FEB 24
11:08:35

BY: Delegate Hutchinson

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 590

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Boating**” insert “**with Nonmotorized Vessels**”; in line 3, after the second “a” insert “certain”; and in line 9, strike “and 8–701(a) and (s)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 5 on page 2, inclusive.

On page 2, in line 7, before “**DURING**” insert “**(A) (1) IN THIS SECTION, “VESSEL” MEANS A NONMOTORIZED WATERCRAFT.**

(2) “VESSEL” DOES NOT INCLUDE A SAILBOAT.

(B)”.

HB0590_DNR_OPP_ENT_2-16-24.pdf

Uploaded by: Dylan Behler

Position: UNF



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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