

SENATE BILL 695

Unofficial Copy
M2

1998 Regular Session
8lr2490

By: **Senator Middleton**

Introduced and read first time: February 13, 1998

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting - Wild Waterfowl**

3 FOR the purpose of revising the laws of the State relating to the hunting of wild
4 waterfowl; repealing certain provisions of law relating to wild waterfowl;
5 enacting provisions relating to hunting on shore, from boats, and from blinds;
6 providing for the location of blind sites; providing for the issuance of licenses for
7 blinds; providing for a delayed effective date; and generally relating to the
8 hunting of wild waterfowl.

9 BY repealing

10 Article - Natural Resources
11 Section 10-601 through 10-625
12 Annotated Code of Maryland
13 (1990 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Natural Resources
16 Section 10-101(a), (v), and (z)
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1997 Supplement)

19 BY adding to

20 Article - Natural Resources
21 Section 10-601 through 10-616
22 Annotated Code of Maryland
23 (1990 Replacement Volume and 1997 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 10-601 through 10-625 of Article - Natural Resources
26 of the Annotated Code of Maryland be repealed.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
28 read as follows:

1 **Article - Natural Resources**

2 10-101.

3 (a) In this title the following words have the meanings indicated.

4 (v) "Wetland game birds" means brant, coots, ducks, gallinules, geese,
5 mergansers, rails, snipe, and swan or any part, egg, offspring, or dead body of any of
6 them, including birds raised in captivity and released to the wild or otherwise used
7 for hunting purposes.8 (z) "Wild waterfowl" means brant, coots, ducks, geese, mergansers, and swans
9 or any part, egg, offspring, or dead body of any of them, including birds raised in
10 captivity and released to the wild or otherwise used for hunting purposes.

11 10-601.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.14 (B) "BOAT" INCLUDES ANY RAFT, CANOE, FLOATING BLIND, SKIFF, OR OTHER
15 FLOATING DEVICE.16 (C) "OFFSHORE" MEANS ANY PLACE ON WATERS OF THE STATE BELOW THE
17 MEAN HIGH TIDE MARK ON TIDAL WATERS OR BELOW THE MEAN HIGH WATER MARK
18 ON NONTIDAL WATERS.19 (D) "OFFSHORE BLIND SITE" MEANS A SPECIFIC LOCATION IN THE WATER
20 WHERE A PERSON MAY HUNT WILD WATERFOWL FROM ANY BOAT WHICH IS TIED TO
21 OR ANCHORED AT A STAKE WHICH HAS BEEN LICENSED PURSUANT TO THIS
22 SUBTITLE OR WHILE STANDING IN THE WATER ON THE NATURAL BOTTOM AT A
23 STAKE WHICH HAS BEEN LICENSED PURSUANT TO THIS SUBTITLE.24 (E) "OFFSHORE STATIONARY BLIND" MEANS AN OFFSHORE STRUCTURE
25 BUILT ON PILINGS OR STAKES WHICH HAS BEEN LICENSED PURSUANT TO THIS
26 SUBTITLE AND USED FOR HUNTING WILD WATERFOWL.

27 10-602.

28 A PERSON MAY LAWFULLY HUNT WILD WATERFOWL WHILE IN OR ON WATERS
29 OF THE STATE WHILE:

30 (1) IN A LICENSED OFFSHORE STATIONARY BLIND;

31 (2) STANDING IN THE WATER ON THE NATURAL BOTTOM IN NONTIDAL
32 WATERS OF THE POTOMAC RIVER AND IN ZONES PRESCRIBED BY THE DEPARTMENT
33 IN REGULATIONS; OR

34 (3) IN A BOAT WHICH:

35 (I) IS TIED TO OR ANCHORED AT A LICENSED BLIND SITE;

1 (II) IS FLOATING IN THE NONTIDAL WATERS OF THE POTOMAC
2 RIVER, IN CONOCOHEAGUE CREEK, IN THE MONACACY RIVER, OR IN ZONES
3 PRESCRIBED BY THE DEPARTMENT; OR

4 (III) IS ANCHORED IN THE NONTIDAL WATERS OF THE POTOMAC
5 RIVER OR IN ZONES PRESCRIBED BY THE DEPARTMENT.

6 10-603.

7 (A) A PERSON MAY NOT HUNT WILD WATERFOWL IN THE STATE AT
8 NIGHTTIME IN ANY MANNER WHETHER FROM THE SHORE OR OTHERWISE. A PERSON
9 MAY NOT POSSESS AT NIGHTTIME ANY GUN OR LIGHT USED FOR HUNTING WILD
10 WATERFOWL IN OR NEAR THE VICINITY OF WILD WATERFOWL FEEDING AND
11 RESTING GROUNDS. ANY GUN OR LIGHT FOUND IN POSSESSION SHALL BE PRIMA
12 FACIE EVIDENCE OF INTENTION OF A VIOLATION OF THIS SECTION, AND THE LIGHT
13 SHALL BE CONFISCATED AND TURNED OVER TO THE SECRETARY.
14 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, "NIGHTTIME" MEANS
15 THE TIME THE SECRETARY OF INTERIOR OF THE UNITED STATES ADOPTS BY RULE
16 OR REGULATION.

17 (B) A PERSON MAY NOT SHOOT ANY WILD WATERFOWL RESTING ON LAND OR
18 WATER; HOWEVER, A PERSON WHO WOUNDS AND CRIPPLES ANY WILD WATERFOWL
19 MAY SHOOT THE WATERFOWL.

20 (C) A PERSON MAY NOT HUNT WILD WATERFOWL FROM A POSITION LOCATED
21 MORE THAN 10 FEET IN THE AIR.

22 (D) (1) THE ONLY FIREARM A PERSON MAY USE TO HUNT WILD WATERFOWL
23 WITH IS A SHOTGUN FIRED FROM THE SHOULDER.

24 (2) THE SHOTGUN MAY NOT BE LARGER THAN A 10 GAUGE NOR LOADED
25 WITH SHOT NOT APPROVED BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

26 (E) (1) A PERSON MAY NOT HUNT ANY WILD WATERFOWL WITH AN
27 AUTOMATIC LOADING OR HAND-OPERATED REPEATING SHOTGUN CAPABLE OF
28 HOLDING MORE THAN THREE SHELLS. SUBJECT TO FEDERAL RULE OR REGULATION,
29 THE PROHIBITION OF THIS SUBSECTION DOES NOT APPLY TO AN AUTOMATIC
30 LOADING OR HAND-OPERATED REPEATING SHOTGUN WHOSE MAGAZINE IS CUT OFF
31 OR WHICH IS PLUGGED WITH A ONE-PIECE FILLER INCAPABLE OF REMOVAL
32 THROUGH THE LOADING END THAT REDUCES THE CAPACITY OF THE GUN TO HOLD
33 NO MORE THAN THREE SHELLS AT ANY ONE TIME IN THE MAGAZINE AND CHAMBER
34 COMBINED.

35 (2) A PERSON MAY NOT POSSESS A RIFLE OR PISTOL WHILE HUNTING
36 WILD WATERFOWL.

37 (F) A PERSON MAY HUNT WILD WATERFOWL WITH ANY BOW AND ARROW, BUT
38 NOT WITH A CROSSBOW.

1 (G) A PERSON MAY HUNT WETLAND GAME BIRDS WITH THE AID OF A DOG OR
2 WITH AN ARTIFICIAL DECOY; HOWEVER, A PERSON MAY NOT USE A LIVE DECOY.

3 10-604.

4 (A) EXCEPT WHILE LAWFULLY HUNTING AS PRESCRIBED BY THIS SUBTITLE,
5 A PERSON MAY NOT PURPOSELY OR UNNECESSARILY DISTURB WILD WATERFOWL
6 FROM OR IN A BOAT OF ANY DESCRIPTION WITHIN THE STATE.

7 (B) A PERSON MAY NOT HUNT WILD WATERFOWL WHILE USING ANY
8 FLOATING DEVICE TOWED BY A POWER BOAT OR A SAILBOAT.

9 (C) A PERSON MAY NOT HUNT WILD WATERFOWL FROM ANY BOAT, SINKBOX,
10 OR DEVICE THAT ALLOWS THE HUNTER TO BE COMPLETELY CONCEALED BENEATH
11 THE WATER.

12 (D) A PERSON MAY NOT HUNT WILD WATERFOWL FROM A BOAT WHICH IS
13 PROPELLED BY A MOTOR OR UNDER SAIL; HOWEVER, A PERSON MAY SHOOT, AND
14 IMMEDIATELY RETRIEVE LAWFULLY WOUNDED OR KILLED WILD WATERFOWL,
15 WHILE IN A BOAT, IF ALL FORWARD PROGRESS OF THE BOAT HAS CEASED AND THE
16 MOTOR HAS BEEN SHUT OFF.

17 10-605.

18 (A) A PERSON MAY HUNT WILD WATERFOWL WHILE STANDING IN WATER ON
19 THE NATURAL BOTTOM ONLY IN THE NONTIDAL WATERS OF THE POTOMAC RIVER
20 AND IN OTHER WATERS OF THE STATE IN AREAS AND ON DAYS THE DEPARTMENT
21 PRESCRIBES BY REGULATION.

22 (B) A PERSON MAY HUNT WILD WATERFOWL WHILE STANDING IN THE WATER
23 ON THE NATURAL BOTTOM AT A LICENSED OFFSHORE BLIND SITE.

24 (C) UNLESS HUNTING AT A LICENSED BLIND SITE, A PERSON HUNTING WILD
25 WATERFOWL WHILE STANDING IN THE WATER ON THE NATURAL BOTTOM MUST
26 REMAIN 300 YARDS FROM ALL OFFSHORE STATIONARY BLINDS OR BLIND SITES AND
27 ANY OTHER PERSON HUNTING WILD WATERFOWL OFFSHORE.

28 (D) UNLESS HUNTING AT A LICENSED BLIND SITE, A PERSON HUNTING WILD
29 WATERFOWL WHILE STANDING IN THE WATER ON THE NATURAL BOTTOM MUST BE
30 AT LEAST 800 YARDS FROM SHORE INCLUDING SHORE EMERGING AT MEAN LOW
31 WATER EXCEPT IN NONTIDAL WATERS OF THE POTOMAC RIVER.

32 (E) A PERSON MAY NOT HUNT WILD WATERFOWL WHILE STANDING IN STATE
33 WATERS WHEN THE NATURAL BOTTOM IS PRIVATELY OWNED UNLESS THE HUNTER
34 HAS THE WRITTEN PERMISSION OF THE LANDOWNER.

35 10-606.

36 (A) A PERSON MAY HUNT WILD WATERFOWL FROM A BOAT WHICH IS
37 DRIFTING OR BEING SCULLED, ONLY IN THE NONTIDAL WATERS OF THE POTOMAC

1 RIVER, IN CONOCOCHEAGUE CREEK, IN THE MONACACY RIVER, OR IN ZONES
2 PRESCRIBED BY THE DEPARTMENT BY REGULATION.

3 (B) WHILE HUNTING WILD WATERFOWL FROM A BOAT WHICH IS DRIFTING OR
4 BEING SCULLED, A PERSON MUST REMAIN 300 YARDS FROM ALL OFFSHORE
5 STATIONARY BLINDS OR BLIND SITES AND ANY OTHER PERSON HUNTING WILD
6 WATERFOWL OFFSHORE.

7 10-607.

8 (A) A PERSON MAY HUNT WILD WATERFOWL FROM A BOAT WHICH IS
9 ANCHORED ONLY AT A LICENSED OFFSHORE BLIND SITE, IN THE NONTIDAL WATERS
10 OF THE POTOMAC RIVER, OR IN ZONES PRESCRIBED BY THE DEPARTMENT BY
11 REGULATION.

12 (B) A PERSON HUNTING WILD WATERFOWL FROM A BOAT WHICH IS
13 ANCHORED MUST REMAIN 300 YARDS FROM ALL OFFSHORE STATIONARY BLINDS OR
14 BLIND SITES AND ANY OTHER PERSON HUNTING WILD WATERFOWL OFFSHORE.

15 (C) A PERSON HUNTING WILD WATERFOWL FROM A BOAT WHICH IS
16 ANCHORED MUST BE AT LEAST 800 YARDS FROM SHORE INCLUDING SHORE
17 EMERGING AT MEAN LOW WATER EXCEPT IN NONTIDAL WATERS OF THE POTOMAC
18 RIVER OR UNLESS ANCHORED AT A LICENSED OFFSHORE BLIND SITE.

19 10-608.

20 (A) OFFSHORE STATIONARY BLINDS AND BLIND SITES MUST BE LICENSED BY
21 THE DEPARTMENT.

22 (B) ONLY PERSONS OWNING 300 YARDS OF CONTIGUOUS SHORELINE MAY
23 ERECT AN OFFSHORE STATIONARY BLIND EXCEPT THAT RIPARIAN OWNERS WHO
24 OWN LESS THAN 300 YARDS OF CONTIGUOUS SHORELINE MAY ERECT A STATIONARY
25 BLIND IF THE PERSON HAS THE WRITTEN CONSENT OF THE ADJACENT RIPARIAN
26 LANDOWNERS FOR A DISTANCE OF 300 YARDS.

27 (C) RIPARIAN LANDOWNERS MAY LEASE OR ASSIGN THEIR RIGHTS TO AN
28 OFFSHORE STATIONARY BLIND OR BLIND SITE.

29 (D) OFFSHORE STATIONARY BLINDS AND BLIND SITES MUST BE AT LEAST 300
30 YARDS APART FROM EACH OTHER.

31 (E) OFFSHORE STATIONARY BLINDS AND BLIND SITES MUST BE LOCATED
32 WITHIN 300 YARDS OF THE SHORELINE OR ONE-THIRD THE DISTANCE TO THE
33 OPPOSITE SHORE, WHICHEVER IS LESS, EXCEPT THAT IN THE CHESAPEAKE BAY IN
34 ANNE ARUNDEL AND CALVERT COUNTIES, AND IN PROSPECT BAY IN QUEEN ANNE'S
35 COUNTY, ALL OFFSHORE STATIONARY BLINDS AND BLIND SITES MAY BE NO MORE
36 THAN 800 YARDS FROM THE SHORELINE.

1 (F) (1) OFFSHORE STATIONARY BLINDS AND BLIND SITES LICENSED TO
2 RIPARIAN LANDOWNERS MAY NOT BE LESS THAN 150 YARDS FROM ANY DWELLING
3 HOUSE WITHOUT THE WRITTEN PERMISSION OF THE OWNER OF THE HOUSE.

4 (2) OFFSHORE BLIND SITES LICENSED TO THE PUBLIC MAY NOT BE
5 LESS THAN 300 YARDS FROM ANY DWELLING HOUSE WITHOUT THE WRITTEN
6 PERMISSION OF THE OWNER OF THE HOUSE.

7 (G) OFFSHORE STATIONARY BLINDS MUST BE MARKED WITH THE LICENSEE'S
8 NAME AND LICENSE NUMBER AND MARKED ON EACH WITH AT LEAST 100 SQUARE
9 INCHES OF CLEARLY VISIBLE REFLECTIVE MATERIAL ATTACHED TO THE
10 STATIONARY BLIND AT LEAST 3 FEET ABOVE THE HIGH WATER MARK.

11 (H) OFFSHORE BLIND SITES MUST BE MARKED BY A STAKE SHOWING THE
12 LICENSEE'S NAME AND LICENSE NUMBER. EACH STAKE MUST BE MARKED ON ALL
13 SIDES WITH REFLECTIVE MATERIAL AT LEAST 4 INCHES WIDE AND LOCATED AT
14 LEAST 3 FEET ABOVE THE HIGH WATER MARK. ALL STAKES MUST BE REMOVED
15 WITHIN 30 DAYS AFTER THE LAST WILD WATERFOWL SEASON CLOSES.

16 (I) WITHOUT THE WRITTEN PERMISSION OF THE ADJACENT LANDOWNER,
17 RIPARIAN LANDOWNERS MAY NOT LOCATE AN OFFSHORE STATIONARY BLIND OR
18 BLIND SITE WITHIN 150 YARDS OF THEIR PROPERTY LINE OR WHERE THE LINE
19 WOULD BE IF IT WERE EXTENDED OUT OVER THE WATER PERPENDICULAR TO THE
20 SHORE AT THE POINT WHICH THE PROPERTY LINE REACHES THE WATER'S EDGE.

21 (J) NO OFFSHORE BLIND SITES MAY BE LOCATED WITHIN 150 YARDS OF THE
22 PROPERTY LINE OF RIPARIAN PROPERTY WHICH IS UNAVAILABLE FOR PUBLIC
23 HUNTING PURSUANT TO THIS SUBTITLE.

24 (K) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, WHERE
25 CIRCUMSTANCES REQUIRE, SUCH AS IN COVES AND WHEN TWO PROPERTIES
26 EXTEND ONTO A POINT OF LAND, THE SECRETARY MAY DETERMINE WHERE ANY
27 OFFSHORE STATIONARY BLIND OR BLIND SITE LICENSE SHALL BE LOCATED. THE
28 SECRETARY SHALL TRY TO LOCATE THE SITES SO THAT EACH RIPARIAN
29 LANDOWNER GETS A SITE AND MAY LOCATE THE BLINDS CLOSER THAN 300 YARDS
30 APART WITH THE WRITTEN CONSENT OF THE TWO RIPARIAN LANDOWNERS.

31 10-609.

32 (A) PERSONS WHO ARE RIPARIAN LANDOWNERS AND FEDERAL GOVERNMENT
33 AGENCIES MAY OBTAIN OFFSHORE STATIONARY BLIND OR BLIND SITE LICENSES OR
34 REMOVE THEIR SHORELINE FROM BLIND SITE LICENSING BY THE PUBLIC BY
35 SUBMITTING A COMPLETED APPLICATION FORM TO THE DEPARTMENT BY JUNE 1 OF
36 EACH YEAR.

37 (B) A LICENSE FOR EXEMPTION FROM PUBLIC HUNTING PROHIBITS THE
38 PUBLIC FROM LICENSING A BLIND SITE OR OTHERWISE HUNTING IN OR ON PUBLIC
39 WATERS WITHIN 300 YARDS OF THE SHORELINE OR ONE-THIRD THE DISTANCE TO
40 THE OPPOSITE SHORELINE, WHICHEVER IS LESS AND WITHIN 150 YARDS OF THE
41 PROPERTY LINE AS DETERMINED IN § 10-608(I) OF THIS SUBTITLE.

1 (C) ONLY PERSONS OWNING 300 YARDS OF CONTIGUOUS SHORELINE OR
2 RIPARIAN LANDOWNERS WHO OWN LESS THAN 300 YARDS OF SHORELINE BUT HAVE
3 THE WRITTEN CONSENT OF THE ADJACENT RIPARIAN LANDOWNERS FOR A TOTAL
4 DISTANCE OF 300 YARDS MAY ERECT AN OFFSHORE BLIND OR BLIND SITE.

5 (D) LICENSES FOR OFFSHORE STATIONARY BLINDS, OFFSHORE BLIND SITES,
6 AND TO EXEMPT PUBLIC HUNTING ARE VALID UNTIL JUNE 30 OF THE FOLLOWING
7 YEAR.

8 (E) THE APPLICATION MUST CONTAIN:

9 (1) A MAP SHOWING THE EXACT LOCATION OF THE SHORELINE TO BE
10 LICENSED AND THE EXACT LOCATION OF ANY OFFSHORE STATIONARY BLINDS OR
11 BLIND SITES IF APPLICABLE;

12 (2) AN \$11 FEE;

13 (3) THE WRITTEN PERMISSION OF ADJACENT LANDOWNERS WHERE
14 APPLICABLE; AND

15 (4) THE WRITTEN LEASE OR ASSIGNMENT OF THE RIPARIAN
16 LANDOWNER WHERE APPLICABLE.

17 (F) LOCAL GOVERNMENTS, INCLUDING THE MARYLAND-NATIONAL CAPITAL
18 PARK AND PLANNING COMMISSION, AND THE FEDERAL GOVERNMENT ARE EXEMPT
19 FROM PAYMENT OF THE FEE.

20 (G) EACH YEAR THE DEPARTMENT WILL SEND A RENEWAL NOTICE TO ALL
21 RIPARIAN LANDOWNERS WHO RECEIVED A LICENSE OR WHOSE SHORELINE WAS
22 EXCLUDED FROM BLIND SITE LICENSING BY THE PUBLIC THE PREVIOUS YEAR.

23 (H) WHENEVER CONFLICTS OCCUR BETWEEN APPLICANTS WITHIN THE LINES
24 SPECIFIED, THE APPLICANT FIRST APPLYING SHALL PREVAIL.

25 10-610.

26 (A) A PERSON, OTHER THAN A RIPARIAN LANDOWNER, MAY NOT OBTAIN
27 MORE THAN TWO OFFSHORE BLIND SITE LICENSES PER DAY. EACH BLIND SITE
28 LICENSE SHALL APPLY TO 300 YARDS OF NONEXEMPT SHORELINE.

29 (B) A LICENSE MAY BE OBTAINED FROM THE DEPARTMENT BY THE METHOD
30 DETERMINED BY THE DEPARTMENT TO BE COST EFFECTIVE AND CONVENIENT FOR
31 APPLICANTS, WHICH MAY INCLUDE SUBMITTING A COMPLETED APPLICATION TO
32 THE APPROPRIATE DEPARTMENT REGIONAL SERVICE CENTER ON DAYS
33 DESIGNATED BY THE DEPARTMENT.

34 (C) ONLY RIPARIAN LANDOWNERS MAY LICENSE OFFSHORE BLIND SITES IN
35 KENT AND QUEEN ANNE'S COUNTIES AND ON THE NONTIDAL WATERS OF THE
36 POTOMAC RIVER AND ITS NONTIDAL TRIBUTARIES.

1 (D) ONLY MARYLAND RESIDENTS OR RIPARIAN LANDOWNERS REGARDLESS
2 OF THEIR RESIDENCY, MAY OBTAIN A LICENSE FOR AN OFFSHORE BLIND SITE.

3 (E) AFTER JUNE 1 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE A MAP
4 OF EACH COUNTY SHOWING THE LOCATION OF ALL OFFSHORE STATIONARY BLINDS
5 AND BLIND SITES LICENSED TO OWNERS OF RIPARIAN PROPERTY AND THE
6 LOCATION OF ALL SHORELINE WHICH IS NOT AVAILABLE FOR BLIND SITE
7 LICENSING BY THE PUBLIC. THE MAPS SHALL BE POSTED IN THE APPROPRIATE
8 COURTHOUSE BY AUGUST 1 OF EACH YEAR. AFTER AUGUST 10 OF EACH YEAR THE
9 PUBLIC MAY BEGIN LICENSING OFFSHORE BLIND SITES AS PROVIDED IN
10 SUBSECTION (B) OF THIS SECTION.

11 (F) APPLICATIONS FOR OFFSHORE BLIND SITE LICENSES SHALL BE
12 ACCOMPANIED BY:

13 (1) AN \$11 FEE FOR EACH LICENSE; AND

14 (2) A SIGNED STATEMENT THAT THE LOCATION OF THE BLIND SITE IS
15 AT LEAST 300 YARDS FROM ALL OTHER PREVIOUSLY LICENSED OFFSHORE
16 STATIONARY BLINDS AND BLIND SITES AND COMPLIES WITH ALL OTHER PERTINENT
17 LAWS AND REGULATIONS.

18 (G) LICENSES ARE VALID UNTIL JUNE 30 OF THE FOLLOWING YEAR AND
19 SHALL BE ISSUED IN ROTATION AS THEY ARE RECEIVED IN PERSON. EACH
20 APPLICANT MUST APPLY IN PERSON.

21 10-611.

22 (A) IN ORDER TO PROVIDE GREATER PUBLIC ACCESS AND USE OF WILD
23 WATERFOWL BLINDS, IN EACH COUNTY OF THE STATE WHERE WILD WATERFOWL
24 ARE ADEQUATE AND HUNTING IS ALLOWED UNDER THIS SUBTITLE, THE
25 DEPARTMENT SHALL LOCATE AND CONSTRUCT BLINDS ON PUBLIC LANDS UNDER
26 THE DEPARTMENT'S CONTROL AND MAKE THE BLINDS AVAILABLE FOR PUBLIC USE.

27 (B) THE DEPARTMENT SHALL ENCOURAGE LOCAL AND FEDERAL
28 GOVERNMENTS TO MAKE OPPORTUNITIES AVAILABLE FOR THE PUBLIC TO HUNT
29 WATERFOWL FROM BLINDS LOCATED ON PUBLIC LANDS UNDER THE JURISDICTION
30 OF THE LOCAL OR FEDERAL GOVERNMENT BY:

31 (1) ENTERING INTO AN AGREEMENT WITH THE LOCAL OR FEDERAL
32 GOVERNMENT TO CONSTRUCT THE BLINDS AND MANAGE THEIR USE; OR

33 (2) ADVISING THE LOCAL OR FEDERAL GOVERNMENT ON THE PROPER
34 CONSTRUCTION, LOCATION, AND MANAGEMENT OF BLINDS TO BE USED BY THE
35 PUBLIC FOR HUNTING WILD WATERFOWL.

1 10-612.

2 ANY PERSON HUNTING WILD WATERFOWL FROM A STATIONARY BLIND OR
3 BLIND SITE SHALL POSSESS A HUNTER'S LICENSE.

4 10-613.

5 (A) THE DEPARTMENT SHALL INSPECT ANY LICENSED BLIND SITE TO
6 DETERMINE THE VALIDITY OF THE CERTIFICATIONS IN ANY APPLICATION UPON
7 REQUEST OF THE OWNER OF THE SHORE FRONT PROPERTY.

8 (B) IF THE DEPARTMENT FINDS THAT THE CERTIFICATIONS OF THE
9 APPLICATION ARE ERRONEOUS, THE DEPARTMENT MAY REVOKE THE LICENSE BY
10 WRITTEN NOTICE TO THE APPLICANT.

11 10-614.

12 IF ANY LICENSEE ERECTS A STATIONARY BLIND OR BLIND SITE OR SETS A
13 STAKE AND THE STATIONARY BLIND, BLIND SITE, OR STAKE IS LOST OR DESTROYED
14 IN ANY MANNER BEYOND THE LICENSEE'S CONTROL, THE LICENSEE MAY NOT LOSE
15 THE LICENSEE'S LOCATION BUT MAY REESTABLISH THE STATIONARY BLIND, BLIND
16 SITE, OR STAKE AT ANY TIME DURING THE CURRENT HUNTING SEASON.

17 10-615.

18 STATIONARY BLINDS OR BLIND SITES MAY NOT BE ERECTED, MAINTAINED, OR
19 LICENSED IN THE FOLLOWING WATERS:

20 (1) OFFSHORE FROM LANDS OWNED OR MANAGED BY THE
21 DEPARTMENT EXCEPT THE DEPARTMENT MAY LOCATE AND CONSTRUCT BLINDS
22 AND MAKE THE BLINDS AVAILABLE TO THE PUBLIC;

23 (2) WHERE THE USE OF THE BLINDS MAY PRESENT A RISK TO NATIONAL
24 SECURITY OR THE HEALTH AND SAFETY OF THE HUNTERS AS DETERMINED BY THE
25 DEPARTMENT;

26 (3) WHERE THE LOCATION OF THE BLINDS INTERFERES WITH THE SAFE
27 OPERATION OF AN AIRPORT; OR

28 (4) IN BALTIMORE COUNTY ON THE MIDDLE RIVER AND ITS
29 TRIBUTARIES, WESTERLY OR TOWARDS SHORE FROM A STRAIGHT LINE DRAWN
30 FROM THE TIP OF WILSON POINT IN A SOUTHWESTERLY DIRECTION TO THE
31 NORTHWEST CORNER OF CAPE MAY BEACH AND IN FROG MORTOR CREEK FROM A
32 STRAIGHT LINE DRAWN FROM THE TIP OF WHAT IS KNOWN AS STRAWBERRY POINT
33 IN A SOUTHEASTERLY DIRECTION ACROSS THE CREEK TO THE TIP OF WHAT IS
34 KNOWN AS GALLOWAY POINT AND EXTENDING 1,500 YARDS NORTHEAST UP THE
35 CREEK TO THE POINT WHERE GLENWOOD ROAD APPROACHES THE CREEK
36 SHORELINE.

1 10-616.

2 A PERSON MAY NOT ENTER, USE, OR OCCUPY ANY OTHER PERSON'S LICENSED
3 STATIONARY BLIND OR BLIND SITE OR ANCHOR AT OR TIE TO ANY OTHER PERSON'S
4 LICENSED STAKE FOR THE PURPOSE OF HUNTING WILD WATERFOWL OR FOR ANY
5 OTHER PURPOSE WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION OF THE
6 LICENSEE, WHICH THE PERSON SHALL POSSESS AT THE TIME ENTRY OR USE IS
7 MADE. THE LICENSEE MAY INSTITUTE PROCEEDINGS AND PROSECUTE ANY PERSON
8 WHO VIOLATES THE PROVISIONS OF THIS SECTION.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 1999.