

SENATE BILL 695

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1998 Regular Session
8lr2490

By: **Senator Middleton**

Introduced and read first time: February 13, 1998

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 18, 1998

Committee Report: Favorable

Senate action: Adopted

Read second time: March 17, 1998

CHAPTER _____

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

1 (1990 Replacement Volume and 1997 Supplement)

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4 of the Annotated Code of Maryland be repealed.

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

7 **Article - Natural Resources**

8 10-101.

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

10 (v) "Wetland game birds" means brant, coots, ducks, gallinules, geese,
11 mergansers, rails, snipe, and swan or any part, egg, offspring, or dead body of any of
12 them, including birds raised in captivity and released to the wild or otherwise used
13 for hunting purposes.

14 (z) "Wild waterfowl" means brant, coots, ducks, geese, mergansers, and swans
15 or any part, egg, offspring, or dead body of any of them, including birds raised in
16 captivity and released to the wild or otherwise used for hunting purposes.

17 10-601.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "BOAT" INCLUDES ANY RAFT, CANOE, FLOATING BLIND, SKIFF, OR OTHER
21 FLOATING DEVICE.

22 (C) "OFFSHORE" MEANS ANY PLACE ON WATERS OF THE STATE BELOW THE
23 MEAN HIGH TIDE MARK ON TIDAL WATERS OR BELOW THE MEAN HIGH WATER MARK
24 ON NONTIDAL WATERS.

25 (D) "OFFSHORE BLIND SITE" MEANS A SPECIFIC LOCATION IN THE WATER
26 WHERE A PERSON MAY HUNT WILD WATERFOWL FROM ANY BOAT WHICH IS TIED TO
27 OR ANCHORED AT A STAKE WHICH HAS BEEN LICENSED PURSUANT TO THIS
28 SUBTITLE OR WHILE STANDING IN THE WATER ON THE NATURAL BOTTOM AT A
29 STAKE WHICH HAS BEEN LICENSED PURSUANT TO THIS SUBTITLE.

30 (E) "OFFSHORE STATIONARY BLIND" MEANS AN OFFSHORE STRUCTURE
31 BUILT ON PILINGS OR STAKES WHICH HAS BEEN LICENSED PURSUANT TO THIS
32 SUBTITLE AND USED FOR HUNTING WILD WATERFOWL.

33 10-602.

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

1 (1) IN A LICENSED OFFSHORE STATIONARY BLIND;

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

5 (3) IN A BOAT WHICH:

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

7 (II) IS FLOATING IN THE NONTIDAL WATERS OF THE POTOMAC
8 RIVER, IN CONOCOCHIEGUE CREEK, IN THE MONACACY RIVER, OR IN ZONES
9 PRESCRIBED BY THE DEPARTMENT; OR

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

12 10-603.

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

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

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

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

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

32 (E) (1) A PERSON MAY NOT HUNT ANY WILD WATERFOWL WITH AN
33 AUTOMATIC LOADING OR HAND-OPERATED REPEATING SHOTGUN CAPABLE OF
34 HOLDING MORE THAN THREE SHELLS. SUBJECT TO FEDERAL RULE OR REGULATION,
35 THE PROHIBITION OF THIS SUBSECTION DOES NOT APPLY TO AN AUTOMATIC
36 LOADING OR HAND-OPERATED REPEATING SHOTGUN WHOSE MAGAZINE IS CUT OFF
37 OR WHICH IS PLUGGED WITH A ONE-PIECE FILLER INCAPABLE OF REMOVAL
38 THROUGH THE LOADING END THAT REDUCES THE CAPACITY OF THE GUN TO HOLD

1 NO MORE THAN THREE SHELLS AT ANY ONE TIME IN THE MAGAZINE AND CHAMBER
2 COMBINED.

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

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

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

9 10-604.

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

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

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

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

23 10-605.

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

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

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

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

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

4 10-606.

5 (A) A PERSON MAY HUNT WILD WATERFOWL FROM A BOAT WHICH IS
6 DRIFTING OR BEING SCULLED, ONLY IN THE NONTIDAL WATERS OF THE POTOMAC
7 RIVER, IN CONOCOHEAGUE CREEK, IN THE MONACACY RIVER, OR IN ZONES
8 PRESCRIBED BY THE DEPARTMENT BY REGULATION.

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

13 10-607.

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

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

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

25 10-608.

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

28 (B) ONLY PERSONS OWNING 300 YARDS OF CONTIGUOUS SHORELINE MAY
29 ERECT AN OFFSHORE STATIONARY BLIND EXCEPT THAT RIPARIAN OWNERS WHO
30 OWN LESS THAN 300 YARDS OF CONTIGUOUS SHORELINE MAY ERECT A STATIONARY
31 BLIND IF THE PERSON HAS THE WRITTEN CONSENT OF THE ADJACENT RIPARIAN
32 LANDOWNERS FOR A DISTANCE OF 300 YARDS.

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

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

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

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

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

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

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

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

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

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

37 10-609.

38 (A) PERSONS WHO ARE RIPARIAN LANDOWNERS AND FEDERAL GOVERNMENT
39 AGENCIES MAY OBTAIN OFFSHORE STATIONARY BLIND OR BLIND SITE LICENSES OR
40 REMOVE THEIR SHORELINE FROM BLIND SITE LICENSING BY THE PUBLIC BY

1 SUBMITTING A COMPLETED APPLICATION FORM TO THE DEPARTMENT BY JUNE 1 OF
2 EACH YEAR.

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

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

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

15 (E) THE APPLICATION MUST CONTAIN:

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

19 (2) AN \$11 FEE;

20 (3) THE WRITTEN PERMISSION OF ADJACENT LANDOWNERS WHERE
21 APPLICABLE; AND

22 (4) THE WRITTEN LEASE OR ASSIGNMENT OF THE RIPARIAN
23 LANDOWNER WHERE APPLICABLE.

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

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

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

32 10-610.

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

1 (B) A LICENSE MAY BE OBTAINED FROM THE DEPARTMENT BY THE METHOD
2 DETERMINED BY THE DEPARTMENT TO BE COST EFFECTIVE AND CONVENIENT FOR
3 APPLICANTS, WHICH MAY INCLUDE SUBMITTING A COMPLETED APPLICATION TO
4 THE APPROPRIATE DEPARTMENT REGIONAL SERVICE CENTER ON DAYS
5 DESIGNATED BY THE DEPARTMENT.

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

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

11 (E) AFTER JUNE 1 OF EACH YEAR, THE DEPARTMENT SHALL PREPARE A MAP
12 OF EACH COUNTY SHOWING THE LOCATION OF ALL OFFSHORE STATIONARY BLINDS
13 AND BLIND SITES LICENSED TO OWNERS OF RIPARIAN PROPERTY AND THE
14 LOCATION OF ALL SHORELINE WHICH IS NOT AVAILABLE FOR BLIND SITE
15 LICENSING BY THE PUBLIC. THE MAPS SHALL BE POSTED IN THE APPROPRIATE
16 COURTHOUSE BY AUGUST 1 OF EACH YEAR. AFTER AUGUST 10 OF EACH YEAR THE
17 PUBLIC MAY BEGIN LICENSING OFFSHORE BLIND SITES AS PROVIDED IN
18 SUBSECTION (B) OF THIS SECTION.

19 (F) APPLICATIONS FOR OFFSHORE BLIND SITE LICENSES SHALL BE
20 ACCOMPANIED BY:

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

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

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

29 10-611.

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

35 (B) THE DEPARTMENT SHALL ENCOURAGE LOCAL AND FEDERAL
36 GOVERNMENTS TO MAKE OPPORTUNITIES AVAILABLE FOR THE PUBLIC TO HUNT
37 WATERFOWL FROM BLINDS LOCATED ON PUBLIC LANDS UNDER THE JURISDICTION
38 OF THE LOCAL OR FEDERAL GOVERNMENT BY:

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

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

6 10-612.

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

9 10-613.

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

13 (B) IF THE DEPARTMENT FINDS THAT THE CERTIFICATIONS OF THE
14 APPLICATION ARE ERRONEOUS, THE DEPARTMENT MAY REVOKE THE LICENSE BY
15 WRITTEN NOTICE TO THE APPLICANT.

16 10-614.

17 IF ANY LICENSEE ERECTS A STATIONARY BLIND OR BLIND SITE OR SETS A
18 STAKE AND THE STATIONARY BLIND, BLIND SITE, OR STAKE IS LOST OR DESTROYED
19 IN ANY MANNER BEYOND THE LICENSEE'S CONTROL, THE LICENSEE MAY NOT LOSE
20 THE LICENSEE'S LOCATION BUT MAY REESTABLISH THE STATIONARY BLIND, BLIND
21 SITE, OR STAKE AT ANY TIME DURING THE CURRENT HUNTING SEASON.

22 10-615.

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

25 (1) OFFSHORE FROM LANDS OWNED OR MANAGED BY THE
26 DEPARTMENT EXCEPT THE DEPARTMENT MAY LOCATE AND CONSTRUCT BLINDS
27 AND MAKE THE BLINDS AVAILABLE TO THE PUBLIC;

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

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

33 (4) IN BALTIMORE COUNTY ON THE MIDDLE RIVER AND ITS
34 TRIBUTARIES, WESTERLY OR TOWARDS SHORE FROM A STRAIGHT LINE DRAWN
35 FROM THE TIP OF WILSON POINT IN A SOUTHWESTERLY DIRECTION TO THE
36 NORTHWEST CORNER OF CAPE MAY BEACH AND IN FROG MORTOR CREEK FROM A

1 STRAIGHT LINE DRAWN FROM THE TIP OF WHAT IS KNOWN AS STRAWBERRY POINT
2 IN A SOUTHEASTERLY DIRECTION ACROSS THE CREEK TO THE TIP OF WHAT IS
3 KNOWN AS GALLOWAY POINT AND EXTENDING 1,500 YARDS NORTHEAST UP THE
4 CREEK TO THE POINT WHERE GLENWOOD ROAD APPROACHES THE CREEK
5 SHORELINE.

6 10-616.

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

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