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By: **Washington County Delegation**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Hunting - Nontidal Potomac River**

3 FOR the purpose of allowing a person to hunt wild waterfowl from a boat or floating  
4 blind in the nontidal waters of the Potomac River; altering certain limitations on  
5 waters subject to a certain restriction; providing that only certain riparian  
6 owners and other persons may erect and maintain a stationary blind or blind  
7 site on certain waters; prohibiting certain governmental units and assignees  
8 from licensing certain shoreline for certain purposes; allowing for the  
9 consideration of certain safety zones; and generally relating to hunting on  
10 nontidal waters of the Potomac River.

11 BY repealing and reenacting, with amendments,  
12 Article - Natural Resources  
13 Section 10-606(a) and 10-610  
14 Annotated Code of Maryland  
15 (1990 Replacement Volume and 1998 Supplement)

16 BY adding to  
17 Article - Natural Resources  
18 Section 10-612(c)(5)  
19 Annotated Code of Maryland  
20 (1990 Replacement Volume and 1998 Supplement)

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

23 **Article - Natural Resources**

24 10-606.

25 (a) A person may not hunt or purposely or unnecessarily disturb wild  
26 waterfowl from or in a boat of any description within the State. However, this section  
27 does not prohibit a person from:

1 (1) Bushwacking in the waters of the Susquehanna Flats, Elk River, and  
2 that portion of the Sassafras River in Cecil County located west of 75°SN 58' 45", and in  
3 the waters of Chincoteague Bay, Sinepuxent Bay, Isle of Wight, Assawoman Bay and  
4 their respective tributaries in Worcester County;

5 (2) Sneakboating in Monocacy River in Carroll or Frederick Counties, in  
6 the Conococheague Creek in Washington County, and in the waters of the Potomac in  
7 Garrett, Allegany, Washington, Frederick, and Montgomery Counties;

8 (3) Immediately retrieving wounded or dead wild waterfowl by any boat  
9 propelled by motor if the bird is wounded or killed legally;

10 (4) Hunting wild waterfowl by boat or floating blind in the NONTIDAL  
11 waters of the Potomac [River in Garrett, Allegany, Washington, and Frederick  
12 Counties] RIVER; and

13 (5) Hunting wild waterfowl by boat on State or federally owned or  
14 controlled hunting areas if permitted by federal and State rules and regulations.

15 10-610.

16 (a) A person may hunt from a boat or floating blind on days and in open areas  
17 of the Chesapeake Bay and the Potomac River below the Morgantown Bridge as the  
18 Department prescribes by regulation.

19 (b) (1) A boat or floating blind not anchored or tied at a licensed blind site  
20 may not be permitted:

21 (i) Except in the NONTIDAL waters of the Potomac [River in  
22 Garrett, Allegany, Washington, and Frederick Counties] RIVER, closer than 800 yards  
23 off privately owned shoreline; or

24 (ii) Within 500 yards of any licensed blind, blind site, gunning rig,  
25 or body booter except as otherwise provided by this title.

26 (2) This subsection does not apply to any gunning rig other than a boat  
27 or floating blind.

28 (c) A person may not use a sneakboat or bushwack rig within 500 yards of a  
29 licensed blind or blind site or any other rig licensed for hunting wild waterfowl.

30 10-612.

31 (C) (5) (I) ON THE NONTIDAL WATERS OF THE POTOMAC RIVER, ONLY A  
32 RIPARIAN OWNER OWNING THE REQUIRED AMOUNT OF SHORELINE, OR THE  
33 OWNER'S LESSEE, LICENSEE, OR ASSIGNEE, MAY ERECT AND MAINTAIN A  
34 STATIONARY BLIND OR BLIND SITE.

35 (II) ON THE NONTIDAL WATERS OF THE POTOMAC RIVER,  
36 CONOCOCHAEAGUE CREEK, AND THE MONOCACY RIVER, RIPARIAN SHORELINE

1 OWNED BY A FEDERAL OR STATE UNIT, OR THE ASSIGNEE OF THE FEDERAL OR  
2 STATE UNIT, MAY NOT BE LICENSED FOR THE PURPOSE OF EXCLUDING PERSONS  
3 OTHER THAN THE LICENSEE FROM HUNTING OFFSHORE FOR WILD WATERFOWL.  
4 HOWEVER, A FEDERAL OR STATE UNIT THAT OWNS RIPARIAN SHORELINE ON THESE  
5 WATERS MAY APPLY TO THE DEPARTMENT FOR THE ESTABLISHMENT OF A SAFETY  
6 ZONE IN SPECIFIED AREAS OF THE UNIT'S SHORELINE. THE SECRETARY SHALL  
7 REVIEW EACH REQUEST AND DETERMINE WHETHER SUFFICIENT NEED FOR A  
8 SAFETY ZONE EXISTS.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 1999.