

SENATE BILL 566

Unofficial Copy
M2

1999 Regular Session
9r2010
CF 9r0812

By: **Senator Collins**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Sunday Hunting - Forest Game Birds and Mammals**

3 FOR the purpose of repealing a certain restriction on hunting forest game birds and
4 mammals on Sundays; providing for the establishment of certain seasons;
5 requiring owners of private property to register with the Department of Natural
6 Resources before allowing Sunday hunting of forest game birds and mammals;
7 requiring a certain application to include certain information; requiring the
8 Department to establish a certain fee for a certain registration and a certain
9 renewal; requiring the Department to revoke a certain registration under
10 certain circumstances; requiring the Department to determine if Sunday
11 hunting would be inconsistent with prior use before allowing Sunday hunting of
12 forest game birds and mammals on public land; prohibiting the Department
13 from allowing Sunday hunting of forest game birds and mammals if inconsistent
14 with prior use; requiring the Department to study and to make certain
15 recommendations to certain committees before a certain date each year;
16 requiring a certain study to include certain information; and generally relating
17 to hunting forest game birds and mammals on Sundays.

18 BY repealing and reenacting, with amendments,
19 Article - Natural Resources
20 Section 10-405(a) and 10-410(a)
21 Annotated Code of Maryland
22 (1990 Replacement Volume and 1998 Supplement)

23 BY adding to
24 Article - Natural Resources
25 Section 10-410.1, 10-410.2, and 10-410.3
26 Annotated Code of Maryland
27 (1990 Replacement Volume and 1998 Supplement)

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

1 **Article - Natural Resources**

2 10-405.

3 (a) Pursuant to § 10-205 of this title, the Department shall establish by
4 regulation and publish by July 1 each year:5 (1) [the] THE open season[, excepting Sundays,] to hunt the forest [and
6 upland] game birds and mammals; AND7 (2) THE OPEN SEASON, EXCEPTING SUNDAYS, TO HUNT UPLAND GAME
8 BIRDS AND MAMMALS.

9 10-410.

10 (a) (1) Except as provided in paragraph (2) of this subsection, a person may
11 not hunt any game bird or mammal on Sundays.12 (2) The following persons may hunt the specified game birds and
13 mammals on Sundays:14 (i) A person using State certified raptors to hunt game birds or
15 mammals during open season;16 (ii) An unarmed person participating in an organized fox chase to
17 chase foxes; [and]18 (iii) Provided that the provisions of § 10-906(b)(3) of this title are
19 met, a person:20 1. Using a regulated shooting ground under § 10-906 of this
21 title to hunt the following pen-reared game birds:

22 A. Pheasants;

23 B. Bobwhite quail;

24 C. Chukar partridge;

25 D. Hungarian partridge;

26 E. Tower released flighted mallard ducks; and

27 F. Turkey on a regulated shooting ground that was permitted
28 to release turkey before September 1, 1992; and29 2. Having the written permission of the owner of the land or
30 other person designated by the owner of the land, if the land is owned or leased by a
31 person other than the person hunting on Sundays; AND

1 (IV) A PERSON HUNTING FOREST GAME BIRDS AND MAMMALS
2 DURING OPEN SEASON ON PRIVATE LAND REGISTERED AS A SUNDAY HUNTING
3 PROPERTY AS REQUIRED BY § 10-410.1 OF THIS SUBTITLE.

4 10-410.1.

5 (A) (1) THE SECRETARY SHALL ESTABLISH BY REGULATION, A SUNDAY
6 HUNTING PROPERTY REGISTRATION PROGRAM FOR THE REGISTRATION OF PRIVATE
7 LAND AS PROPERTY THAT ALLOWS HUNTING OF FOREST GAME BIRDS AND MAMMALS
8 ON SUNDAY.

9 (2) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE
10 REGISTRATION SHALL LAST FOR 3 YEARS.

11 (B) THE APPLICATION FOR REGISTERING A PROPERTY AS A SUNDAY HUNTING
12 PROPERTY SHALL INCLUDE:

13 (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PROPERTY
14 OWNER OR OWNERS;

15 (2) IDENTIFICATION OF THE PROPERTY TO WHICH THE REGISTRATION
16 WILL APPLY;

17 (3) A SIGNED STATEMENT BY A PROPERTY OWNER OR OWNERS
18 DECLARING THAT:

19 (I) THE PROPERTY OWNER OR OWNERS AGREE TO PERMIT
20 SUNDAY HUNTING OF FOREST GAME BIRDS AND MAMMALS ON THE PROPERTY; AND

21 (II) THE PROPERTY OWNER OR OWNERS AGREE TO NOTIFY THE
22 DEPARTMENT OF A CHANGE IN OWNERSHIP OF THE PROPERTY.

23 (C) TO REGISTER PROPERTY AS A SUNDAY HUNTING PROPERTY, THE
24 PROPERTY OWNER OR OWNERS SHALL:

25 (1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON A FORM
26 REQUIRED BY THE DEPARTMENT; AND

27 (2) PAY TO THE DEPARTMENT AN APPLICATION FEE ESTABLISHED BY
28 THE DEPARTMENT, NOT EXCEEDING \$100.

29 (D) BEFORE A REGISTRATION EXPIRES, THE PROPERTY OWNER OR OWNERS
30 MAY RENEW THE REGISTRATION FOR AN ADDITIONAL 3-YEAR TERM, IF THE
31 PROPERTY OWNER:

32 (1) SUBMITS TO THE DEPARTMENT A RENEWAL APPLICATION ON THE
33 FORM THE DEPARTMENT REQUIRES; AND

34 (2) PAYS TO THE DEPARTMENT A RENEWAL FEE ESTABLISHED BY THE
35 DEPARTMENT, NOT EXCEEDING \$100.

1 (E) THE DEPARTMENT SHALL ISSUE A REGISTRATION CERTIFICATE TO A
2 PROPERTY OWNER OR OWNERS DESIGNATING THE PROPERTY AS A REGISTERED
3 SUNDAY HUNTING PROPERTY OF FOREST GAME BIRDS AND MAMMALS.

4 (F) THE DEPARTMENT SHALL REVOKE A SUNDAY HUNTING PROPERTY
5 REGISTRATION IF THE DEPARTMENT RECEIVES NOTICE THAT:

6 (1) AN OWNER OR ONE OF A GROUP OF OWNERS NO LONGER WISHES
7 THE PROPERTY TO BE DESIGNATED AS A SUNDAY HUNTING PROPERTY; OR

8 (2) A CHANGE IN OWNERSHIP HAS OCCURRED.

9 10-410.2.

10 (A) PRIOR TO ALLOWING SUNDAY HUNTING OF FOREST GAME BIRDS AND
11 MAMMALS ON PUBLIC LAND, THE DEPARTMENT SHALL DETERMINE WHETHER
12 SUNDAY HUNTING WOULD BE INCONSISTENT WITH PRIOR USE OF THE LAND.

13 (B) IF SUNDAY HUNTING WOULD CONFLICT WITH PRIOR USE OF A PUBLIC
14 LAND, THE DEPARTMENT MAY NOT ALLOW SUNDAY HUNTING ON THAT PUBLIC
15 LAND.

16 10-410.3.

17 (A) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL
18 STUDY AND MAKE RECOMMENDATIONS TO THE LEGISLATIVE POLICY COMMITTEE,
19 THE SENATE ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE
20 HOUSE ENVIRONMENTAL MATTERS COMMITTEE ON THE IMPLEMENTATION OF
21 SUNDAY HUNTING OF FOREST GAME BIRDS AND MAMMALS, INCLUDING LAW
22 ENFORCEMENT ISSUES AND CITIZENS' COMPLAINTS.

23 (B) THE STUDY SHALL INCLUDE A COMPREHENSIVE ASSESSMENT OF:

24 (1) HARVEST PRESSURE ON THE DEER POPULATION IN THE STATE AS A
25 RESULT OF DEER MANAGEMENT PRACTICES BY A GEOGRAPHIC REGION; AND

26 (2) THE DEER POPULATION IN THE STATE AS A RESULT OF NATURAL
27 PREDATORS.

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