
By: **Delegates Weir and Guns**

Introduced and read first time: February 10, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Wild Waterfowl - Blind Sites**

3 FOR the purpose of prohibiting a person from possessing shotgun shells that are
4 loaded with certain shot under certain circumstances; providing that persons
5 that have the written consent of adjoining landowners to achieve a certain
6 length of continuous shoreline may erect an offshore stationary blind or blind
7 site; allowing a riparian landowner who owns less than a certain length of
8 continuous shoreline to establish an offshore blind site if no other shoreline is
9 licensed within a certain distance of the blind site; allowing a riparian
10 landowner to lease or assign certain rights to license their riparian shoreline;
11 providing that all applications to license riparian shoreline shall be approved by
12 the Department of Natural Resources in a certain manner; allowing the licensee
13 of riparian shoreline to have the sole right to establish offshore stationary blinds
14 or blind sites within certain distances of the licensed shoreline or opposite shore;
15 and generally relating to offshore stationary blinds and blind sites.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 10-602(e), 10-607, and 10-609
19 Annotated Code of Maryland
20 (1990 Replacement Volume and 1999 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 10-602.

25 (e) (1) The only firearm that a person may use to hunt wild waterfowl is a
26 shotgun fired from the shoulder.

27 (2) A shotgun used to hunt wild waterfowl may not be larger than a 10
28 gauge or loaded with shot not approved by the United States Fish and Wildlife
29 Service.

1 (3) WHILE HUNTING OR ATTEMPTING TO HUNT WILD WATERFOWL, A
2 PERSON MAY NOT POSSESS SHOTGUN SHELLS THAT ARE LOADED WITH SHOT NOT
3 APPROVED BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

4 10-607.

5 (a) (1) This section shall apply only to owners of riparian property in
6 Maryland regardless of the residency of the owner.

7 (2) Persons owning riparian property in Virginia or West Virginia that is
8 adjacent to the Potomac River may not license their shoreline under this subtitle.

9 (b) Riparian landowners may license their riparian shoreline:

10 (1) To establish offshore stationary blinds or blind sites for hunting wild
11 waterfowl; and

12 (2) To prevent other persons from licensing the riparian shoreline for the
13 purpose of hunting wild waterfowl offshore.

14 (c) (1) On the nontidal waters of the Potomac River, Conococheague Creek,
15 and the Monocacy River, the Department may not license riparian shoreline owned by
16 a federal or State unit or the assignee of the federal or State unit.

17 (2) (i) A federal or State unit that owns riparian shoreline on the
18 nontidal waters of the Potomac River, Conococheague Creek, and the Monocacy River
19 may apply to the Department to establish a waterfowl safety zone in a specified area
20 of the shoreline.

21 (ii) The Secretary shall review each request and determine whether
22 sufficient need for a waterfowl safety zone exists.

23 (3) On or before August 15 of each year, the Department shall mark each
24 waterfowl safety zone with clearly visible signs.

25 (d) (1) Except as provided in paragraph (2) of this subsection, only persons
26 [owning] THAT OWN at least 250 yards of continuous shoreline, OR PERSONS THAT
27 HAVE THE WRITTEN CONSENT OF ADJOINING LANDOWNERS TO ACHIEVE THE
28 REQUIRED 250 YARDS OF CONTINUOUS SHORELINE, may erect an offshore stationary
29 blind or blind site.

30 (2) A riparian landowner who owns less than 250 yards of continuous
31 shoreline may [erect an offshore stationary blind or blind site if the riparian
32 landowner has the written consent of adjoining riparian landowners to achieve the
33 required 250 yards of continuous shoreline] ESTABLISH AN OFFSHORE BLIND SITE IF
34 NO OTHER SHORELINE IS LICENSED WITHIN 125 YARDS OF THE BLIND SITE.

35 (e) Riparian landowners may lease or assign their rights to [an offshore
36 stationary blind or blind site] LICENSE THEIR RIPARIAN SHORELINE.

1 (f) (1) [Without the written permission of the adjacent landowner] EXCEPT
2 AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, riparian landowners may not
3 locate an offshore stationary blind or blind site within 125 yards of the property line
4 or where the line would be if it were extended out over the water perpendicular to the
5 shore at the point where the property line reaches the water's edge.

6 (2) A RIPARIAN LANDOWNER WHO OWNS LESS THAN 250 YARDS OF
7 CONTINUOUS SHORELINE MAY NOT LOCATE AN OFFSHORE BLIND SITE CLOSER
8 THAN 125 YARDS FROM THE NEAREST LICENSED SHORELINE.

9 (g) Notwithstanding the other provisions of this section, where circumstances
10 require, such as in coves and when two properties extend onto a point of land, the
11 Secretary may determine where an offshore stationary blind or blind site license shall
12 be located. The Secretary shall try to locate the sites so that each riparian landowner
13 gets a site and may locate the blinds closer than 250 yards apart with the written
14 consent of the two riparian landowners.

15 (h) (1) Riparian landowners, including government agencies, shall license
16 their shoreline annually in accordance with this section.

17 (2) An applicant for a license shall:

18 (i) Submit to the Department:

19 1. An application by mail prior to June 1 of each year on a
20 form provided by the Department;

21 2. A map showing the exact location of the shoreline to be
22 licensed and the exact location of the proposed offshore stationary blinds or blind
23 sites, if any;

24 3. The written permission of adjacent landowners if
25 necessary; and

26 4. The written lease or assignment of the riparian landowner
27 if necessary; and

28 (ii) Pay to the Department a fee of \$20.

29 (3) A unit of government is exempt from the application fee required
30 under paragraph (2) of this subsection.

31 (i) (1) At least 1 month before a license expires on June 30 of each year, the
32 Department shall mail a renewal notice and a renewal application to all riparian
33 landowners who received a license the previous year.

34 (2) The renewal notice shall state:

35 (i) The date on which the current license expires;

1 (ii) The date by which the Department must receive the renewal
2 application for the renewal to be issued and mailed before the license expires; and

3 (iii) The amount of the renewal fee.

4 (j) Before the license expires, the licensee may renew the license for an
5 additional 1-year term, if the licensee:

6 (1) Is otherwise entitled to be licensed;

7 (2) Pays to the Department a renewal fee of \$20; and

8 (3) Submits to the Department a renewal application on the form that
9 the Department requires.

10 (k) (1) ALL APPLICATIONS TO LICENSE RIPARIAN SHORELINE SHALL BE
11 APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH APPLICABLE LAWS AND
12 REGULATIONS.

13 (2) Whenever conflicts occur between applicants WISHING TO
14 ESTABLISH OFFSHORE STATIONARY BLINDS OR BLIND SITES and those conflicts
15 cannot be resolved by application of subsection (g) of this section, the applicant
16 applying first shall prevail. If both applications arrive in the mail on the same day a
17 coin toss shall determine which applicant shall prevail. The applicants may be
18 present for the coin toss.

19 (l) Funds collected under this section shall be used to administer the licensing
20 program under this section. Any funds not expended in a fiscal year for administering
21 the licensing program under this section shall revert to the General Fund.

22 10-609.

23 (a) Offshore stationary blinds and offshore blind sites shall be at least 250
24 yards apart from each other.

25 (b) Offshore stationary blinds and offshore blind sites shall be located within
26 300 yards of the shoreline or one-third the distance to the opposite shore, whichever
27 is less, except that in the Chesapeake Bay in Anne Arundel and Calvert Counties, and
28 in Prospect Bay in Queen Anne's County, all offshore stationary blinds and blind sites
29 may be no more than 800 yards from the shoreline.

30 (c) Offshore stationary blinds and blind sites may not be less than 150 yards
31 from any dwelling house without the written permission of the owner of the house.

32 (d) Offshore stationary blinds shall be marked with the licensee's name and
33 license number and marked on each side with at least 100 square inches of clearly
34 visible reflective material attached to the stationary blind at least 3 feet above the
35 high water mark.

1 (e) Offshore blind sites shall be marked by a stake showing the licensee's
2 name and license number. Each stake shall be marked on all sides with reflective
3 material at least 4 inches wide and located at least 3 feet above the high water mark.
4 All stakes shall be removed within 30 days after the last wild waterfowl season closes.

5 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
6 LICENSEE OF RIPARIAN SHORELINE SHALL HAVE THE SOLE RIGHT TO ESTABLISH
7 OFFSHORE STATIONARY BLINDS OR BLIND SITES WITHIN 300 YARDS OF THE
8 LICENSED SHORELINE OR ONE-THIRD THE DISTANCE TO THE OPPOSITE SHORE,
9 WHICHEVER IS LESS.

10 (2) IN THE CHESAPEAKE BAY IN ANNE ARUNDEL AND CALVERT
11 COUNTIES, AND IN PROSPECT BAY IN QUEEN ANNE'S COUNTY, THE LICENSEE OR
12 RIPARIAN SHORELINE SHALL HAVE THE SOLE RIGHT TO ESTABLISH OFFSHORE
13 STATIONARY BLINDS OR BLIND SITES WITHIN 800 YARDS OF THE LICENSED
14 SHORELINE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 June 1, 2000.