

SENATE BILL 59

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2004 Regular Session
4lr0016

(PRE-FILED)

By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Natural Resources)

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2004

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Shoreline and Blind Site Licensing**

3 FOR the purpose of altering the duration of a certain shoreline license; altering the
4 amount, timing, and disposition of the fee for obtaining a certain shoreline
5 license; requiring Maryland residents who are not licensing their own property
6 to possess a current year or prior year Maryland hunting license; altering the
7 method by which the Department of Natural Resources shall notify the public of
8 shoreline licensing; specifying the methods by which certain licenses may be
9 issued; providing that only certain persons may erect and maintain stationary
10 blinds or blind sites in certain counties; authorizing the Department to adopt
11 certain regulations; and generally relating to the licensing of shoreline and blind
12 sites.

13 BY adding to
14 Article - Natural Resources
15 Section 10-601.1 and 10-607(m)
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Natural Resources
20 Section 10-607(h), (i), (j), and (l) and 10-608
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2003 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Natural Resources
3 Section 10-607(k)
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2003 Supplement)

6 ~~BY adding to~~
7 ~~Article - Natural Resources~~
8 ~~Section 10-607(m)~~
9 ~~Annotated Code of Maryland~~
10 ~~(2000 Replacement Volume and 2003 Supplement)~~

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

13 **Article - Natural Resources**

14 10-601.1.

15 THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS
16 OF THIS SUBTITLE.

17 10-607.

18 (h) (1) Riparian landowners, including government agencies, shall license
19 their shoreline [annually] EVERY 5 YEARS in accordance with this section.

20 (2) An applicant for a license shall:

21 (i) Submit to the Department:

22 1. An application by mail prior to June 1 of [each] THE year
23 IN WHICH THE CURRENT LICENSE EXPIRES OR FOR WHICH A NEW LICENSE IS
24 REQUESTED on a form provided by the Department;

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

28 3. The written permission of adjacent landowners if
29 necessary; and

30 4. The written lease or assignment of the riparian landowner
31 if necessary; and

32 (ii) Pay to the Department a fee of [\$20] \$60.

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

1 (i) (1) At least [1 month] 3 MONTHS before a license expires on June 30 [of
2 each year], the Department shall mail a renewal notice and a renewal application to
3 all riparian landowners [who received a license the previous year] HOLDING
4 LICENSES SUBJECT TO EXPIRATION.

5 (2) The renewal notice shall state:

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

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

9 (iii) The amount of the renewal fee.

10 (j) Before JUNE 1ST OF THE YEAR the license expires, the licensee may renew
11 the license for an additional [1-year] 5-YEAR term, if the licensee:

12 (1) Is otherwise entitled to be licensed;

13 (2) Pays to the Department a renewal fee of [\$20] \$60; and

14 (3) Submits to the Department a renewal application on the form that
15 the Department requires.

16 (k) (1) All applications to license riparian shoreline shall be approved by the
17 Department in accordance with applicable laws and regulations.

18 (2) Whenever conflicts occur between applicants wishing to establish
19 offshore stationary blinds or blind sites and those conflicts cannot be resolved by
20 application of subsection (g) of this section, the applicant applying first shall prevail.
21 If both applications arrive in the mail on the same day a coin toss shall determine
22 which applicant shall prevail. The applicants may be present for the coin toss.

23 (l) Funds collected under this section shall be used to administer the licensing
24 program under this section. Any funds not expended in a fiscal year for administering
25 the licensing program under this section ~~shall~~ MAY NOT BE TRANSFERRED OR
26 revert to the General Fund ~~OF THE STATE, BUT SHALL~~ BE CREDITED TO THE STATE
27 WILDLIFE MANAGEMENT AND PROTECTION FUND.

28 (M) A RIPARIAN LANDOWNER WHO FAILS TO MEET THE JUNE 1 DEADLINE FOR
29 LICENSE APPLICATION MAY LICENSE SHORELINE AND ESTABLISH A STATIONARY
30 BLIND OR BLIND SITE FOR A 5-YEAR PERIOD DURING THE LICENSING PROCESS
31 DESCRIBED IN § ~~10-608~~ 10-608(B) THROUGH (H) OF THIS SUBTITLE.

32 10-608.

33 (a) A Maryland resident [or a person who owns riparian property in
34 Maryland, regardless of State residency,] WHO POSSESSES A CURRENT YEAR OR
35 PRIOR YEAR HUNTING LICENSE may apply to the Department to license riparian
36 shoreline for the purpose of establishing an offshore blind site.

1 (b) An applicant for a license shall:

2 (1) Submit to the Department:

3 (i) An application on a form provided by the Department; and

4 (ii) A signed statement that:

5 1. The location of the blind site is at least 125 yards from all
6 other previously licensed riparian shoreline; and

7 2. The offshore blind site complies with all other pertinent
8 laws and regulations; and

9 (2) Pay to the Department an application fee of \$20 for each license
10 requested.

11 (c) (1) The completed application shall be submitted to Department regional
12 service centers or other designated local sites on days designated by the Department.

13 (2) The Department shall establish and adequately staff a site in each
14 county where licensing occurs.

15 (3) The Department shall [post notices of dates and locations for
16 licensing of blind sites in the office of the clerk of the court in each county] PROVIDE
17 PUBLIC NOTICE OF THE LICENSING PROCESS THROUGH THE MEDIA, INTERNET, AND
18 OTHER SOURCES.

19 (4) Licensing shall begin on or before the first Tuesday in August of each
20 year on dates set by the Department.

21 (d) Each designated site or regional service center shall have maps available
22 by July 15 of each year that show the location of all shoreline licensed by riparian
23 landowners.

24 (e) Except for riparian landowners licensing their own property, a person may
25 not obtain more than two licenses per day.

26 (f) Each license shall apply to 250 yards of shoreline. Blind sites shall be
27 located equidistant from the boundaries described by the license.

28 (g) ~~In Kent County and Queen Anne's County~~ CAROLINE, DORCHESTER, KENT,
29 QUEEN ANNE'S, AND TALBOT COUNTIES and on the nontidal waters of the Potomac
30 River and its nontidal tributaries, only a riparian landowner owning the amount of
31 shoreline required under § 10-607(d) of this subtitle or a landowner's lessee, licensee,
32 or assignee may erect and maintain a stationary blind or blind site.

33 (h) Licenses are valid until June 30 of the following year and shall be issued in
34 the order the applications are received in person OR THE DEPARTMENT MAY UTILIZE
35 A LOTTERY-BASED SYSTEM.

1 (4) ~~THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS~~
2 ~~SUBTITLE.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect July 1, 2004.