



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary  
Charles Glass, Deputy Secretary

January 29, 2020

The Honorable Paul G. Pinsky  
Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Cheryl C. Kagan  
Vice Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***Re: Letter of Information – Senate Bill 242 - Natural Resources – Wild Waterfowl Policy-Repeal***

Dear Chair Pinsky, Vice Chair Kagan and Committee Members:

The Maryland Department of Natural Resources provides this letter of information regarding Senate Bill 242, which repeals Sections 10-1001 through 10-1009, of the Natural Resources Article, known as the Wild Waterfowl Policy.

These sections of the Annotated Code provide for the department to issue licenses to permit the feeding of wild waterfowl in certain areas during the open hunting season for wild waterfowl. These sections further establish distances from the licensed feeding area, outside of which hunters may shoot wild waterfowl without concern for the lure and attraction caused by feeding wild waterfowl in these areas.

The Wild Waterfowl Policy laws were established decades ago, at a time when federal and state waterfowl hunting laws regarding baiting were in the developmental stages, and were enacted in an effort to protect the tradition of feeding waterfowl in conjunction with hunting. There is no legally recognized distance from the bait where hunters would not benefit from its presence.

To the contrary, both federal and state hunting regulations have evolved to prohibit the hunting of wild waterfowl within the “zone of influence” that causes wild waterfowl to less wary due to becoming habituated to feeding. There is substantial state and federal case law that establishes that there is no consistent size to this “zone of influence”, as the effect of bait upon waterfowl can be influenced by many factors including geography, weather, availability of natural feed, amount of artificially placed feed present and the concentration of hunting activity in the area. As a result, the Department may not legally issue the licenses described in the Wild Waterfowl Policy, nor establish distances from feeding areas where hunting may occur, and has not permitted these practices for many decades.

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The statutes comprising the Wild Waterfowl Policy are no longer useful or necessary. In fact, they occasionally cause confusion to hunters, inexperienced law enforcement officers, prosecutors, and judges during the prosecution of hunters for violating current hunting laws and regulations pertaining to the illegal hunting of wild waterfowl over baited areas or with the aid of bait.

The Maryland Department of Natural Resources respectfully submits to the Committee the above information relating to Senate Bill 242.

Respectfully submitted,  
James W. McKittrick  
Director, Legislative and Constituent Services