

HOUSE BILL 1296

M2

0lr2846
CF 0lr3728

By: **Delegate Adams**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting – Regulated Shooting Areas – Offshore Stationary Blinds and Blind**
3 **Sites**

4 FOR the purpose of authorizing the inclusion of a certain licensed offshore stationary blind
5 or blind site in a regulated shooting area; authorizing a person to hunt certain
6 captive raised birds from a certain licensed offshore stationary blind or blind site,
7 subject to certain conditions; updating certain terminology; making technical and
8 conforming changes; and generally relating to regulated shooting areas and offshore
9 stationary blinds and blind sites.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 10–410(a)(2)(iii), 10–412(d), 10–512(d), and 10–906
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2019 Supplement)

15 BY adding to
16 Article – Natural Resources
17 Section 10–616
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2019 Supplement)

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

22 **Article – Natural Resources**

23 10–410.

24 (a) (2) The following persons may hunt the specified game birds and mammals
25 on Sundays:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting [ground] AREA under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey [on] IN a regulated shooting [ground] AREA that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

10–412.

(d) By rule or regulation, the Department may exempt from this section captive raised mallard ducks which are released [on] IN a regulated shooting [ground] AREA to be shot at immediately after release.

10–512.

(d) (1) Each taxidermist or fur tanner shall keep a ledger on a form provided by the Department indicating [the]:

(I) THE name, address, telephone number, and current hunting, trapping, fur dealer's, game husbandry, or regulated shooting [ground] AREA license number of each person[,] from whom any species of wildlife was purchased or received within or outside the State[, the];

(II) THE date of purchase, or receipt, and the quantity of each species of wildlife purchased or received; and [the]

(III) THE date the species was delivered or returned to the customer.

(2) The ledger shall indicate the country, state, and county or political

subdivision in which the species was taken and the date on which the species was taken and identify any appropriate official game possession tag number or bill of sale.

(3) The tag or bill of sale shall be attached to the wildlife.

(4) The licensee also shall include in the ledger the same information with regard to any wildlife taken from the wild by the licensee.

(5) The ledger shall cover every transaction from date of issuance of the taxidermist or fur tanner's license until date of expiration and shall be kept up-to-date.

(6) In addition to any other penalty provided by this subtitle, any person convicted of failing to maintain or keep up-to-date a ledger required by this subsection or of making false entries may have the person's license revoked for a period not to exceed 5 years.

10-616.

A PERSON MAY HUNT CAPTIVE RAISED MALLARD DUCKS FROM A LICENSED OFFSHORE STATIONARY BLIND OR BLIND SITE THAT IS INCLUDED IN A REGULATED SHOOTING AREA, SUBJECT TO CONDITIONS SET FORTH IN THE APPLICABLE REGULATED SHOOTING AREA PERMIT.

10-906.

(a) Any person desiring to establish and operate a regulated shooting [ground] **AREA** shall first obtain a permit from the Department.

(b) (1) The Department may issue a regulated shooting [ground] **AREA** permit on payment of a reasonable fee and after determining that the establishment and operation of [it] **THE REGULATED SHOOTING AREA** does not conflict with any reasonable prior public interest.

(2) The Department may not issue a new permit for a regulated shooting [ground] **AREA** to an existing permit holder unless the report required under subsection (c)(2) of this section has been filed.

(3) (i) As part of the application for a regulated shooting [ground] **AREA** permit, a person may apply to the Department for authorization to allow hunting on Sunday as provided under § 10-410(a)(2)(iii) of this title.

(ii) The Department shall ensure that all requirements and conditions of applicable law and regulations are met and that issuance of the authorization will not have an adverse impact on the conservation of native game species or to the public interest.

(4) A REGULATED SHOOTING AREA MAY INCLUDE AN OFFSHORE STATIONARY BLIND OR BLIND SITE LICENSED TO THE PERSON HOLDING THE REGULATED SHOOTING AREA PERMIT.

(c) (1) The Department, by regulation, shall govern and prescribe the size of the area, the method of hunting, the open and closed seasons, the release, possession, and use of propagated wildlife, and any reports the Department deems necessary.

(2) (I) The Department shall require each person holding a regulated shooting ground permit to file a report with the Department, on forms provided by the Department, by April 30 of each year for the most recently concluded hunting season.

(II) The report shall include:

[(i)] 1. The number and species of captive raised birds that have been released, killed, or recaptured [on] IN the regulated shooting [ground] AREA each day;

[(ii)] 2. The number and species of all wild waterfowl that have been killed [on] IN the regulated shooting [ground] AREA excluding any of the captive raised birds listed in [subparagraph (i)] ITEM 1 of this [paragraph] SUBPARAGRAPH;

[(iii)] 3. An estimate of how many captive raised birds by species were released and not captured; and

[(iv)] 4. Any outbreaks of avian influenza or other diseases in the captive raised birds raised, released, or captured [on] IN the regulated shooting [ground] AREA.

(3) (I) The permittee shall maintain records of the number and species of captive raised birds purchased, the date on which they were purchased, and the name and address from whom they were purchased.

(II) These records shall be retained for 12 months from the date of the transaction.

(4) The permittee shall report unusual death or sickness of captive raised birds immediately to the nearest Maryland Department of Agriculture animal health laboratory, and transport dead and sick captive raised birds to the nearest Maryland Department of Agriculture animal health laboratory for diagnostic examination.

(5) The permittee shall allow the Department or the Department's representative to inspect:

(i) Those records required to be maintained under paragraphs (2) and (3) of this subsection; and

(ii) All hatcheries, equipment, and facilities used for rearing and holding captive raised birds.

(6) The permittee shall allow the Department or the Department's representative to:

(i) Collect environmental samples from all hatching, rearing, and holding facilities;

(ii) Culture or biochemical test these samples for the presence of avian diseases; and

(iii) **[Test] SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, TEST** a sample of captive raised birds from the permittee's flock.

(7) The permittee shall provide the Department captive raised birds for testing at no cost to the Department as the Department deems necessary.

(d) (1) **(I) [Any] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A** person desiring to hunt on any regulated shooting ground shall first obtain a special license. **[However, a]**

(II) A person holding a resident or nonresident hunter's license may not be required to obtain the license prescribed by this section.

(2) **(I)** The license shall **[bear]:**

1. **BEAR** the signature of the Secretary; and **[shall be]**

2. **BE** countersigned by the issuing agent who at the same time shall fill out a stub attached to the license with the name and address of the licensee.

(II) The agent then shall detach the stub and mail it to the Secretary the first day of each month.

(III) The agent shall **[retain]:**

1. **RETAIN** 50 cents as compensation for issuing each license~~[. The agent shall deliver]~~; **AND**

2. **DELIVER** the properly executed license to the applicant in person or by mail without further cost.

(IV) The licensee shall insert the licensee's name in ink on the license

1 at the time of purchase.

2 (3) The Department shall charge a reasonable fee for the purchase of a
3 special license.

4 (4) The license shall expire on June 30 after the date of issuance.

5 (5) The license is not transferable and if used or presented by any person
6 other than the person to whom it was issued, the license shall be confiscated by the
7 Secretary, any Natural Resources police officer, or any law enforcement officer.

8 **[(f)] (E)** (1) For the purposes of this subsection a second or subsequent
9 conviction is a violation that has occurred within 2 years and that arises out of a separate
10 set of circumstances.

11 (2) In addition to any other penalty provided by the provisions of this title,
12 if a person who holds a permit to establish and operate a regulated shooting **[ground] AREA**
13 under this section or any other guest of that person is convicted of violating on the premises
14 of the regulated shooting **[ground] AREA** a provision of State or federal law or regulation
15 that establishes daily or seasonal bag limits, prohibits baiting, or prohibits the hunting of
16 wetland game birds **[on] IN** a regulated shooting **[ground] AREA** by the use or aid of live
17 birds as decoys, the Secretary shall suspend the permit:

18 (i) For the first conviction, for the following permit year; and

19 (ii) For the second or subsequent conviction, for the following 2
20 permit years.

21 **[(g)] (F)** If a regulated shooting **[ground] AREA** permit is suspended, a new
22 permit may not be issued for that regulated shooting **[ground] AREA**, regardless of who
23 applies, until the period of suspension ends.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2020.