

SENATE BILL 242

M2, M1

0lr2108

By: **Senator Bailey**

Introduced and read first time: January 20, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Wild Waterfowl Policy – Repeal**

3 FOR the purpose of repealing provisions of law authorizing the Department of Natural
4 Resources to issue a license to feed waterfowl; repealing certain license application
5 requirements; repealing provisions of law concerning the establishment, approval,
6 and use of certain feeding zones; repealing a requirement that certain licensed areas
7 be open to inspection by certain persons; repealing provisions of law authorizing the
8 Secretary of Natural Resources to revoke a license to feed waterfowl under certain
9 circumstances; repealing provisions of law authorizing a person to feed wild
10 waterfowl without a certain license under certain circumstances; repealing a
11 requirement that certain provisions of law apply in addition to certain federal laws
12 or rules and regulations; repealing certain definitions; and generally relating to
13 licenses to feed waterfowl.

14 BY repealing

15 Article – Natural Resources

16 Section 10–1001 through 10–1009 and the subtitle “Subtitle 10. Wild Waterfowl
17 Policy”

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 **[Subtitle 10. Wild Waterfowl Policy.]**

24 **[10–1001.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following words have the meanings indicated.

(b) “Feeding zone” means the immediate area, not to exceed approximately 600 square yards, in which feed for wild waterfowl is placed.

(c) (1) “Licensed area” means the property controlled by the applicant or applicants upon which the feeding of wild waterfowl is planned and licensed by the Department.

(2) “Licensed area” includes those adjoining waters:

(i) On which the licensee has the lawful right to hunt wild waterfowl; and

(ii) Where the licensee has obtained a licensed feeding zone or hunting blind or stand or both.

(d) “Shooting blind” or “shooting stand” means the area, not to exceed approximately 80 square feet, from which the hunters are attempting to take wild waterfowl.]

[10–1002.

In order to aid the relief of crop depredations and to provide further protection to wild waterfowl, any person or group of persons, individually or collectively, may apply to the Department for a license to feed waterfowl upon land owned or operated by the person or group or in waters within 300 yards of a shoreline owned or operated by the person or group in accordance with the following policies and guidelines and the regulations and procedures the Secretary adopts under the authority granted. It is the purpose of this subtitle to encourage the placement of feed to supplement the dwindling supply of natural feed available to wild waterfowl in the State and to regulate feeding so that it is not a means of attracting wild waterfowl to, on, or over the area where the hunters are attempting to take the waterfowl.]

[10–1003.

(a) Each application for a license to feed waterfowl shall be submitted in the form and number of copies as the Secretary prescribes. The submitted application shall show the name and address of each applicant and each owner, or each lessor and lessee if the property is leased. The submitted application shall contain a sufficient description of the property and its location so that the property may readily be identified and located.

(b) Each copy shall be accompanied by a sketch map showing the exterior boundaries, access roads, principal ponds, creeks, and other bodies of water in sufficient detail to identify and clearly record the location of the proposed feeding zones and shooting blinds or stands.

(c) Each application shall be accompanied by a \$10 application fee. An annual fee of \$25 shall be imposed for each licensed shooting area.

(d) The application shall contain a statement outlining the general plan of feeding to be carried out.

(e) Applications shall be filed with the Department within 2 weeks after the Department has publicly released the waterfowl hunting regulations for the forthcoming season.]

[10–1004.

If, in the opinion of the Department, shooting blinds or stands, either on the applicant's property or the immediately adjacent property, are so placed in relation to the feeding zone or zones that wild waterfowl would have to pass within shooting range of the hunters in order to reach the feeding zone, the Department may refuse to issue the applicant a license, or if issued, may cancel a license where the intent of this section is not being observed.]

[10–1005.

(a) A licensee may not establish a feeding zone within 400 yards of any building nor within 400 yards of an exterior boundary line of the property unless the licensee obtains notarized written permission to do so from the adjoining land owner and submits the written permission with the application. Where the property is bounded by a body of water, the licensee may establish a feeding zone up to the shoreline or in the adjoining waters within 300 yards of his shoreline, if the feeding zone does not come within 400 yards of another property owner, unless the licensee obtains notarized written permission to do so from the other property owner. These provisions do not permit hunting or shooting on or from any location which would be unlawful under other laws or regulations of the State.

(b) Within 10 days of receipt of notice of the approval by the Department of any licensed feeding zones, each zone shall be marked with a sign not less than 12 by 18 inches with printing no smaller than 12 lines (2 inches high) gothic type, stating "Waterfowl feeding zone — shooting within 400 yards prohibited". The sign shall be visible above any vegetation or other obstruction. Prior to the opening of the wild waterfowl hunting season, each licensed shooting blind or stand also shall be posted with a similar sign, stating "Licensed Shooting Area For This Property".

(c) Subsequent to the issuance of a license a person may not change the location of feeding zones or shooting blinds or stands without approval of the Department.

(d) Every club member, guest, agent, and permittee of the applicant is presumed to have knowledge of the location of any feeding zone and any area where shooting is prohibited.

(e) Feeding shall commence on and continue through the date the Secretary

designates. Prior to the opening of the wild waterfowl season feeding may be done anywhere on the licensed area, if all food put out in places other than the designated feeding zone is consumed or removed at least 10 days prior to the opening date of the season. After that time, feed may not be placed anywhere except in the designated feeding zones. As used in the regulations, feeding does not include salt blocks, properly shucked corn, standing crops (including aquatics), flooded standing crops, flooded harvested croplands, or grains found scattered solely as a result of normal agricultural practices.

(f) A person may not shoot or hunt or attempt to do so within 400 yards of any licensed feeding zone. The hunter or the hunter's agent may retrieve any dead or crippled bird within that area in any manner lawful under the appropriate federal and State regulations. A person may not shoot or hunt or attempt to do so from any site or location in the licensed area, except the licensed shooting blinds and stands. In addition to any other action by the Department, violation of this section by the licensee or the licensee's agents, club members, guests, or permittees is grounds for immediate revocation of the feeding license.

(g) A blind located within 200 yards of any licensed feeding zone shall be rendered incapable of use.

(h) Within 15 days after the designated closing date for putting out feed, the licensee shall submit a written report to the Department giving the approximate amounts and types distributed and indicating the dates the feed was distributed.]

[10-1006.

(a) Licensed areas, not including any houses or other closed-in structures, shall be open to inspection at all times by an authorized representative of the Department or the U.S. Fish and Wildlife Service, or both.

(b) If upon inspection, any Department representative finds that the terms and conditions of the license are not being observed, the applicant shall be given written notice of the defect and 5 days to make the necessary change. If, upon a second inspection, the requirements have not been met the license may be revoked by the Secretary. Licensees shall be advised in writing of the findings and results of every inspection.]

[10-1007.

This subtitle is not applicable to any agency of the United States, the State, or any of its counties or cities. These agencies are authorized to feed at any time without the license issued under this subtitle.]

[10-1008.

Any person may feed wild waterfowl at any time under the authority of this subtitle without applying for or obtaining a license if:

1 (1) The area in which the feeding is done is an area where the hunting of
2 waterfowl is not contemplated or done; or

3 (2) Where the hunting of waterfowl is contemplated or done the feeding
4 shall cease and all food put out shall have been consumed or removed at least 10 days prior
5 to the opening of the waterfowl season and the feeding may not be resumed until 1 day
6 after the close of season.]

7 [10–1009.

8 The provisions of this subtitle shall apply in addition to any federal laws or rules and
9 regulations governing the feeding of wild waterfowl.]

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2020.