

SENATE BILL 327

M2

3lr1693
CF HB 983

By: **Senators Elfreth, Bailey, Gallion, Gile, Hester, Jackson, James, King, McKay, Rosapepe, and Salling**

Introduced and read first time: January 27, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Hunting, Wildlife Conservation, and Outdoor Recreation – Funding, Promotion,**
3 **Management, Licenses, Permits, and Stamps**

4 FOR the purpose of altering the purpose of the Heritage Conservation Fund to include
5 acquiring interests in land that can be used by the general public for hunting;
6 establishing the Wildlife Conservation, Education, and Outreach Program to provide
7 outreach and foster an interest in outdoor recreation and stewardship, hunting, and
8 wildlife conservation; establishing a stamp for hunting sika deer; authorizing a
9 nonresident attending a college or university in the State to purchase a resident
10 hunting license; altering the fees charged for certain hunting and trapping licenses,
11 permits, and stamps; codifying and altering the fees charged for a nonresident
12 trapping license and a group furbearer permit; codifying the fee charged for an
13 individual furbearer permit; ~~authorizing a person to hunt migratory game birds on~~
14 ~~Sundays~~; altering the purposes for which the Wildlife Management and Protection
15 Fund may be used; requiring the Department of Natural Resources, in consultation
16 with the Department of Agriculture, to develop a plan to address the overpopulation
17 of deer in the State; requiring that a portion of an increase in certain funding be used
18 for new Position Identification Numbers for the Department of Natural Resources to
19 use in a certain manner and to create and fund a certain farmer cost-share program;
20 and generally relating to hunting, wildlife conservation, and outdoor recreation.

21 BY repealing and reenacting, with amendments,

22 Article – Natural Resources

23 Section 5–1102 and 5–1502

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2022 Supplement)

3 BY adding to
4 Article – Natural Resources
5 Section 10–103
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2022 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 10–301(c) and (g), and 10–308.1, ~~and 10–410(a)(12) and (13)~~
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2022 Supplement)

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

15 **Article – Natural Resources**

16 5–1102.

17 (a) **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NOTHING IN THIS**
18 **SUBTITLE MAY BE CONSTRUED TO:**

19 **(1) REQUIRE A LANDOWNER TO ALLOW THE GENERAL PUBLIC**
20 **ACCESS TO THE LANDOWNER’S LAND; OR**

21 **(2) PROHIBIT A LANDOWNER FROM LIMITING OR POSTING THE**
22 **LANDOWNER’S LAND AGAINST ENTRY.**

23 **(B)** The purpose of this subtitle is to encourage any owner of land to make land,
24 water, and airspace above the land and water areas available to the public for any
25 recreational and educational purpose, or on a limited entry basis for any recreational
26 hunting purpose, by limiting the owner’s liability toward any person who enters on land,
27 water, and airspace above the land and water areas for these purposes.

28 **[(b)] (C)** This subtitle does not:

29 **(1) [create] CREATE** a duty of care or ground of liability for injury to
30 persons or property[.]; **OR**

31 **(2) [relieve] RELIEVE** any person using the land of another for any
32 recreational or educational purpose from [any]:

1 **(I)** **ANY** obligation which [he] **A PERSON** might have in the absence
2 of this subtitle to exercise care in using the land and in [his] **A PERSON'S** activities on the
3 land[.]; or [from the]

4 **(II)** **THE** legal consequences of [his] **A PERSON'S** failure to employ
5 care.

6 **5–1502.**

7 The purposes of the Heritage Conservation Fund are for the State to acquire
8 conservation easements or a fee simple or other interests in:

9 (1) Forestlands;

10 (2) Unique ecological areas of the State;

11 (3) Any area characterized by significant natural scenic beauty;

12 (4) Tidal or nontidal wetlands;

13 (5) Lands in the Chesapeake Bay Critical Area, as defined under § 8–1807
14 of this article;

15 (6) Any land designated as a unique ecological area under the Natural
16 Heritage Program in the Department;

17 (7) Any wilderness area that remains relatively undisturbed by human
18 encroachment;

19 (8) Lands supporting rare, threatened, or endangered plants or animals;

20 (9) Lands that support diverse ecological communities of plants or animals;

21 (10) Any land whose conversion to development would significantly affect
22 water quality or unique natural habitat; [and]

23 (11) Natural areas that have been designated by the State or submitted by
24 a county for designation as areas of critical State concern under § 5–611 of the State
25 Finance and Procurement Article; **AND**

26 **(12) LANDS THAT CAN BE USED BY THE GENERAL PUBLIC FOR**
27 **HUNTING.**

28 **10–103.**

1 **(A) IN THIS SECTION, “PROGRAM” MEANS THE WILDLIFE CONSERVATION,**
2 **EDUCATION, AND OUTREACH PROGRAM.**

3 **(B) THERE IS A WILDLIFE CONSERVATION, EDUCATION, AND OUTREACH**
4 **PROGRAM IN THE DEPARTMENT.**

5 **(C) THE PURPOSE OF THE PROGRAM IS TO:**

6 **(1) PROVIDE OUTREACH ON OUTDOOR RECREATION AND**
7 **STEWARDSHIP TO SUBURBAN AND EXURBAN COMMUNITY LEADERS,**
8 **ORGANIZATIONS, SCHOOLS, AND UNIVERSITIES;**

9 **(2) CONNECT ELEMENTARY AND MIDDLE SCHOOL STUDENTS, THEIR**
10 **PARENTS, AND UNIVERSITY STUDENTS LOCATED IN SUBURBAN AND EXURBAN**
11 **AREAS TO OUTDOOR RECREATION AND STEWARDSHIP OPPORTUNITIES;**

12 **(3) FOSTER INTEREST IN THE USE OF PRIVATE LAND AND**
13 **UNDEVELOPED PUBLIC LAND FOR OUTDOOR RECREATION; AND**

14 **(4) FOSTER INTEREST IN HUNTING AND WILDLIFE CONSERVATION.**

15 **(D) THE DEPARTMENT, IN CONSULTATION WITH PROGRAM STAFF, SHALL**
16 **DEVELOP A PLAN TO INCREASE ENGAGEMENT OF COMMUNITIES THAT**
17 **HISTORICALLY HAVE NOT HAD ACCESS TO HUNTING AND CONSERVATION**
18 **PROGRAMS AND ENGAGEMENT OF VETERANS IN:**

19 **(1) OUTDOOR RECREATION AND STEWARDSHIP;**

20 **(2) HUNTING; AND**

21 **(3) WILDLIFE CONSERVATION.**

22 10–301.

23 (c) (1) Except as provided in paragraph (2) of this subsection, the following
24 persons are not required to obtain a hunter’s license, bow and arrow stamp, black powder
25 stamp, [or] bonus antlered deer stamp, **OR SIKA DEER STAMP:**

26 (i) With respect to hunting on farmland only:

27 1. The resident owner of the farmland and the owner’s
28 spouse, child, and child’s spouse;

1 2. A tenant and the tenant's spouse, child, and child's spouse.
2 A tenant is a person holding land under a lease, or a sharecropper who resides in a dwelling
3 on the land, but a tenant does not include any employee of the owner or tenant; and

4 3. A nonresident owner of a parcel of farmland and the
5 owner's spouse, child, and child's spouse if:

6 A. The parcel of farmland is located in Maryland and an
7 adjacent state;

8 B. The owner's primary residence is on the parcel of
9 farmland; and

10 C. The adjacent state extends similar privileges to a resident
11 of Maryland;

12 (ii) Any resident serving in the armed forces of the United States
13 while on leave in the State, during the resident's leave period, if, while hunting, the resident
14 possesses a copy of the resident's official leave order;

15 (iii) Any person serving in the armed forces of the United States who
16 has a service-connected disability, if, while hunting, the person possesses valid military
17 identification; and

18 (iv) Any unarmed person participating in an organized foxhunt.

19 (2) (i) Except as provided in subparagraph (ii) of this paragraph, in
20 order to qualify for the license and stamp exemption in accordance with paragraph (1) of
21 this subsection, a child or child's spouse must be eligible to purchase a junior resident or
22 junior nonresident hunting license.

23 (ii) If a child or child's spouse is ineligible to purchase a junior
24 resident or junior nonresident hunting license, the child or child's spouse shall qualify for
25 the license and stamp exemption if the child or child's spouse:

26 1. Lives on the farmland;

27 2. Worked on the farmland for 30 or more days during the
28 prior 12-month period; or

29 3. Manages the farmland.

30 (3) (i) In this paragraph, "armed forces" includes the U.S. Coast Guard
31 and the U.S. Merchant Marine.

1 (ii) Subject to subparagraph (iii) of this paragraph, a person who is
 2 a retired former member of the armed forces of the United States is not required to obtain
 3 a hunting license to hunt on farmland that is:

4 1. In active farming status; and

5 2. Owned by the person or the person's spouse, child, child's
 6 spouse, parent, grandparent, sibling, niece, or nephew.

7 (iii) A person who hunts on farmland without a hunting license under
 8 this paragraph shall possess:

9 1. The retired–military identification card of the person;

10 2. Written permission from the owner of the farm property to
 11 hunt on the property that includes:

12 A. A specified period of time that the person is authorized to
 13 hunt on the property; and

14 B. The relationship of the person to the owner of the property;
 15 and

16 3. Any required hunting stamps.

17 (g) (1) **(I)** 1. There [shall be the following types of hunting licenses in
 18 the State:

19 (i) **A] IS A** resident hunting license that enables the purchaser to
 20 hunt all legal game birds and mammals during any appropriate season in Maryland
 21 without the purchase of additional stamps, unless the purchaser is hunting migratory game
 22 birds [or], deer during bow and arrow season or black powder season, **OR SIKA DEER.**

23 **2.** To hunt migratory game birds the purchaser must also
 24 buy a Maryland migratory game bird stamp and to hunt wild waterfowl the purchaser must
 25 buy both a Maryland migratory game bird stamp and a federal migratory bird hunting and
 26 conservation stamp.

27 **3.** To hunt deer during bow and arrow season and black
 28 powder season the purchaser must also purchase a bow and arrow or black powder stamp.

29 **4. TO HUNT SIKA DEER THE PURCHASER MUST ALSO**
 30 **PURCHASE A SIKA DEER STAMP.**

31 (ii) **1. [A] THERE IS A** nonresident hunting license that enables
 32 the purchaser to hunt all legal game birds and mammals during any appropriate season

1 without the purchase of additional stamps unless the purchaser is hunting migratory game
2 birds [or], deer during bow and arrow season or black powder season, **OR SIKA DEER.**

3 **2.** This license enables the purchaser to hunt migratory
4 game birds only with the purchase of a Maryland migratory game bird stamp and to hunt
5 wild waterfowl only with the purchase of both a Maryland migratory game bird stamp and
6 a federal migratory bird hunting and conservation stamp.

7 **3.** This license enables the purchaser to hunt deer during
8 bow and arrow season and black powder season only with the purchase of a nonresident
9 bow and arrow or black powder stamp.

10 **4. THIS LICENSE ENABLES THE PURCHASER TO HUNT**
11 **SIKA DEER ONLY WITH THE PURCHASE OF A NONRESIDENT SIKA DEER STAMP.**

12 (iii) **1. [A] THERE IS A** nonresident 3-day hunting license that
13 enables the purchaser to hunt all legal game birds and mammals except deer and turkey
14 for the 3 consecutive legal hunting days in a single season that are specified on the license
15 by the issuing agent.

16 **2.** The purchaser must also purchase a Maryland migratory
17 game bird stamp to hunt migratory game birds and a federal migratory bird hunting and
18 conservation stamp to hunt wild waterfowl with this license.

19 **3.** Under no circumstance does this license authorize the
20 purchaser to hunt deer and turkey.

21 (iv) **1. [An] THERE IS AN** apprentice hunting license that
22 enables the purchaser to hunt all legal game birds and mammals in a single season without
23 the purchase of additional stamps unless the purchaser is hunting migratory game birds
24 [or], deer during bow and arrow season or black powder season, **OR SIKA DEER.**

25 **2.** This license enables the purchaser to hunt migratory
26 game birds only with the purchase of a Maryland migratory game bird stamp and to hunt
27 wild waterfowl only with the purchase of both a Maryland migratory game bird stamp and
28 a federal migratory bird hunting and conservation stamp.

29 **3.** This license enables the purchaser to hunt deer during
30 bow and arrow season and black powder season only with the purchase of a bow and arrow
31 or black powder stamp.

32 **4. THIS LICENSE ENABLES THE PURCHASER TO HUNT**
33 **SIKA DEER ONLY WITH THE PURCHASE OF A SIKA DEER STAMP.**

1 [2. A.] 5. A person may obtain an apprentice hunting license
2 on satisfactory completion of a short online or electronic course of instruction in competency
3 in firearms and hunter safety approved by the Department.

4 [B.] 6. A. [A] **EXCEPT AS PROVIDED IN**
5 **SUBSUBSUBPARAGRAPH C OF THIS SUBSUBPARAGRAPH,** A person may hunt under an
6 apprentice hunting license only if accompanied and directly supervised by another person
7 who is at least 18 years of age and possesses a valid resident nonapprentice hunting license
8 issued under this subtitle.

9 [C.] B. A person who accompanies and directly supervises
10 an apprentice hunting licensee shall maintain close visual and verbal contact with, provide
11 adequate direction to, and be in a position to immediately assume control of the firearm of
12 the apprentice hunting licensee.

13 [3.] C. Except for a person participating in a junior hunt
14 approved by the Department, an apprentice hunting licensee who has obtained a certificate
15 of competency in firearms and hunter safety under § 10–301.1 of this subtitle may hunt
16 without supervision.

17 [4.] 7. An apprentice hunting license:

18 A. May be issued to a person only once in the person's
19 lifetime;

20 B. May not be renewed; and

21 C. May not be issued to a person who has previously been
22 issued any hunting license under this subtitle.

23 (2) Residents may purchase a senior hunting license beginning in the
24 calendar year in which they attain the age of 65.

25 (3) (I) **[A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
26 **PARAGRAPH,** A nonresident of any age must purchase either a nonresident hunting license
27 or a nonresident 3–day hunting license to hunt in the State.

28 (II) **A NONRESIDENT ATTENDING A COLLEGE OR UNIVERSITY IN**
29 **THE STATE MAY PURCHASE A RESIDENT HUNTING LICENSE IF THE NONRESIDENT**
30 **PROVIDES TO THE DEPARTMENT PROOF THAT THE NONRESIDENT IS ENROLLED AT**
31 **A COLLEGE OR UNIVERSITY IN THE STATE.**

32 (4) Subject to paragraph [(6)] (7) of this subsection, the fees for hunting
33 **AND TRAPPING** licenses are according to the following schedule:

34 (i) Resident, junior, under the age of 16 years**[\$10.50] \$15.00**

- 1 (ii) Resident, regular, at least 16 years old and under the age of 65
- 2 years.....[\$24.50] **\$35.00**
- 3 (iii) Resident, senior, at least 65 years old\$5.00
- 4 (iv) Nonresident, regular, at least 16 years old[\$130.00] **\$160.00**
- 5 (v) Nonresident, junior, under the age of 16 years[\$65.00] **\$80.00**
- 6 (vi) Complimentary license authorized to be issued under § 10-303
- 7 of this subtitle..... No fee
- 8 (vii) Nonresident 3-day hunting license[\$45.00] **\$65.00**
- 9 (viii) Resident apprentice[\$10.00] **\$15.00**
- 10 (ix) Nonresident apprentice[\$20.00] **\$40.00**
- 11 **(X) NONRESIDENT TRAPPING LICENSE\$50.00**

12 (5) The fees for individual hunting stamps are according to the following

13 schedule:

- 14 (i) Bow and arrow stamp\$6.00
- 15 (ii) Nonresident bow and arrow stamp\$25.00
- 16 (iii) Black powder stamp\$6.00
- 17 (iv) Nonresident black powder stamp\$25.00
- 18 (v) Maryland migratory game bird stamp[\$9.00] **\$15.00**
- 19 (vi) Resident bonus antlered deer stamp\$10.00
- 20 (vii) Nonresident bonus antlered deer stamp for each type of deer
- 21 hunting season[\$25] **\$25.00**
- 22 **(VIII) RESIDENT SIKA DEER STAMP\$10.00**
- 23 **(IX) NONRESIDENT SIKA DEER STAMP\$25.00**

24 **(6) THE FEES FOR FURBEARER PERMITS ARE ACCORDING TO THE**

25 **FOLLOWING SCHEDULE:**

1 (I) INDIVIDUAL\$5.00

2 (II) GROUP\$50.00

3 [(6)] (7) The Department shall establish a program to provide discounted
4 hunting licenses and any associated State-issued stamps or permits to Maryland residents
5 who are recipients of the Purple Heart Award.

6 10-308.1.

7 (a) In addition to any other requirement, a person hunting migratory game birds
8 in the State first shall purchase a Maryland migratory game bird stamp.

9 (b) (1) (I) A person may obtain a Maryland migratory game bird stamp for
10 a fee of [~~\$9.00~~] \$15.00 from any person designated by the Department.

11 (II) The issuing person designated shall retain the sum of 75 cents
12 as compensation for issuing each stamp.

13 (III) The balance of the fee is paid over and accounted for to the State
14 Treasurer.

15 (IV) The Treasurer shall credit all such fees received to the State
16 Wildlife Management and Protection Fund, in accordance with § 10-209 of this title.

17 (2) (I) The Department may sell expired stamps below face value to the
18 general public for a period of 3 years, after which time the Department shall shred any
19 unsold expired stamps.

20 (II) All revenues derived from the sale of [these] THE stamps SOLD
21 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH shall revert back to the Game
22 Management Fund.

23 (c) While hunting migratory game birds, a person must be in possession of proof
24 of purchase of the Maryland migratory game bird stamp.

25 (d) (1) All revenues accruing to the Wildlife Management and Protection Fund
26 from sales of the migratory game bird stamps shall be expended solely for the following
27 purposes:

28 (i) Migratory game bird projects included in an approved State
29 program to create, develop, enhance, maintain, and manage nesting cover, winter foods,
30 and other habitat components on public lands to satisfy the habitat requirements of a broad
31 range of wintering migratory game birds and native migratory game bird species;

32 (ii) Migratory game bird research, management, and surveys; and

1 (iii) [Not more than 30% to adopt and implement a program to control
 2 the species *Phragmites communis* (phragmites) on private lands] **MIGRATORY GAME**
 3 **BIRD PROJECTS THAT CONSERVE MIGRATORY GAME BIRD BREEDING HABITATS IN**
 4 **CANADA.**

5 (2) (I) To encourage waterfowl habitat conservation on private lands,
 6 the Department shall implement a 10-year licensing agreement for approved projects on
 7 privately owned lands detailing the landowner's responsibilities.

8 (II) Expenditures by private landowners on private land for these
 9 waterfowl projects approved by the Department and covered by the licensing agreement
 10 shall be considered a contribution to the State.

11 (3) **ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT**
 12 **SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF**
 13 **THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF ANY**
 14 **EXPENDITURES FROM THE WILDLIFE MANAGEMENT AND PROTECTION FUND FOR**
 15 **MIGRATORY GAME BIRD PROJECTS UNDER PARAGRAPH (1)(III) OF THIS**
 16 **SUBSECTION.**

17 [(3)] (E) (1) The Governor shall appoint a Migratory Game Bird
 18 Advisory Committee of 9 members who have a practical knowledge of migratory game bird
 19 habitat conservation, migratory game bird ecology, migratory game bird management, or
 20 migratory game bird hunting.

21 [(4)] (2) The Committee shall advise the Department on:

22 (i) Matters relating to expenditures of funds derived from the sale
 23 of Maryland migratory game bird stamps;

24 (ii) Policy, regulations, and legislation related to migratory game
 25 birds; and

26 (iii) Migratory game bird habitat conservation projects.

27 ~~10-410.~~

28 (a) ~~(12) Except as provided in paragraphs (8) through (10) AND (13) of this~~
 29 ~~subsection and subject to paragraph (7) of this subsection, a person may not hunt on Sunday~~
 30 ~~in~~

31 ~~(i) Baltimore City;~~

32 ~~(ii) Baltimore County;~~

1 ~~(iii) Howard County; or~~

2 ~~(iv) Prince George's County.~~

3 ~~(13) A person may [not] hunt migratory game birds on Sunday.~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) On or before December 1, 2023, the Department of Natural Resources, in
6 consultation with the Department of Agriculture, shall develop a plan to address the
7 overpopulation of deer in the State.

8 (b) The plan shall include:

9 (1) the feasibility of implementing a rotational closure hunting strategy on
10 State land, including State park system lands ~~and hunting on State land on Sundays;~~

11 (2) any legislative, budgetary, or regulatory changes needed to implement
12 a rotational closure hunting strategy on State-owned land;

13 (3) subject to subsection (c) of this section, the feasibility of implementing
14 a rotational closure hunting strategy on locally owned land;

15 (4) proposals the Department of Natural Resources determines are viable
16 and effective for addressing the overpopulation of deer in the State; and

17 (5) suitable uses for any increased federal funding to the State Wildlife
18 Management and Protection Fund.

19 (c) The Department of Natural Resources shall consult with local governments
20 regarding the feasibility of a rotational closure hunting strategy under subsection (b)(3) of
21 this section.

22 SECTION 3. AND BE IT FURTHER ENACTED, That if the State Wildlife
23 Management and Protection Fund or the Department of Natural Resources receives an
24 increase in federal funds due to the increased fees under § 10-301 of the Natural Resources
25 Article, as enacted under Section 1 of this Act:

26 (1) any portion of the increase may be transferred to the Heritage
27 Conservation Fund for the acquisition of conservation easements or fee simple or other
28 interests in lands that can be used by the general public for hunting; and

29 (2) a portion of the increase shall be used for:

30 (i) the creation of eight Position Identification Numbers for the
31 Department of Natural Resources to hire staff for the Wildlife Conservation, Education,
32 and Outreach Program established under Section 1 of this Act; and

1 (ii) the creation and funding of a farmer cost-share program to
2 provide funding for farmers to plant forage crops on private agricultural land to:

3 1. reduce the loss of commercial crops due to wildlife
4 foraging; and

5 2. increase forage habitat for wildlife.

6 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.