

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1085 (Dorchester County Delegation)
Environment and Transportation

Boating - Migratory Waterfowl Season - Prohibited Acts

This bill prohibits a person, during the open season for migratory waterfowl, from operating a vessel in any manner within 500 yards of any stationary blind or blind site that is occupied and being used for hunting migratory waterfowl.

Fiscal Summary

State Effect: The Department of Natural Resources (DNR) can enforce the bill with existing budgeted resources. The application of existing penalty provisions is not anticipated to materially affect State finances.

Local Effect: The application of existing penalty provisions is not anticipated to materially affect local expenditures. Local revenues are not affected.

Small Business Effect: Minimal or none.

Analysis

Current Law:

Blind Sites

An offshore blind site is a specific location in the water where a person may hunt wild waterfowl from a boat that is tied to or anchored at a stake. An offshore blind site must be licensed for a person to hunt wild waterfowl from the site. Subject to certain exceptions, an offshore blind site license enables any Maryland resident who possesses a current or prior year hunting license to license riparian shoreline for the purpose of establishing an

offshore blind site. Stationary offshore blind site licenses have priority over offshore blind site licenses.

A stationary offshore blind site is an offshore structure built on pilings or stakes that is used for hunting wild waterfowl. A stationary offshore blind site must be licensed for a person to hunt wild waterfowl from the site. A stationary offshore blind site license enables any person, regardless of their state of residence, who owns riparian property in the State to license their shoreline to (1) establish offshore stationary blinds or blind sites or (2) prevent the shoreline from being licensed at a later date by another person.

Open Season for Wetland Game Birds, Wild Waterfowl, and Specified Migratory Birds

DNR must annually establish and publish the open season for doves, mergansers, woodcock, and wetland game birds, including wild waterfowl, in conformity with the federal migratory bird rules and regulations adopted annually by the U.S. Secretary of the Interior. Prior to establishing the open season for ducks (except sea ducks), geese, and swan, DNR must conduct public hearings on the proposed season, including at least one hearing that must be held in specified counties on an alternating basis.

A “migratory game bird” means any wetland game bird, dove, or woodcock, or any part, egg, offspring, or dead body of any of them. A “wetland game bird” means brant, coots, ducks, gallinules, geese, mergansers, rails, snipe, and swan or any part, egg, offspring, or dead body of any of them (including birds raised in captivity and released to the wild or otherwise used for hunting purposes).

Fishing Near Blinds and Blind Sites during Migratory Waterfowl Season Prohibited

During the open season for migratory waterfowl, a person may not fish (by any means) within 500 yards of any stationary blind or blind site that is occupied and being used for hunting migratory waterfowl.

Applicable Penalties

Any person who violates any provision of Title 8 of the Natural Resources Article (to which the bill’s provisions are added) is guilty of a misdemeanor and, unless another penalty is specifically provided elsewhere, is subject to a fine not exceeding \$500, with costs imposed in the discretion of the court.

Unless another penalty is provided elsewhere, any person found guilty of a second or subsequent violation within two years of any prior violation is subject to a fine of up to \$1,000 and/or imprisonment for up to one year.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2023
km/lgc

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