

HOUSE BILL 983

M2

3lr2650
CF SB 327

By: **Delegates Allen, Holmes, D. Jones, J. Long, and Ziegler**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 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
24 Annotated Code of Maryland

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.



(2018 Replacement Volume and 2022 Supplement)

BY adding to

Article – Natural Resources

Section 10–103

Annotated Code of Maryland

(2012 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–301(c) and (g), and 10–308.1, ~~and 10–410(a)(12) and (13)~~

Annotated Code of Maryland

(2012 Replacement Volume and 2022 Supplement)

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

Article – Natural Resources

5–1102.

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

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

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

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

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

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

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

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

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

5–1502.

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

- (1) Forestlands;
- (2) Unique ecological areas of the State;
- (3) Any area characterized by significant natural scenic beauty;
- (4) Tidal or nontidal wetlands;
- (5) Lands in the Chesapeake Bay Critical Area, as defined under § 8–1807 of this article;
- (6) Any land designated as a unique ecological area under the Natural Heritage Program in the Department;
- (7) Any wilderness area that remains relatively undisturbed by human encroachment;
- (8) Lands supporting rare, threatened, or endangered plants or animals;
- (9) Lands that support diverse ecological communities of plants or animals;
- (10) Any land whose conversion to development would significantly affect water quality or unique natural habitat; [and]
- (11) Natural areas that have been designated by the State or submitted by a county for designation as areas of critical State concern under § 5–611 of the State Finance and Procurement Article; AND

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

10–103.

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

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

(C) THE PURPOSE OF THE PROGRAM IS TO:

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

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

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

(4) FOSTER INTEREST IN HUNTING AND WILDLIFE CONSERVATION.

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

(1) OUTDOOR RECREATION AND STEWARDSHIP;

(2) HUNTING; AND

(3) WILDLIFE CONSERVATION.

10–301.

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

(i) With respect to hunting on farmland only:

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

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

1. In active farming status; and

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

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

1. The retired-military identification card of the person;

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

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

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

3. Any required hunting stamps.

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

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

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

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

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

(ii) 1. [A] THERE IS A nonresident hunting license that enables 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.**

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

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

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

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

[4.] 7. An apprentice hunting license:

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

B. May not be renewed; and

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

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

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

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

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

(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

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

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

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

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

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

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

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

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

(iii) Migratory game bird habitat conservation projects.

~~10-410.~~

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

~~(i) Baltimore City;~~

~~(ii) Baltimore County;~~

~~(iii) Howard County; or~~

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

(b) The plan shall include:

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

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

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

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

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

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

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

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

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

(i) the creation of eight Position Identification Numbers for the Department of Natural Resources to hire staff for the Wildlife Conservation, Education, 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.

Speaker of the House of Delegates.

President of the Senate.