

A026-0910

10 AN ACT CONCERNING

20 **HUNTING AND TRAPPING – SAFETY OF THE GENERAL PUBLIC**

30 FOR the purpose of protecting the general public from dangerous hunting and trapping practices.

40 BY repealing and reenacting, with amendments

50 Article – Natural Resources

60 Title – 10 Wildlife.

70 § 10-410. Restrictions on hunting wildlife generally.

80 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

90 That the Laws of Maryland read as follows:

100 Article – Natural Resources

110 § 10-410. Restrictions on hunting wildlife generally.

120 (a) Sundays.-

130 (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not hunt any
140 game bird or mammal on Sundays.

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

160 (i) A person using State certified raptors to hunt game birds or mammals during open
170 season;

180 (ii) An unarmed person participating in an organized fox chase to chase foxes;

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

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

220 A. Pheasants;

230 B. Bobwhite quail;

240 C. Chukar partridge;

250 D. Hungarian partridge;

260 E. Tower released flighted mallard ducks; and

270 F. Turkey on a regulated shooting ground that was permitted to release
280 turkey before September 1, 1992; and

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

320 (iv) Subject to the provisions of § 10-411 of this subtitle, in Dorchester, Frederick, St.
330 Mary's, Somerset, Washington, Wicomico, and Worcester counties, a person hunting deer
340 on private property with a bow and arrow during open season on the last three Sundays in
350 October and the second Sunday in November.

360 (3) Provided that the provisions of § 10-415 of this subtitle are met and subject to paragraph (4) of
370 this subsection, the Department may allow a person to hunt deer on private property on the first
380 Sunday of:

390 (i) The bow hunting season in November; and

400 (ii) The deer firearms season.

410 (4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:
420 (i) In Baltimore, Carroll, Howard, and Prince George's counties; and
430 (ii) In Baltimore City.

440 (b) Nighttime.- A person may not hunt any game bird or mammal, except raccoon and opossum, at
450 nighttime.

460 (c) Hunting from vehicles.-

470 (1) A person may not shoot at any species of wildlife from an automobile or other vehicle or,
480 except as provided in § 4-203(b) of the Criminal Law Article and Title 5, Subtitle 3 of the Public
490 Safety Article, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a
500 rifle containing any ammunition in the magazine or chamber.

510 (2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it
520 cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be
530 presumed to be responsible for the violation. In the absence of the owner of the vehicle, the
540 operator of the vehicle shall be presumed to be responsible for the violation.

550 (3) Provisions of this subsection do not apply to a disabled person who obtains a special permit
560 under § 10-307 of this title.

570 (d) Pursuing wildlife with off-road vehicles.-

580 (1) (i) For the purposes of this subsection, "off-road vehicle" means a motorized vehicle
590 designed for or capable of cross-country travel on land, water, snow, ice, marsh,
600 swampland, or other natural terrain.

610 (ii) "Off-road vehicle" includes four-wheel drive or low-pressure tire vehicles,
620 automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines,
630 ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-
640 moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors,
650 or golf carts.

660 (2) A person may not pursue wildlife with an off-road vehicle.

670 (e) Hunting at nighttime with lights; casting artificial light from vehicle on woods, wild animals, etc.-

680 (1) A person or 2 or more persons together may not hunt or attempt to hunt at nighttime any
690 species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a
700 person may not cast the rays of any artificial light when the rays emanate from a vehicle on any
710 woods, fields, orchards, livestock, wild animals or birds, dwellings, or buildings. The provisions
720 of this paragraph do not apply to the normal use of headlights of a vehicle travelling on any public
730 or private road in a normal manner, to any police, emergency or utility company vehicle using
740 spotlights in the performance of their duties, or to any farmer or landowner on the farmer's or
750 landowner's own or leased land using artificial lights to check on the farmer's or landowner's land,
760 crops, livestock, or poultry. However, raccoons, fox, or opossum may be hunted on foot at
770 nighttime during open season with the use of a dog or light, or both.

780 (2) (i) In Baltimore City and Montgomery and Prince George's counties only, a person may
790 cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock,
800 wild animals, or wild birds for the sole purpose of observing or photographing wildlife
810 until 9:00 p.m.

820 (ii) If a person casts the rays of any artificial light under this paragraph, the person has the
830 burden of establishing that the person was doing so for the purposes of observing or
840 photographing wildlife.

850 (iii) If a person casting artificial light under this paragraph or anyone with the person
860 casting artificial light has a firearm or bow in the person's possession, the person shall be
870 presumed to be in violation of paragraph (1) of this subsection.

880 (f) Shooting from and across highways.- A person may not shoot at any species of wildlife on, from, or
890 across any paved OR UNPAVED public highway ROAD or the shoulder of the highway ROAD. A person
900 may not shoot from any public highway, whether paved or unpaved, in Kent County and Queen Anne's
910 County or shoot from any public road, whether paved or unpaved, within the boundaries of the Hanover
920 municipal waterworks property in Carroll County.

930 (g) Shooting or disturbing wildlife within safety zones.- A person, other than the owner or occupant, while
940 hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon
950 within ~~150~~ 3000 yards FEET, known as the "safety zone," of a dwelling house, residence, church, or other
960 building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this
970 area, without the specific advance permission of the owner or occupant. During any open hunting season, a
980 person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within
990 the safety zone. without the specific advance permission of the owner or occupant.

1000 (h) Digging in or driving on cleared field prohibited.- A person may not dig in or drive a motor vehicle on
1010 any cleared field while hunting, except with the permission of the owner, tenant, or other person in charge
1020 of the land, or park or leave standing any motor vehicle so that the motor vehicle blocks the means of
1030 ingress or egress to any person's property, cattle ways, or fields.

1040 (i) Carrying firearm while hunting under the influence of alcohol or narcotic drug.- A person may not carry
1050 a firearm to hunt any wild bird, mammal, amphibian, or reptile while intoxicated or under the influence of
1060 alcohol or any narcotic drug.

1070 (j) Hunting from aircraft.-

1080 (1) A person may not hunt or attempt to hunt wild birds or mammals from an aircraft within the
1090 State.

1100 (2) Any person who violates provisions of this subsection is guilty of a misdemeanor and upon
1110 conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 6
1120 months or both, with costs imposed in the discretion of the court.

1130 (k) Snaring.- A person may not set any trap, ~~except box traps for rabbits,~~ net, or snare of any description to
1140 take any game birds or mammals, ~~except fur bearing mammals.~~ A trap, net, or snare found in the
1150 possession of any person shall be prima facie evidence that the device was used to violate this subsection.
1160 A law enforcement officer of the State shall confiscate and destroy the device. A person may not place
1170 traps of any description on another person's property without the other person's written permission.

1180 (l) Hunting with ferrets or weasels.- A person may not hunt with any ferret or weasel.

1190 (m) Killing wildlife by poison.- A person may not kill, attempt to kill, or injure by poison wildlife or
1200 domestic poultry.

1210 (n) Molesting game birds or mammals in dens.- A person may not smoke, burn, injure, hunt, or molest any
1220 game birds or mammals in any den or damage or destroy the den of any game bird or mammal.

1230 ~~(o) Steel jaw leghold traps in certain counties.~~

1240 ~~(1) In Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties, a person~~
1250 ~~may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap~~
1260 ~~may be used for the capture of fur-bearing mammals in water only. —~~

1270 (O) STEEL JAW LEGHOLD TRAPS.

1280 (1) A PERSON MAY NOT USE, SET, PLACE, OR MAINTAIN ANY STEEL JAW LEGHOLD
1290 TRAP.

1300 (2) This subsection does not apply to:

1310 (i) Traps set on farmland by the owner of the farmland, by the owner's agent or tenant,
1320 owner's lessee, or by any member of the owner's or tenant's immediate family who
1330 resides on the farmland; or

1340 (ii) Traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service
1350 who exercises the agent's duties for wildlife control under guidelines established by the
1360 Department.

1370 ~~(p) Snare traps in certain counties.~~

1380 (P) SNARE TRAPS.

1390 (1) (i) "Snare trap" means a device made of wire, synthetic cord, or other material that:
1400 1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and
1410 2. Is designed or set with the intent of capturing an animal by the neck.

1420 (ii) "Snare trap" includes:
1430 1. A pole snare;
1440 2. A hanging snare; and
1450 3. A neck snare.

1460 ~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel, Baltimore,~~
1470 ~~Carroll, Cecil, Harford, Montgomery, and Prince George's counties, a person may not~~
1480 ~~use, sell, possess, set, place, or maintain a snare trap. —~~

1490 ~~(ii) In Anne Arundel County, from July 1, 1990 through June 30, 1992, a person may sell~~
1500 ~~or possess a snare trap.~~

1510 (2) A PERSON MAY NOT USE, SELL, POSSESS, SET, PLACE, OR MAINTAIN A SNARE
1520 TRAP.

1530 SECTION 2. AND BE IT FURTHER ENACTED, that this act shall take effect January 1, 2011.

1540 **MANDATES:**

1550 Martin O'Malley, Governor
1560 Michael Busch, Speaker of the House
1570 Thomas V. Miller, President of the Senate
1580 John R. Griffin, Maryland Department of Natural Resources Secretary
1590 Shari Wilson, Maryland Department of the Environment Secretary
1600 Nancy K. Kopp, Treasurer of Maryland

Sponsor:

Scott Thomas Besore, Delegation Chair Person, Salisbury University.