

Major General Donald H. Connolly, Director, Department of Aviation (cont'd)

property a game refuge or hunting ground is provided for by Article 99 of the Annotated Code of Maryland. Under Section 73 of Article 99, the Director of the Game and Inland Fish Commission of Maryland, with the approval of the Commission, may acquire title to or control of lands or waters within the State suitable for protection and propagation of game and fish or for hunting purposes. Such land may be acquired under the provisions of that Section by purchase, lease, gift or condemnation. The City, therefore, has no power to so declare the Airport property a Game and Wildlife Sanctuary.

4. If the Airport Board should desire to attack the problem by asking the State to declare the Airport property a Game and Wildlife Sanctuary with the enforcement being done by the State Game Warden, what steps would be necessary?

As stated before, Sections 73-82 of Article 99 of the Annotated Code of Maryland provides for the manner in which the State may acquire title to or control of lands for game refuges and hunting grounds. If the State were requested to declare the Airport property a game refuge and hunting ground, the matter would have to be presented to the Director of the Game and Inland Fish Commission of Maryland and the approval of the Commission be obtained prior to the setting up of such refuge or hunting ground. In this connection, this office has spoken to Mr. Vaughn of the Game and Inland Fish Commission and he advised that for sometime the State has abandoned the acquisition of land for such purposes. It is our opinion that even though the State would in the future acquire land for such purposes, the disadvantages as to the control would far outweigh the one advantage of the prohibition of hunting. The practical result can be better obtained by including in future leases a prohibition against hunting and also by posting the premises against hunting. Mr. Vaughn advised further that one of your enforcement personnel may be appointed to be non-salaried deputy game warden. This person may be appointed to enforce the hunting laws on the Airport property and should you desire to have such an appointment, you may request the Game and Inland Fish Commission, through its Director, to so appoint him in assisting the Deputy Game Wardens in more efficiently enforcing the Game and Inland Fish Laws of this State.

We trust this answers your inquiry but if not, please do not hesitate to write us further.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ F. CLIFFORD HANE
Assistant City Solicitor

FCH/LN