

~~certain property in certain states to license their shoreline adjacent to the Potomac River to establish certain blinds or blind sites; authorizing owners of certain property in a certain state to license their shoreline adjacent to certain waters of the Potomac River to establish certain blinds or blind sites; providing for the effective date of this Act altering a certain prohibition on the licensing of certain stationary blinds or blind sites by owners of certain riparian property adjacent to the Potomac River; authorizing the licensing of certain stationary blinds or blind sites by owners of certain riparian property adjacent to the Potomac River; and generally relating to the licensing of certain stationary blinds and blind sites by owners of certain riparian property adjacent to the Potomac River.~~

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–607(a)

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 10–607(b)

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)

Preamble

WHEREAS, Under Chapter 4 of the Acts of the General Assembly of the First Special Session of 1973, the Maryland General Assembly enacted the nonsubstantive code revision of a new Natural Resources Article; and

WHEREAS, Although the Court of Appeals has held that this 1973 Act did not effectuate a substantive change in the law, *Bureau of Mines v. George's Creek*, 272 Md. 143, 155 (1974), language inserted by that Act prohibiting a nonresident from obtaining a stationary blind or blind site license for riparian shoreline did cast doubt on the rights of out-of-state riparian owners to obtain this license; and

WHEREAS, In the process of transferring blind site licensing authority from the clerks of court to the Department of Natural Resources, Chapter 703 of the Acts of 1999 added an express prohibition on the blind site licensing of nonresident riparian owners adjacent to the Potomac River; and

WHEREAS, In its September 7, 2001 review of this issue, the Office of the Attorney General of Maryland found that, under the Privileges and Immunities Clause of the U. S. Constitution, the denial of shoreline licensing rights solely to out-of-state residents has an unconstitutional effect on the commercial rights of these individuals; and