



P.O. Box 501  
Huntingtown, Maryland 20639  
[billmilesmd@comcast.net](mailto:billmilesmd@comcast.net)

March 2, 2022

THE HONORABLE KUMAR P. BARVE  
Chair, House Environment & Transportation Committee  
HONORABLE MEMBERS

**RE: SUPPORT FOR HOUSE BILL 956 (Recreation on Private Lands -- Hunting)**

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The HUNTERS OF MARYLAND represent the interests of Maryland's hunting community at both the State and local level. Few realize that hunters underwrite 100% of all wildlife management/research costs through their purchase of hunting license fees/ equipment. For the record, hunters do so willingly b/c of **American System of Conservation Funding**, a user-pay model celebrating its 85<sup>th</sup> Anniversary which also underscores the noble story of hunters as America's original conservationists.

Steve Keithley, Founder (301/785-4774 [[sssbkeith@comcast.net](mailto:sssbkeith@comcast.net)])  
Bill Miles, Advocate (443/404-7449 [[billmilesmd@comcast.net](mailto:billmilesmd@comcast.net)])

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The HUNTERS OF MARYLAND support House Bill 956 b/c it's intended to remedy an unforeseen liability-related dilemma faced by landowners – involving Maryland's recreational use statute -- in view of the April 29, 2020, decision by the Maryland Court of Special Appeals, aka *Martinez vs Ross*. In short, Maryland's Appellate Court ruled the recreational use statute did not shield the landowner from liability resulting from an injury having taken place earlier on the property.

On January 11, 2022, DNR explained the implications of the Court Ruling as follows:

***Reduce Liability for Landowners:*** One reason that private landowners may not want to allow hunting on their property is due to liability concerns. Lawmakers should consider a statutory change to reduce those concerns. In *Martinez vs Ross*, the Court of Special Appeals held that a landowner was liable despite the provisions of Maryland's recreational use statute (RUS) because the landowner did not open their land to the general-public. The court interpreted that as a requirement for landowners to leverage the protection of the recreational statute. This was a great departure from how the statute has been previously interpreted. A clarification that the law does not require a landowner to make their property open to the public-at-large would likely result in more willing landowners providing hunting opportunities on their property.

Below is the link to the actual Court decision in the *Martinez vs Ross* decision plus a Plain English interpretation by someone outside the judicial system.

<https://law.justia.com/cases/maryland/court-of-special-appeals/2020/2374-18.html>

The HUNTERS OF MARYLAND are hopeful the House Environment & Transportation Committee will view this proposal by Delegate Clarke in a favorable light and, if necessary, make any changes necessary to protect landowners and hunters while hunting on private lands.