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April 28, 2010

The Honorable Martin O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401-1991

RE: Senate Bills 289 and 978 and House Bills 245, 301 and 851

Dear Governor O'Malley:

We have reviewed House Bill 245 and Senate Bill 289, identical bills entitled "Allegany County and Garrett County - Turkey Hunting - Sundays," House Bill 301, "Calvert County, Charles County, and St. Mary's County - Deer Hunting on Private Property - Sundays," and House Bill 851 and Senate Bill 978, identical bills entitled "Talbot County - Deer Hunting on Private Property - Sundays." These bills have been reviewed together because they all amend Natural Resources Article § 10-410(a). There are no conflicts between these bills, or with House Bill 246, "Allegany County and Garrett County - Deer Hunting on Private Property - Sundays," which was reviewed by form letter on April 12, 2010, and has been signed into law as Chapter 139 of 2010. We write, however, to discuss a title problem with House Bill 301 that can be remedied in next year's curative bill. With that exception, the bills are constitutional and legally sufficient.

House Bill 301 amends Natural Resources Article § 10-410(a)(2)(iv) and adds a new § 10-410(a)(3), as follows:

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

(3) SUBJECT TO THE PROVISIONS OF § 10-415 OF THIS SUBTITLE, IN CALVERT COUNTY, CHARLES COUNTY, AND ST. MARY'S COUNTY, A PERSON MAY HUNT DEER ON PRIVATE PROPERTY ON:

(I) THE FIRST SUNDAY OF THE BOW HUNTING SEASON IN NOVEMBER; AND

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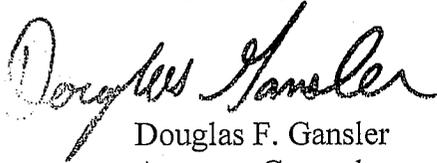
(II) EACH SUNDAY IN THE DEER FIREARMS SEASON.

The title of the bill states that it is:

FOR the purpose of authorizing a person in Calvert County and Charles County to hunt deer on private property on certain Sundays with a bow and arrow; authorizing a person in Calvert County, Charles County, and St. Mary's County to hunt deer on private property with a crossbow; authorizing a person in Calvert County, Charles County and St. Mary's County to hunt deer on private property on certain Sundays in the deer firearms season, and generally relating to deer hunting on private property on Sundays in Calvert County, Charles County and St. Mary's County.

Nothing in the title gives any indication that the bill has any effect on hunting in any county other than Calvert, Charles and St. Mary's. The amendment to § 10-410(a)(2)(iv) permitting the use of a crossbow when hunting deer on private property on certain Sundays, however, applies to the counties who are already covered by that section (Dorchester, Frederick, Somerset, Washington, Wicomico, and Worcester), will also apply in Allegany and Garrett counties as a result of the signing of Chapter 139 of 2010, and will apply in Talbot if House Bill 851 or Senate Bill 978 are passed. For that reason, it is our recommendation that a title that reflects the full effect of the bill be included in next year's curative bill.

Very truly yours,



Douglas F. Gansler
Attorney General

DFG/KMR/kk

cc: The Honorable Wendell R. Beitzel
The Honorable Anthony J. O'Donnell
The Honorable Jeannie Haddaway-Riccio
The Honorable George C. Edwards
The Honorable Richard F. Colburn
The Honorable John P. McDonough
Joseph Bryce
Karl Aro