

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 94

(Chair, Education, Health, and Environmental Affairs
 Committee)(By Request - Departmental - Natural
 Resources)

Education, Health, and Environmental Affairs

Environment and Transportation

Natural Resources – Unprotected Birds and Mammals

This departmental bill adds “pigeon” to the list of “unprotected birds” for the purposes of wildlife and hunting laws in the State. The bill also prohibits a person, while engaged in hunting or pursuing unprotected birds or mammals, from carelessly shooting, wounding, or killing another person or intentionally or willfully destroying or damaging another person’s property or domesticated animals. Finally, the bill prohibits a person from conducting or participating in an organized contest for prizes or monetary awards for which unprotected birds are launched by mechanical or manual means as targets; this prohibition does not apply (1) to lethally taking unprotected birds to protect or manage public or private property, domestic animals, livestock, or wildlife or (2) during an otherwise authorized hunting or dog training activity. A person is subject to a fine of \$25 for each unprotected bird killed in violation of this prohibition. **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: Potential minimal increase in special fund revenues due to the bill’s penalty provision. The application of existing criminal penalty provisions to the bill is not anticipated to materially affect State finances. The Department of Natural Resources (DNR) can implement the bill with existing budgeted resources.

Local Effect: The bill does not materially affect local government finances or operations.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary/Current Law: Current law prohibits a hunter who is engaged in hunting or pursuing any wildlife from (1) carelessly or negligently shooting, wounding, or killing another person or (2) intentionally or willfully destroying or damaging another person's property or a domesticated animal in a safety zone. The bill expands these prohibitions to a person who is hunting or pursuing unprotected birds or mammals.

Under current law, except for unprotected birds and game birds hunted during open season, a person may not hunt, destroy, or possess a wild bird within the State, whether or not the bird was killed in the State or in any other state, territory, or country. Generally, there are no restrictions on hunting unprotected birds, and a person does not need a hunting license to do so. An "unprotected bird" is any English sparrow and European starling or any part, egg, offspring, or dead body of any of them.

Under current law, a regulated shooting ground permit authorizes the permit holder to raise, release, and hunt certain animals as specified on the permit. A person must have a regulated shooting ground permit in order to operate a regulated shooting ground, which is sometimes referred to as a regulated shooting area. The permit is valid from the date of issuance through June 30 each year. The annual fee for the regulated shooting ground permit is \$150.

Current law requires a person to have a retriever dog training permit in order to shoot specified captive-raised game birds for the purpose of training a retriever dog. The annual fee for the permit is \$5 and the permit is valid for one year.

Under current law, a person who violates any provision of Title 10 (Wildlife) of the Natural Resources Article is guilty of a misdemeanor. Various penalties apply for first and subsequent offenses. Fines collected for such violations are credited to the State Wildlife Management and Protection Fund.

Background: In 2005, the U.S. Fish and Wildlife Service (USFWS) published the list of species not protected by the federal Migratory Bird Treaty Act because they are not native to the United States. The rock pigeon was included in this list in 2005, although it was not included in the 2017 list.

DNR has traditionally considered common pigeons to be feral birds, and for at least the past 30 years, the department has allowed the taking of pigeons as if they were an unprotected species. DNR notes that this policy was historically based on the fact that pigeons escaped domesticity and began a feral, nonnative population in the United States. DNR advises that as a result of the changes in the USFWS list, the bill's provision that

adds “pigeon” to the definition of “unprotected bird” is intended to provide clarity by aligning statute with long-standing departmental policy.

Additional Comments: Although pigeons can also be called rock doves, it is important to note that mourning doves are not pigeons and are, therefore, not affected by the bill’s change to the definition of “unprotected bird.” A Maryland hunting license and Maryland migratory game bird stamp are required to hunt all migratory game birds in the State, including mourning doves.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; U.S. Fish and Wildlife Service; Department of Legislative Services

Fiscal Note History: First Reader - January 11, 2018
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Natural Resources – Unprotected Birds - Pigeon

BILL NUMBER: SB 94

PREPARED BY: Allison Cordell

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Clarifying that pigeons are an unprotected species will likely have no economic impact.