

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 427

(Senator West)

Education, Health, and Environmental Affairs

Environment and Transportation

Baltimore County - Hunting - Nongame Birds and Mammals

This bill repeals the requirement that a person obtain a hunting license before hunting or attempting to hunt nongame birds and mammals in Baltimore County. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Because the bill is not anticipated to result in a material decrease in the number of hunting licenses sold, State finances are not materially affected.

Local Effect: The bill does materially affect local government finances or operations.

Small Business Effect: Minimal or none.

Analysis

Current Law:

Relevant Definitions

- “Nongame birds and mammals” – every wild mammal and bird that are not classified as game birds and mammals or any part, egg, offspring, or dead body of any of them are nongame birds and mammals. “Unprotected birds,” “unprotected mammals,” and “protected birds” are subsets of nongame birds and mammals.
- “Unprotected birds” – English sparrows, European starlings, and pigeons are unprotected birds.

- “Unprotected mammals” – nutria and woodchuck, which are sometimes referred to as groundhogs, are unprotected mammals.
- “Protected birds” – any wild bird not included in the definition of game bird or unprotected bird are protected birds. Protected birds technically fall under the umbrella definition of nongame birds and mammals. However, unlike unprotected birds and mammals, there are specific State and federal legal protections that prohibit a hunter from hunting protected birds with or without a hunting license.

Generally, Hunters Must Obtain a Hunting License

With certain exceptions, a person must have a resident or nonresident hunting license in order to hunt or attempt to hunt all legal game birds and mammals during the appropriate season in the State. 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 unprotected mammals, and a person does not need a hunting license to do so. However, in order to hunt unprotected birds and unprotected mammals in Baltimore County, a person must first obtain a hunting license.

Additional Comments: The Department of Legislative Services notes that under the bill, a person in Baltimore County is no longer required to obtain a hunting license before hunting or attempting to hunt nongame birds and mammals under § 10-301 of the Natural Resources Article. However, a person in Baltimore County is still not able to hunt protected birds, as those birds are protected by other provisions of State law and, in some cases, federal law. Thus, in practice, the bill authorizes a person in Baltimore County to hunt *unprotected* birds and *unprotected* mammals without first obtaining a hunting license.

Additional Information

Prior Introductions: HB 1436 of 2020 was referred to the House Environment and Transportation Committee but was subsequently withdrawn. Its cross file, SB 426, was referred to the Senate Education, Health, and Environmental Affairs Committee but was subsequently withdrawn. HB 1699 of 2018 was referred to the House Rules and Executive Nominations Committee, but no further action was taken. Its cross file, SB 1166, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: HB 682 (Delegate Brooks, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore County; Department of Natural Resources;
Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2022
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