

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 15-079)**

Overview and Legal and Fiscal Impact

This regulation increases the number of Sundays when bow hunting of deer is authorized in Allegany, Carroll, Frederick, Garrett, and Washington counties. The regulation also adds four State forests to the public land designated for Sunday hunting.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Wildlife: Open Seasons, Bag Limits for Game Birds and Game Animals:
COMAR 08.03.03.01

Legal Analysis

Background

Under Maryland law, the Department of Natural Resources establishes open seasons for hunting forest and upland game birds and mammals each year. With specified exceptions, hunting game birds or mammals on Sundays is generally prohibited. The exceptions include provisions allowing an individual to hunt deer with a bow and arrow or crossbow on the last three Sundays in October and the first two Sundays in November on (1) private property in Carroll County and (2) private property and designated wildlife management areas in Allegany, Frederick, Garrett, and Washington counties.

Summary of Regulation

The regulation authorizes bow hunting of deer on all Sundays in October and November on private property in Carroll County and on private property and designated wildlife management areas and State forests in Allegany, Frederick, Garrett, and Washington counties. The regulation also adds Garrett State Forest, Green Ridge State Forest, Potomac State Forest, and Savage River State Forest to the list of public land designated for Sunday hunting and makes conforming changes.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites § 10-410 of the Natural Resources Article as legal authority for the regulation. More specifically, § 10-410(a)(6) authorizes the department to allow deer hunting on a Sunday from the first Sunday in October through the second Sunday in January of the following year on private property in Carroll County. Section 10-410(a)(8) authorizes the department to allow hunting of any game bird or game mammal, except certain migratory and wetland birds, on a Sunday during the open season in Allegany, Garrett, and Washington counties on private property and public land that is designated for Sunday hunting by the department. Section 10-410(a)(9) authorizes the department to allow deer hunting on a Sunday from the first Sunday in October through the second Sunday in January of the following year on private property and designated public land in Frederick County.

Section 10-205 of the Natural Resources Article should also be cited as authority for this regulation. Among other things, § 10-205 grants the department broad authority to adopt regulations to enlarge, extend, restrict, or prohibit hunting wildlife in the State.

With the addition of § 10-205, the authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections

Please note that the department was contacted regarding the addition of § 10-205 of the Natural Resources Article to the citation of statutory authority. The department advises that it will correct the citation and submit replacement pages to the Division of State Documents.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. Specifically, the department advises that the regulation may result in a

minimal increase in revenues for certain types of businesses and industries that support hunting. The Department of Legislative Services concurs and notes that, in addition to businesses directly affected by hunter spending, the regulation may also have a minimal impact on other types of small businesses, such as farmers, vehicle owners, and vehicle repair businesses, due to any reduction in the deer population.

Contact Information

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