

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Natural Resources**
(DLS Control No. 16-068)

Overview and Legal and Fiscal Impact

The regulations establish the hunting and trapping season dates and bag limits for the 2016-2017 and 2017-2018 seasons for forest game, upland game, fur-bearing mammals, white-tailed deer, and sika deer.

The regulations present no legal issues 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 08.03.03.03, .04, .05, .07, and .08

Legal Analysis

Summary of Regulations

The regulations establish the hunting and trapping season dates and bag limits for the 2016-2017 and 2017-2018 seasons for the following game birds and animals:

- forest game, including black bear, ruffed grouse, squirrels, and wild turkey;
- upland game, including crow, pheasant, quail, rabbits, and woodchuck;
- fur-bearing mammals, including beaver, bobcat (closed season), coyote, fisher, fox, mink and muskrat, nutria, otter, raccoon and opossum, skunk, and long-tailed weasel;
- white-tailed deer; and
- sika deer.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 10-205, 10-405, and 10-406 of the Natural Resources Article as statutory authority for the regulations. Under § 10-205(a), the Secretary of Natural Resources has broad authority to adopt regulations to “enlarge, extend, restrict, or prohibit hunting wildlife.” In addition, § 10-405(a)(1) requires the department to establish by regulation and publish by July 1 of each year the open season to hunt forest and upland game birds and mammals. Finally, § 10-406 establishes additional requirements related to hunting and trapping fur-bearing mammals.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have 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 regulations have a meaningful economic impact on small businesses by allowing for the continuation of hunting for the next two seasons, resulting in continued expenditures by hunters for equipment and travel. The Department of Legislative Services disagrees. When evaluated relative to prior hunting seasons, the seasons and limits established by these regulations are not expected to significantly change the economic impact of hunting on small businesses in the State.

Contact Information

Legal Analysis: Ryane M. Necessary – (410) 946/(301) 970-5350

Fiscal Analysis: Kathleen P. Kennedy – (410) 946/(301) 970-5510