

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Natural Resources**  
(DLS Control No. 16-069)

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**Overview and Legal and Fiscal Impact**

The regulations alter various provisions governing deer, turkey, and bear hunting.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Natural Resources:**

Wildlife: Forest Wildlife: COMAR 08.03.04.02, .03, .05, .11, .20, and .22

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**Legal Analysis**

**Background**

Maryland landowners or agricultural lessees that are experiencing severe economic loss from deer to commercially grown crops may be eligible to receive a deer management permit. Deer management permits allow the permittee to remove deer from the designated property outside the established deer hunting seasons or deer bag limits. A hunter with a deer management permit in Charles and St. Mary's counties may use a shotgun or a breech loading center fired rifle approved by the Department of Natural Resources to hunt deer throughout the deer season in the locations and under the conditions set forth in the permit. Chapters 383 and 384 of 2016 authorize a deer management permittee in Charles and St. Mary's counties to use a shotgun or breech loading center fired rifle approved by the department to hunt deer throughout the year, including all deer hunting seasons, in the locations and under the conditions set forth in the permit.

“Baiting” generally means putting out corn, grain, salt, or other feed to lure birds over an area where people are attempting to hunt them. In Maryland, a person may not hunt most wetland game birds or upland game birds by the aid of baiting, or on or over any baited area. Baiting in the State is a strict liability offense, meaning a hunter does not need to know, nor reasonably should know, that an area is baited to be in violation. Chapter 148 of 2015 altered the prohibition against a person hunting specified baited wetland game birds or upland game birds by adding language that a person may not hunt these game birds if the person knows or reasonably should know that the area is a baited area.

## **Summary of Regulations**

### **Deer Hunting**

Consistent with Chapters 383 and 384 of 2016, the regulations authorize a person to use a breech loading center fired rifle any time of the year (instead of just during deer hunting season) to hunt deer in Charles and St. Mary's counties under the authority of a deer management permit. The regulations also authorize the use of a rifle or handgun when hunting deer in Caroline County. The regulations further repeal the prohibition on feeding or baiting wildlife in any chronic wasting disease management area, and authorize the possession and importation of a deer carcass from another chronic wasting disease management area subject to specified requirements.

### **Deer and Turkey Hunting**

The regulations prohibit a person from knowingly providing false information to the department when tagging or reporting the harvest of a deer or turkey.

### **Turkey and Bear Hunting**

Consistent with Chapter 148 of 2015, the regulations alter the criminal intent standards for the violation of hunting with the aid of bait or over a baited area by requiring that the person knows or reasonably should know that the person the area is a baited area. The regulations also clarify the baiting prohibition by authorizing the hunting of turkey during the fall season and bear during black bear season if the person and turkey or bear are at least 150 yards from a baited area. The regulations further repeal the designation of salt as an unlawful bait for turkey and bear.

### **Bear Hunting**

The regulations add Frederick and Washington counties as areas open to bear hunting during open season. The regulations also (1) repeal the restriction on a subpermittee hunting black bears only when the permittee is hunting black bears, and instead authorize the subpermittee to continue to hunt black bears when the permittee is not hunting black bears; (2) repeal the requirement to field dress a bear at the location of the kill; and (3) specify that proof of sex remain attached to field dressed bear carcasses.

### **Legal Issue**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites §§ 10-205, 10-408, and 10-415 of the Natural Resources Article as statutory authority for the regulations. Section 10-205 grants the department broad authority to regulate the hunting, possession, and transporting of wildlife. Section 10-408 grants the department broad authority to authorize or restrict weapons used to hunt wildlife. Section 10-415, as amended by Chapters 383 and 384 of 2016, authorize a person to use a breech loading center

fired rifle any time of the year to hunt deer in Charles and St. Mary's counties under the authority of a deer management permit.

Although not cited by the department, § 10-412, as amended by Chapter 148 of 2015, alters the prohibition against a person hunting specified baited wetland game birds or upland game birds as discussed under the *Background* and *Summary of Regulations* sections above.

With the addition of § 10-412 of the Natural Resources Article, this authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

The Department of Legislative Services contacted department staff and recommended that § 10-412 of the Natural Resources Article be added as statutory authority for the regulations.

### **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. Among other changes, the regulations implement Senate Bill 401/House Bill 1417 of 2016 (Chapters 383 and 384). The Department of Legislative Services concurs and notes that the fiscal and policy notes for Senate Bill 401/House Bill 1417 indicated that the bills did not directly affect State operations or finances and had no impact on local governments.

### **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 minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs. The fiscal and policy notes for Senate Bill 401/House Bill 1417 indicated that the bills had minimal overall impact on small businesses in the State, and the Department of Legislative Services concurs that the other changes in the regulations have minimal or no economic impact on small businesses in the State.

### **Contact Information**

**Legal Analysis:** Patrick T. Tracy – (410) 946/(301) 970-5350

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