

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Natural Resources**
(DLS Control No. 20-051)

Overview and Legal and Fiscal Impact

The regulations clarify that (1) the acreage of a regulated shooting area may not include public waters; and (2) a person who is hunting from a shoreline of a regulated shooting area may place decoys, retrieve downed birds, and shoot crippled birds on adjacent public waters in accordance with specified conditions.

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: Regulated Shooting Areas: COMAR 08.03.13.04 and .05

Legal Analysis

Background

A regulated shooting area (referred to as a “regulated shooting ground” under existing State statute) is a tract of land, including any waters, on which a permit holder may raise, release, and hunt certain captive-raised game birds in accordance with specified conditions. In order to operate a regulated shooting area, a person must have a regulated shooting area permit. A regulated shooting area permit enables the purchaser to raise, release, and hunt captive-raised pheasant, bobwhite quail, chukar partridge, Hungarian partridge, turkeys, and mallard ducks on the permitted regulated shooting area as specified on the permit and in regulation.

Summary of Regulations

The regulations clarify that the acreage of a regulated shooting area may not include adjacent public waters. The regulations also clarify that a person who is hunting from a shoreline located within a regulated shooting area may place decoys, retrieve downed birds, and shoot crippled birds on adjacent public waters in accordance with specified bag and possession limits for properly marked captive-raised mallard ducks.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 10-601.1 and 10-906 of the Natural Resources Article as statutory authority for the regulations. Section 10-601.1 authorizes the Secretary of Natural Resources to adopt regulations to implement the provisions of Title 10, Subtitle 6 of the Natural Resources Article, which governs the hunting of wild waterfowl. Section 10-906 establishes permitting requirements for regulated shooting grounds. More specifically, § 10-906(c) requires the department to govern and prescribe the size of the area, the method of hunting, and the release, possession, and use of propagated wildlife for the regulated shooting ground by regulation.

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; the regulations merely clarify current regulations.

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.

Contact Information

Legal Analysis: Cristen C. Flynn – (410) 946/(301) 970-5350

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