

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 20-082)**

Overview and Legal and Fiscal Impact

This regulation updates the process for reporting deer taken under the authority of a deer management permit. Additionally, the regulation implements provisions of Chapters 175 (House Bill 401) and 176 (Senate Bill 923) of 2019 and Chapter 454 (Senate Bill 427) of 2020, by authorizing the holder of a deer management permit in Harford and Baltimore counties to use certain firearms.

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: Forest Wildlife: COMAR 08.03.04.02

Legal Analysis

Background

Maryland landowners or agricultural lessees who are experiencing severe economic loss from deer to commercially grown crops (including row crops, truck crops, pasture, nursery stock, orchards, and certain tree plantings) may be eligible to receive a deer management permit. Regulations adopted in 2015 expanded the circumstances under which a deer management permit may be issued to include significant ecological damage to specified native plant communities. Deer management permits allow the permittee or the permittee's agent to remove deer from the designated property outside of any deer bag limits or the established deer hunting seasons, including on any Sunday throughout the year. These permits are issued by the Wildlife and Heritage Service within the Department of Natural Resources.

Summary of Regulation

The regulation repeals a reference to § 10-206 of the Natural Resources Article and replaces it with a reference to § 10-415.

The regulation also clarifies that an agent of a permittee under a deer management permit is a “designated shooter” and requires that while attempting to take a deer under the terms of the permit, both the permittee and all designated shooters must carry a copy of the permit signed by both the permittee and the designated shooter. Additionally, the regulation requires the permittee and all designated shooters to present the permit to department personnel upon request. The regulation further prohibits wanton waste in accordance with COMAR 08.03.04.24, and requires that any individual who intentionally wounds or kills a deer under a deer management permit make a reasonable effort to take possession of the wounded or dead deer.

The regulation repeals current tagging and confirmation procedures, and establishes a new process for reporting deer taken under the authority of a deer management permit. Specifically, upon the killing of a deer and before removing the deer from the place of the kill, a confirmation number must be generated or a game field tag must be attached to the deer. A game field tag must include: (1) the deer management permit number; (2) the name and DNR id number of the permittee or the designated shooter that killed the deer; and (3) the county and the date of harvest. An individual must report each deer to the department through the service’s telephone or internet-based checking system within 24 hours of taking possession of the deer. After a confirmation number is generated, as long as the deer remains in the permittee’s or designated shooter’s possession, a game field tag is not required. However, if a deer is left unattended or in the possession of another person and has not been reported to the department, the deer must be tagged with a game field tag. Conversely, if the deer has been reported, the deer must be tagged with a tag that includes the permittee’s or designated shooter’s name and the confirmation number provided by the department. If a tag is placed, it must remain on the deer until the carcass is either processed for consumption or disposed of by a processing facility.

Further, the regulation repeals the requirement that an agent supply information from a confirmation log sheet to the permittee. Instead, upon request, a permittee and designated shooter must provide a completed log sheet or electronic record that a deer taken under the deer management permit was reported to the department’s checking system. Additionally, the regulation clarifies that a permittee is required to record all confirmation numbers on the master copy of the confirmation number log sheet provided with the deer management permit. Also along with each confirmation number, the permittee must also record the date of the kill, the designated shooter number, and the species and sex of any deer taken under the permit.

Finally, the regulation implements provisions of Chapters 175 and 176 of 2019 and Chapter 454 of 2020 by including Harford and Baltimore Counties in the list of counties in which an individual shooting deer under the authority of a valid deer management permit may shoot deer using a breech loading center fired rifle or other specified hunting device.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 10-205 and 10-415 of the Natural Resources Article as statutory authority for the regulation. Section 10-205 grants the department broad regulatory authority over

hunting and possessing wildlife in the State. Section 10-415 requires an individual who harvests a game bird or mammal to report the harvest in accordance with department regulations.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, staff for the department agreed to correct improper references to §§ F(5)(a) and F(5) found in §§ F(6)(d)(i) and (e), respectively. The language should reference §§ F(6)(a) and F(6), respectively. This analysis reflects this change.

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. The Department of Legislative Services notes that, among other things, the regulation implements provisions of Chapters 175 and 176 of 2019 (House Bill 401/Senate Bill 923) and Chapter 454 of 2020 (Senate Bill 427). The fiscal and policy notes for these bills did not anticipate that the bills would materially affect State or local operations or finances.

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. The Department of Legislative Services concurs, but notes that agricultural operations, many of which are small businesses, may benefit operationally from the electronic reporting process for deer taken under the authority of a deer management permit that is established under the regulation.

Contact Information

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