

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Natural Resources**
(DLS Control No. 16-178)

Overview and Legal and Fiscal Impact

The regulations (1) authorize the use of air guns to hunt deer, bear, wild turkey, specified upland game birds, and specified furbearers and (2) clarify the authorized use of other hunting devices and equipment.

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:

Forest Wildlife: COMAR 08.03.04.05 and .06

Upland Game Birds and Mammals: COMAR 08.03.05.02

Furbearer Wildlife: COMAR 08.03.06.05

Legal Analysis

Background

An “air gun” is a gun that that propels a projectile by means of non-ignited compressed air or another compressed gas. According to the Department of Natural Resources, air gun technology has improved immensely and some of these weapons are now capable of effectively taking deer and larger game animals.

Summary of Regulations

The regulations authorize the use of air guns to hunt deer, bear, wild turkey, specified upland game birds, and specified furbearers under specified standards. For deer and bear hunting, the regulations also clarify the authorized use of aiming devices, projectiles, and, for muzzle loading firearms, gun powder.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 10-408 of the Natural Resources Article as statutory authority for the regulations. That provision of law grants the department broad authority to adopt regulations governing the use of weapons and ammunition for hunting wildlife and to establish restrictions relating to weapons used to hunt designated wildlife, including the amount and size of ammunition for designated game birds or 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 minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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