

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources
(DLS Control No. 16-224)**

Overview and Legal and Fiscal Impact

This action repeals a superseded provision of law establishing poached wildlife resource values that are used to determine court-ordered restitution.

The action presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Wildlife: General Wildlife Hunting Regulations: COMAR 08.03.10.11

Legal Analysis

Background

A court may order a person who is convicted of unlawfully injuring, killing, or destroying wildlife to pay to the State restitution for the resource value of the wildlife. The amount of the court-ordered restitution imposed is determined by using wildlife resource values adopted in regulation by the Department of Natural Resources. That regulation is found under COMAR 08.03.10.11. The department has submitted a separate action to the Joint Committee on Administrative, Executive, and Legislative Review establishing new COMAR 08.03.16.01 through .05 that, in part, establishes criteria for determining restitution values for deer poaching (consistent with Chapters 663 and 664 of 2016) and updates restitution values for the poaching of wildlife other than deer.

Summary of Regulation

The action repeals COMAR 08.03.10.11 that establishes poached wildlife resource values that are used to determine court-ordered restitution. Regulation .11 is to be superseded by the provisions governing restitution values under new COMAR 08.03.16.01 through .05, which have been submitted to the committee under a separate action.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites § 10-205 of the Natural Resources Article as statutory authority for the regulation. That provision of law grants the department broad general authority to govern hunting and wildlife.

This authority is correct and complete. The regulation complies 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 regulation has no impact on State or local governments. The Department of Legislative Services concurs and notes that any fiscal impact relating to this regulation has been accounted for in the analysis of regulations submitted under a separate action (COMAR 08.03.16.01 through .05, Control No. 16-216).

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.

Contact Information

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