

HOUSE BILL 9

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M2

2002 Regular Session
(2lr0359)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates Owings, Taylor, Hurson, Arnick, Busch, Conway, Dewberry, Doory, ~~Hixson~~, Howard, McIntosh, Menes, Montague, Rawlings, Rosenberg, Vallario, and ~~Wood Wood~~, Bobo, Burns, Cadden, Cane, Cole, Conroy, C. Davis, DeCarlo, Franchot, Giannetti, Howard, Hubers, Kirk, Minnick, Parrott, Pendergrass, Petzold, Riley, Rzepkowski, Valderrama, and Weir**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Deer Management Plans - Increased Harvest**

3 FOR the purpose of ~~requiring the Department of Natural Resources to manage the~~
4 ~~harvest of deer in certain ways;~~ extending the length of a certain deer hunting
5 season to a certain number of days, including a certain ~~number of Sundays~~
6 Sunday; exempting a certain region from a certain Sunday hunting ~~provisions~~
7 provision; ~~requiring the Department to establish a certain nonresident license;~~
8 ~~prohibiting fees for a certain license and certain stamps and bonus deer stamps~~
9 ~~in excess of certain amounts;~~ authorizing the Department's deer management
10 plans in certain areas to include certain methods under certain circumstances;
11 authorizing the donation of certain meat to certain organizations and the
12 payment of certain costs in certain ways; requiring the Department to report

1 and make recommendations to certain persons at a certain time regarding
2 certain aspects of its deer management plans; defining certain terms; and
3 generally relating to certain deer management plans for increased harvest.

4 BY repealing and reenacting, with amendments,
5 Article - Natural Resources
6 Section 10-405(a) and 10-415
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2001 Supplement)

9 ~~BY adding to~~
10 ~~Article - Natural Resources~~
11 ~~Section 10-415.1~~
12 ~~Annotated Code of Maryland~~
13 ~~(2000 Replacement Volume and 2001 Supplement)~~

14 Preamble

15 WHEREAS, The current population of deer in the State of Maryland, which is
16 estimated at more than 250,000, is far beyond what the available habitat can
17 accommodate; and

18 WHEREAS, Despite the disruption of rural habitat areas because of
19 development projects and recreational uses, deer are remarkably adaptable to
20 residential areas, including urban and suburban sprawl areas, where they enjoy
21 safety from natural predators and hunters; and

22 WHEREAS, As demonstrated by a 1998-1999 survey of Anne Arundel, Howard,
23 Montgomery, and Prince George's counties in which the number of deer in the areas
24 studied increased by approximately 50% in the course of only 1 year, this population
25 is not only thriving but reproducing at a startling rate; and

26 WHEREAS, When a deer herd reaches its upper density limits, as is now the
27 case, the results are the poor health and weakened physical condition of the animals
28 themselves, as well as their overconsumption of native plants, shrubs, and trees that
29 are necessary for the survival of other species in the natural ecosystem; and

30 WHEREAS, In tandem with this multiplication of the deer population have been
31 alarming spikes in the rate of tick-borne illnesses transmitted to human beings, such
32 as Lyme disease; and

33 WHEREAS, The rate of reported deer-vehicle collisions has more than doubled
34 in the State since 1990, and these collisions have caused multiple fatalities and
35 serious injuries; and

36 WHEREAS, Deer-vehicle collisions likewise cause property damage of about
37 \$10 million per year, which, in turn, leads to higher insurance rates for all drivers;
38 and

1 WHEREAS, A recent University of Maryland study found that, because of deer,
 2 92% of the State's farmers suffer damage to corn, wheat, and soybean crops, an
 3 annual economic loss in excess of \$38 million which is considered a conservative
 4 estimate because it does not include damage to fruits, vegetables, and other crops;
 5 and

6 WHEREAS, Nonlethal control mechanisms, such as fencing, fertility control,
 7 repellents, relocation, deterrent reflectors along roadways, and behavior modification
 8 by the installation of lights, have proven largely ineffective because they cannot be
 9 used routinely and inexpensively and moreover, they impact only a small number of
 10 deer; and

11 WHEREAS, Extended research has shown that hunting is the most effective
 12 method to reduce the size of the deer herd, and it is likewise the most cost-effective
 13 method to do so; and

14 WHEREAS, Since the annual revenue associated with deer hunting in
 15 Maryland is ~~more than \$200~~ approximately \$80 million, hunters provide a significant
 16 boost to local economies, and their license fees also cover all associated program costs;
 17 and

18 WHEREAS, The increased harvest of deer by hunting is thus necessary for the
 19 public interest and to stabilize the deer population and manage it more appropriately;
 20 now, therefore,

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Natural Resources**

24 10-405.

25 (a) (1) Pursuant to § 10-205 of this title, the Department shall establish by
 26 regulation and publish by July 1 each year the open season[, excepting Sundays,] to
 27 hunt [the] forest and upland game birds and mammals.

28 (2) EXCEPT AS PROVIDED UNDER §§ 10-410 AND ~~40-415.1~~ 10-415 OF THIS
 29 SUBTITLE, THE DEPARTMENT MAY NOT AUTHORIZE HUNTING ON SUNDAY.

30 ~~40-415.1.~~ 10-415.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 32 INDICATED.

33 (2) "CARRYING CAPACITY" MEANS THE MAXIMUM NUMBER OF DEER
 34 THAT CAN:

35 (I) BE SUPPORTED BY THE AVAILABLE HABITAT; AND

36 (II) COEXIST COMPATIBLY WITH THE LOCAL HUMAN POPULATION.

1 (3) "DEER" INCLUDES:

2 (I) WHITE-TAILED AND SIKA DEER; AND

3 (II) ANTLERED AND ANTLERLESS DEER.

4 (4) "URBAN MANAGEMENT REGION" INCLUDES:

5 (I) ANNE ARUNDEL, BALTIMORE, CAROLINE, CARROLL, CECIL,
6 FREDERICK, HARFORD, HOWARD, KENT, MONTGOMERY, ~~AND~~ PRINCE GEORGE'S,
7 QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, AND WORCESTER COUNTIES;

8 (II) BALTIMORE CITY AND THE CITY OF FREDERICK; AND

9 (III) THAT PORTION OF FREDERICK COUNTY THAT IS LOCATED
10 SOUTH OF INTERSTATE 70 AND EAST OF U.S. ROUTE 15.

11 ~~(B) THE DEPARTMENT SHALL MANAGE DEER HARVEST, INCLUDING THE~~
12 ~~INCREASED HARVEST OF DOES AND HIGHER BAG LIMITS FOR ANTLERLESS DEER, ON~~
13 ~~A REGION BY REGION BASIS AND, AS APPROPRIATE, ON A ZONE BY ZONE BASIS~~
14 ~~WITHIN A REGION.~~

15 [(a)] (B) (1) There are the following 3 seasons to hunt deer:

16 [(1)] (I) Deer bow hunting season;

17 [(2)] (II) Deer firearms season; and

18 [(3)] (III) Deer muzzle loader season.

19 ~~(C) (1) (2) (I) THE SUNDAY HUNTING PROVISIONS PROVISION UNDER~~
20 ~~THIS SUBSECTION DO PARAGRAPH DOES NOT APPLY IN ANY PART OF THE URBAN~~
21 ~~MANAGEMENT REGION.~~

22 ~~(2) (II) THE DEER FIREARMS SEASON SHALL BE AT LEAST 21 DAYS,~~
23 ~~INCLUDING UP TO THREE SUNDAYS THE FIRST SUNDAY OF THE SEASON.~~

24 ~~(D) THE DEPARTMENT:~~

25 ~~(1) SHALL ESTABLISH A NONRESIDENT 3-DAY DEER FIREARMS~~
26 ~~LICENSE, FOR WHICH THE FEE MAY NOT EXCEED THE FEE PAID BY A RESIDENT; AND~~

27 ~~(2) MAY NOT CHARGE A NONRESIDENT A FEE IN EXCESS OF THE FEE~~
28 ~~PAID BY A RESIDENT FOR EACH DEER STAMP AND EACH BONUS DEER STAMP.~~

29 [(b)] (C) (1) Every person killing a deer shall report with the deer to a
30 designated checking station within 24 hours after killing the deer.

31 (2) Notwithstanding any requirement of law, if the designated checking
32 stations are closed in the county where a person kills a deer, a Natural Resources

1 police officer shall authorize the person to report with the deer to a designated
2 checking station in another county.

3 [(c)] (D) (1) Subject to subsection [(d)(3)] (E)(3) of this section, a person with
4 a consolidated hunting license also may purchase bonus deer stamps from the
5 Department.

6 (2) A bonus deer stamp allows the person with the consolidated hunting
7 license to hunt 1 deer for each stamp purchased in any of the following hunting
8 seasons for deer in the State:

9 (i) Deer bow hunting season;

10 (ii) Deer muzzle loader season; and

11 (iii) Deer firearms season.

12 (3) (i) Except as provided in subparagraph (ii) of this paragraph, the
13 fee for each bonus deer stamp issued in accordance with this subsection shall be \$5.00
14 for residents and \$25 for nonresidents.

15 (ii) The fee for each bonus deer stamp issued under this subsection
16 shall be \$5.00 for an individual hunting deer on a federal facility.

17 (4) The Department may establish by regulation the type and number of
18 deer stamps issued under this subsection if necessary to control the deer harvest in
19 various areas of the State.

20 [(d)] (E) (1) A person with a basic hunting license and any individual
21 hunting stamp also may purchase bonus deer stamps for use during any deer hunting
22 season.

23 (2) (i) Except as provided in subparagraph (ii) of this paragraph and
24 subject to paragraph (3) of this subsection, the bonus deer stamp allows the person
25 with the basic license to hunt 1 deer in each hunting season for which the person has
26 purchased an individual hunting stamp.

27 (ii) An individual who purchases a bonus deer stamp but does not
28 use it during a particular season may use that stamp during any subsequent season
29 in that hunting license year.

30 (3) (i) The Department may issue a limited number of bonus
31 antlerless deer stamps for the purpose of regulating the harvest of antlerless deer in
32 a particular deer management region or zone.

33 (ii) The fee to apply for a bonus antlerless deer stamp is \$5 for
34 residents and \$25 for nonresidents.

35 (iii) The fee is nonrefundable if the applicant does not obtain an
36 antlerless deer stamp. If an individual obtains a bonus antlerless deer stamp, the

1 application fee for the stamp will be applied to the fee for the stamp and no additional
 2 stamp fee will be required.

3 ~~[(e)]~~ (F) A person may not remove the head or hide or any part from any deer,
 4 except internal organs, or cut the meat into parts until the deer has been checked by
 5 the Department or 1 of the Department's agents at a designated checking station.
 6 Removal of the head or the hide of any deer not checked at a designated checking
 7 station shall be prima facie evidence that the deer was hunted illegally. Each separate
 8 deer or part of any deer taken illegally or found in possession shall be considered a
 9 separate offense.

10 ~~[(f)]~~ (G) Any person who, while operating a motor vehicle on any highway in
 11 the State, accidentally strikes and kills a deer on the highway may have the deer if
 12 the person produces visible evidence of collision with the deer to any Natural
 13 Resources police officer, State law enforcement officer, or other designated
 14 representative of the Secretary. The provisions of this subsection shall be applicable
 15 to deer killed by collision with a motor vehicle at any time whether during the open
 16 season for killing deer or during the legally closed season.

17 ~~[(g)]~~ (H) A person may not hunt a deer while the deer is taking refuge in or
 18 swimming through the waters of the State.

19 (i) Upon written request from a federal facility for a variance from the
 20 established deer hunting season, the Department shall review the request and may:

21 (1) Approve the request;

22 (2) Deny the request; or

23 (3) Approve the request with conditions.

24 ~~(E)~~ (J) IN A ZONE OF THE URBAN MANAGEMENT REGION IN WHICH THE
 25 DEER POPULATION HAS BECOME, OR IF LEFT UNATTENDED WILL BECOME, A
 26 THREAT TO PUBLIC HEALTH OR SAFETY OR A NUISANCE BECAUSE THE POPULATION
 27 IS IN EXCESS OF THE CARRYING CAPACITY OF THE ZONE, THE DEPARTMENT'S DEER
 28 MANAGEMENT PLAN MAY ALLOW FOR AN INCREASED HARVEST BY THE USE, AS
 29 APPROPRIATE, OF BAIT, PROFESSIONAL SHARPSHOOTERS, LETHAL DARTS, OR
 30 CAPTURE AND EUTHANASIA.

31 ~~(F)~~ (K) (1) THE MEAT OF DEER HARVESTED UNDER THIS SECTION MAY BE
 32 DONATED TO AN ORGANIZATION THAT HAS BEEN APPROVED BY THE STATE FOR
 33 TAX-EXEMPT STATUS.

34 (2) PROCESSING COSTS FOR DONATED MEAT MAY BE PAID BY:

35 (I) PRIVATE DONATIONS; AND

36 (II) AS DETERMINED APPROPRIATE BY THE DEPARTMENT, A
 37 PORTION OF THE REVENUE OBTAINED FROM THE PURCHASE OF DEER HUNTING
 38 LICENSES AND STAMPS ISSUED UNDER THIS SECTION.

1 ~~(G)~~ (L) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
2 ARTICLE, THE DEPARTMENT SHALL ANNUALLY REPORT AND MAKE
3 RECOMMENDATIONS TO THE LEGISLATIVE POLICY COMMITTEE, THE SENATE
4 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE HOUSE
5 ENVIRONMENTAL MATTERS COMMITTEE ON:

6 (1) FOR EACH DEER MANAGEMENT REGION AND, AS APPROPRIATE,
7 EACH ZONE WITHIN A REGION, THE STATUS OF THE CARRYING CAPACITY OF THE
8 REGION OR ZONE IN RELATIONSHIP TO THE CURRENT POPULATION OF DEER, AS
9 PROJECTED FOR THE NEXT 2 YEARS;

10 (2) THE IMPACT AND ANTICIPATED IMPACT OF INCREASED HARVEST
11 MEASURES ON THE OVERPOPULATION OF DEER IN EACH DEER MANAGEMENT
12 REGION OF THE STATE;

13 (3) THE EXTENT TO WHICH NATURAL PREDATORS HAVE REDUCED, AND
14 ARE EXPECTED TO REDUCE, THE POPULATION;

15 (4) LAW ENFORCEMENT ISSUES; AND

16 (5) CITIZEN RESPONSE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2002.