

HOUSE BILL 9

Unofficial Copy
M2

2002 Regular Session
2lr0359

(PRE-FILED)

By: **Delegates Owings, Taylor, Hurson, Arnick, Busch, Conway, Dewberry,
Doory, Hixson, Howard, McIntosh, Menes, Montague, Rawlings,
Rosenberg, Vallario, and Wood**

Requested: August 21, 2001

Introduced and read first time: January 9, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

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 exempting a certain region from certain Sunday hunting provisions; requiring
7 the Department to establish a certain nonresident license; prohibiting fees for a
8 certain license and certain stamps and bonus deer stamps in excess of certain
9 amounts; authorizing the Department's deer management plans in certain areas
10 to include certain methods under certain circumstances; authorizing the
11 donation of certain meat to certain organizations and the payment of certain
12 costs in certain ways; requiring the Department to report and make
13 recommendations to certain persons at a certain time regarding certain aspects
14 of its deer management plans; defining certain terms; and generally relating to
15 certain deer management plans for increased harvest.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 10-405(a)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2001 Supplement)

21 BY adding to
22 Article - Natural Resources
23 Section 10-415.1
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2001 Supplement)

1 Preamble

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

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

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

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

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

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

23 WHEREAS, Deer-vehicle collisions likewise cause property damage of about
24 \$10 million per year, which, in turn, leads to higher insurance rates for all drivers;
25 and

26 WHEREAS, A recent University of Maryland study found that, because of deer,
27 92% of the State's farmers suffer damage to corn, wheat, and soybean crops, an
28 annual economic loss in excess of \$38 million which is considered a conservative
29 estimate because it does not include damage to fruits, vegetables, and other crops;
30 and

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

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

1 WHEREAS, Since the annual revenue associated with deer hunting in
2 Maryland is more than \$200 million, hunters provide a significant boost to local
3 economies, and their license fees also cover all associated program costs; and

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

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

9 **Article - Natural Resources**

10 10-405.

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

14 (2) EXCEPT AS PROVIDED UNDER §§ 10-410 AND 10-415.1 OF THIS
15 SUBTITLE, THE DEPARTMENT MAY NOT AUTHORIZE HUNTING ON SUNDAY.

16 10-415.1.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) "CARRYING CAPACITY" MEANS THE MAXIMUM NUMBER OF DEER
20 THAT CAN:

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

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

23 (3) "DEER" INCLUDES:

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

25 (II) ANTLERED AND ANTLERLESS DEER.

26 (4) "URBAN MANAGEMENT REGION" INCLUDES:

27 (I) ANNE ARUNDEL, BALTIMORE, HOWARD, MONTGOMERY, AND
28 PRINCE GEORGE'S COUNTIES;

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

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

1 (B) THE DEPARTMENT SHALL MANAGE DEER HARVEST, INCLUDING THE
2 INCREASED HARVEST OF DOES AND HIGHER BAG LIMITS FOR ANTLERLESS DEER, ON
3 A REGION-BY-REGION BASIS AND, AS APPROPRIATE, ON A ZONE-BY-ZONE BASIS
4 WITHIN A REGION.

5 (C) (1) SUNDAY HUNTING PROVISIONS UNDER THIS SUBSECTION DO NOT
6 APPLY IN ANY PART OF THE URBAN MANAGEMENT REGION.

7 (2) THE DEER FIREARMS SEASON SHALL BE AT LEAST 21 DAYS,
8 INCLUDING UP TO THREE SUNDAYS.

9 (D) THE DEPARTMENT:

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

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

14 (E) IN A ZONE OF THE URBAN MANAGEMENT REGION IN WHICH THE DEER
15 POPULATION HAS BECOME, OR IF LEFT UNATTENDED WILL BECOME, A THREAT TO
16 PUBLIC HEALTH OR SAFETY OR A NUISANCE BECAUSE THE POPULATION IS IN
17 EXCESS OF THE CARRYING CAPACITY OF THE ZONE, THE DEPARTMENT'S DEER
18 MANAGEMENT PLAN MAY ALLOW FOR AN INCREASED HARVEST BY THE USE, AS
19 APPROPRIATE, OF BAIT, PROFESSIONAL SHARPSHOOTERS, LETHAL DARTS, OR
20 CAPTURE AND EUTHANASIA.

21 (F) (1) THE MEAT OF DEER HARVESTED UNDER THIS SECTION MAY BE
22 DONATED TO AN ORGANIZATION THAT HAS BEEN APPROVED BY THE STATE FOR
23 TAX-EXEMPT STATUS.

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

25 (I) PRIVATE DONATIONS; AND

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

29 (G) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
30 THE DEPARTMENT SHALL ANNUALLY REPORT AND MAKE RECOMMENDATIONS TO
31 THE LEGISLATIVE POLICY COMMITTEE, THE SENATE EDUCATION, HEALTH, AND
32 ENVIRONMENTAL AFFAIRS COMMITTEE, AND THE HOUSE ENVIRONMENTAL
33 MATTERS COMMITTEE ON:

34 (1) FOR EACH DEER MANAGEMENT REGION AND, AS APPROPRIATE,
35 EACH ZONE WITHIN A REGION, THE STATUS OF THE CARRYING CAPACITY OF THE
36 REGION OR ZONE IN RELATIONSHIP TO THE CURRENT POPULATION OF DEER, AS
37 PROJECTED FOR THE NEXT 2 YEARS;

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

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

6 (4) LAW ENFORCEMENT ISSUES; AND

7 (5) CITIZEN RESPONSE.

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