

HOUSE BILL 9

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M2

2002 Regular Session  
2lr0359

(PRE-FILED)

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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**

Requested: August 21, 2001  
Introduced and read first time: January 9, 2002  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: February 19, 2002

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

16 BY repealing and reenacting, with amendments,  
17 Article - Natural Resources  
18 Section 10-405(a) and 10-415  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2001 Supplement)

1 ~~BY adding to~~  
2 ~~Article Natural Resources~~  
3 ~~Section 10-415.1~~  
4 ~~Annotated Code of Maryland~~  
5 ~~(2000 Replacement Volume and 2001 Supplement)~~

6 Preamble

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

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

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

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

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

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

28 WHEREAS, Deer-vehicle collisions likewise cause property damage of about  
29 \$10 million per year, which, in turn, leads to higher insurance rates for all drivers;  
30 and

31 WHEREAS, A recent University of Maryland study found that, because of deer,  
32 92% of the State's farmers suffer damage to corn, wheat, and soybean crops, an  
33 annual economic loss in excess of \$38 million which is considered a conservative  
34 estimate because it does not include damage to fruits, vegetables, and other crops;  
35 and

36 WHEREAS, Nonlethal control mechanisms, such as fencing, fertility control,  
37 repellents, relocation, deterrent reflectors along roadways, and behavior modification  
38 by the installation of lights, have proven largely ineffective because they cannot be

1 used routinely and inexpensively and moreover, they impact only a small number of  
2 deer; and

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

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

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

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

15 **Article - Natural Resources**

16 10-405.

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

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

22 ~~10-415.1~~ 10-415.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (2) "CARRYING CAPACITY" MEANS THE MAXIMUM NUMBER OF DEER  
26 THAT CAN:

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

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

29 (3) "DEER" INCLUDES:

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

31 (II) ANTLERED AND ANTLERLESS DEER.

32 (4) "URBAN MANAGEMENT REGION" INCLUDES:

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

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

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

6 ~~(B) THE DEPARTMENT SHALL MANAGE DEER HARVEST, INCLUDING THE  
7 INCREASED HARVEST OF DOES AND HIGHER BAG LIMITS FOR ANTLERLESS DEER, ON  
8 A REGION-BY-REGION BASIS AND, AS APPROPRIATE, ON A ZONE-BY-ZONE BASIS  
9 WITHIN A REGION.~~

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

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

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

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

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

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

19 ~~(D) THE DEPARTMENT:~~

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

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

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

26 (2) Notwithstanding any requirement of law, if the designated checking  
27 stations are closed in the county where a person kills a deer, a Natural Resources  
28 police officer shall authorize the person to report with the deer to a designated  
29 checking station in another county.

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

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

1 (i) Deer bow hunting season;

2 (ii) Deer muzzle loader season; and

3 (iii) Deer firearms season.

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

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

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

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

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

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

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

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

27 (iii) The fee is nonrefundable if the applicant does not obtain an  
28 antlerless deer stamp. If an individual obtains a bonus antlerless deer stamp, the  
29 application fee for the stamp will be applied to the fee for the stamp and no additional  
30 stamp fee will be required.

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

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

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

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

12 (1) Approve the request;

13 (2) Deny the request; or

14 (3) Approve the request with conditions.

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

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

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

26 (I) PRIVATE DONATIONS; AND

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

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

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

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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.