

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 679

(Delegate Boutin, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Expanded Deer Management

This bill authorizes the Department of Natural Resources (DNR) to allow for deer hunting on Sundays under specified conditions. The bill also repeals specified provisions of current law relating to hunting on private property to provide for the uniform requirement to obtain written permission and to provide for the uniform application of trespassing penalties. DNR must report and make recommendations to specified committees of the Maryland General Assembly by January 15, 2004, on the status of the deer population, the impact and anticipated impact of management strategies on the deer population, law enforcement issues, and citizen response to the increased harvest measures. The bill establishes the intent of the General Assembly that DNR consider alternative deer management options.

The bill takes effect July 1, 2003.

Fiscal Summary

State Effect: Special fund expenditure increase of \$9,800 in FY 2004 related to overtime for officers, assuming DNR uses the bill's authority to allow Sunday hunting. Future year estimates are adjusted for inflation. Potential minimal increase in general/special fund revenues from increased numbers and amounts of fines.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
GF/SF Rev.	-	-	-	-	-
SF Expenditure	9,800	10,200	10,600	11,000	11,500
Net Effect	(\$9,800)	(\$10,200)	(\$10,600)	(\$11,000)	(\$11,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Meaningful.

Analysis

Bill Summary: Sunday hunting for deer would be allowed on private property on two Sundays (the first Sunday of the bow hunting season in November and the first Sunday of the deer firearms season). The Sunday hunting provisions would not apply in Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Prince George's, Somerset, Wicomico, or Worcester counties, or in Baltimore City.

Current Law: DNR establishes the open season to hunt forest and upland game birds and mammals by regulation each year. DNR may adopt regulations to enlarge, extend, restrict, or prohibit hunting wildlife. Except for specified persons, hunting game birds or mammals on Sundays is prohibited. There are three seasons to hunt deer in Maryland: (1) deer bow hunting season; (2) deer firearms season; and (3) deer muzzleloader season.

A person may not hunt on another person's land without the permission of the landowner (or agent or lessee). Written permission must be obtained in certain counties. In some counties, written permission must be obtained to hunt deer only. Any person hunting on private property is liable for any damage that occurs to that property, and the landowner is not liable for accidental injury or damage to the person. In some counties, a person who hunts on another person's property without first obtaining written permission is guilty of a misdemeanor and upon conviction of a first offense, is subject to a fine not exceeding \$1,000. Upon conviction of a second or subsequent offense, the person is subject to a fine not exceeding \$2,000. In general, the maximum penalty for trespassing while hunting is a fine of \$1,500 for a first offense, and for a second or subsequent offense, a fine of \$4,000 or imprisonment for one year or both, and suspension of the hunting license.

Background: DNR estimates the white-tailed deer population at about 240,000. If not controlled, this population will soon double. Such a dramatic increase is closely associated with a decrease in the number of natural predators. Moreover, recent suburban development has created an "edge" habitat where deer not only thrive but hunter access is reduced. Resulting from this spiked population growth is a marked increase in the number of human-deer conflicts. For example, the reported number of deer-vehicle collisions per year has more than doubled since 1990; approximately 4,300 automobile accidents that led to deer fatalities were reported in 2001. DNR conservatively estimates the property damage resulting from deer-vehicle collisions to be in excess of \$9.7 million annually. Deer also cause substantial damage to crops and vegetation; in 2001 such damage in the State was estimated at about \$13.6 million. Finally, public health experts believe that the increased deer population density has significantly contributed to the

increased incidence of Lyme disease; in the decade between 1988 and 1998, the number of reported cases jumped from 12 to 423.

In addition to the impact of deer overabundance on humans, numerous research studies have documented negative ecological impacts on native vegetation and other species. White-tailed deer in protected forest areas have been shown to lower vegetation density and cause significant shifts in the composition and abundance of bird communities, including migratory bird populations. Additionally, research has shown that 15 mammalian species, including raccoons, squirrels, and skunks, may be affected by the increased populations of deer.

In response to these concerns, legislation was passed during the 2002 session to increase the deer harvest by expanding the firearms season from 13 days to at least 21 days. In seven counties, the first Sunday of the season was to be included in this longer season. Because the first Saturday of the season annually accounts for approximately 35 percent of the total firearms harvest, the addition of the first Sunday of the season was viewed as the strategy most likely to maximize the harvest. Also included was an increased harvest in urban management regions in which deer overpopulation constitutes a nuisance or presents public health or safety issues. This measure was vetoed by Governor Glendening for the policy reason of preventing the loss of the “certainty of having one weekend day during hunting season when... families and children can safely enjoy the outdoors.”

State Revenues: By authorizing hunting on two Sundays and by applying the general trespassing penalties statewide, general fund revenues could increase minimally as a result of increased numbers and amounts of fines for those cases heard in the District Court. Special fund revenues could increase minimally as a result of increased numbers and amounts of fines for those cases heard in the circuit courts.

State Expenditures: Sundays have traditionally been a nonhunting day in the State. Accordingly, the Natural Resources Police (NRP) currently provides minimal enforcement on Sundays. If DNR uses the authority provided by the bill to allow for hunting on the first Sunday of the bow hunting season in November and on the first Sunday of the deer firearms season, NRP officers would need to work overtime on those days. Accordingly, special fund expenditures could increase by an estimated \$9,800 in fiscal 2004, which includes \$8,200 in overtime (including Social Security) for 12 NRP officers and \$1,600 for travel-related expenditures. The estimate is based on the average overtime rate for officer first class and corporal. The information and assumptions used in calculating the estimate are stated below:

- one officer per county (12 officers, including 6 officers first class and 6 corporals);

- each officer would work an eight-hour shift; and
- each officer would travel approximately 200 miles during a shift.

Future year estimates reflect: (1) 4.5% annual increases in overtime; and (2) 1% annual increases in ongoing operating expenditures.

Small Business Effect: By providing for deer hunting on two Sundays, the bill could result in an increase in revenues for small businesses in Maryland. A 2001 report by the U.S. Fish and Wildlife Service found that Maryland deer hunting resulted in about \$80 million in retail sales in the State. The projected impact on the State's economy totaled \$156 million. In addition to businesses affected by hunting, the bill could also affect several other types of businesses. Most farms are small businesses. A 2001 survey by the Maryland Department of Agriculture found that farmers suffered crop losses of \$13.6 million due to deer. To the extent that the bill reduces crop damage, farmers will benefit. The bill could also affect vehicle owners and businesses involved in the repair of vehicles. Reported deer-vehicle collisions in Maryland have more than doubled since 1990. Property damage related to those collisions was estimated in 1998 at over \$9.7 million annually. Property owners and businesses could also be affected to the extent that the bill reduces damage to ornamental shrubs and gardens.

Additional Information

Prior Introductions: HB 9 of 2002 would have allowed Sunday hunting for deer under specified conditions. The bill passed both the House and the Senate with amendments but the Governor vetoed the enrolled bill (see background section of this fiscal note).

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2003
mld/cer Revised - Clarification - February 28, 2003
Revised - House Third Reader - March 28, 2003
Revised - Enrolled Bill - April 21, 2003

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