

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 173

(Chair, Environment and Transportation Committee)(By
Request - Departmental - Natural Resources)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Sunday Hunting

This departmental bill generally reorganizes and clarifies statutory provisions related to Sunday hunting in the State. The bill also (1) explicitly states that a person may not hunt on public lands within the State park system on Sunday, which is consistent with current practice, and (2) authorizes the Department of Natural Resources (DNR) to set the seasons for Sunday hunting, which is generally consistent with current law and current practice. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: Since the bill primarily clarifies current law and codifies current practice, the bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: DNR has determined that this bill has a meaningful impact on small business (attached). The Department of Legislative Services disagrees, as discussed below. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary/Current Law: Under current law, hunting game birds or mammals on Sundays is generally prohibited, with specified exceptions. The bill clarifies these exceptions, in particular for the specific locations, times, and seasons that Sunday hunting is allowed.

Deer on Private Property

Under current law and the bill, in Calvert, Caroline, Carroll, Charles, Harford, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties, a person may hunt deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November.

Under current law and the bill, in Wicomico County, DNR may authorize a person to hunt deer on private property on the second Sunday in the deer firearms season from 30 minutes before sunrise until 10:30 a.m.

Under current law and the bill, in Calvert, Caroline, Charles, Harford, Queen Anne's, Somerset, and Worcester counties, a person may hunt deer on private property on the first Sunday of the bow hunting season in November and each Sunday in the deer firearms season. In addition, DNR may allow deer hunting on private property statewide (with the exception of Baltimore City and Baltimore, Howard, Kent, Montgomery, and Prince George's counties) on the first Sunday of the bow hunting season in November and the first Sunday of the deer firearms season.

Under current law and the bill, in Carroll County, DNR may authorize deer hunting on Sundays on private property from the first Sunday in October through the second Sunday in January of the following year.

Under current law and the bill, in Montgomery County, DNR may allow a person to hunt deer on a Sunday throughout the deer hunting season on private property. DNR may only allow such hunting from 30 minutes before sunrise until 10:30 a.m., subject to specified exceptions. The time restrictions do not apply (1) to a participant in the junior deer hunt; (2) on private land only on one Sunday designated by DNR during deer bow hunting season; and (3) on private land only on one Sunday designated by DNR during the firearms season. Under current law, these provisions terminate June 30, 2022, pursuant to Chapter 459 of 2017. Under the bill, these provisions are no longer subject to termination, but the bill restores the law in effect prior to Chapter 459 as of July 1, 2022. Effective July 1, 2022, DNR may allow a person to hunt deer on the first Sunday of the deer firearms season and the first Sunday in November of the deer bow hunting season.

Under current law and the bill, in Kent County, DNR may allow a person to hunt deer on a Sunday on private property throughout all deer hunting seasons. However, DNR may only allow a person to hunt deer during firearms season from 30 minutes before sunrise until 10:30 a.m., subject to specified exceptions. The time restrictions do not apply (1) to a participant in the junior deer hunt and (2) on private land only on one Sunday designated by DNR during the firearms season.

Under current law and the bill, in Dorchester County, DNR may authorize deer hunting on a Sunday on private property during the bow hunting season from the first Sunday in October through the second Sunday in January of the following year. Additionally, DNR may authorize deer hunting on a Sunday during the deer muzzle loader season on private property in Dorchester County. Finally, DNR may authorize deer hunting on the second and third Sunday of the deer firearms season on private property in Dorchester County.

Deer Management Permits

Under current law, deer management permit holders and their agents are explicitly authorized to hunt on any Sunday throughout the State. Deer management permits can be issued for both private and State-leased agricultural land. These provisions are unchanged under the bill.

Game Birds and Mammals on Private Property and Public Land

Under current law, DNR may allow hunting on Sundays in Allegany, Cecil, Garrett, and Washington counties for any game bird or mammal, except migratory game birds, during the open season for these animals on specified private property and public land designated for Sunday hunting by DNR. Additionally, DNR is authorized to allow Sunday deer hunting in Frederick County from the first Sunday in October through the second Sunday in January of the following year on specified private property and public land designated for Sunday hunting by DNR. In St. Mary's County, DNR may allow a person to hunt any game bird or mammal, except migratory game birds, on any Sunday during the open season for these animals on private property or public land (except State parks) designated for Sunday hunting by DNR. These provisions are unchanged under the bill.

Under current law and the bill, a person who is age 16 or younger and is participating in a junior hunt may hunt on a Sunday.

Additionally, under current law, the following persons may hunt game birds and mammals on Sundays: (1) a person using State-certified raptors during open season; (2) an unarmed person participating in an organized fox hunt; and (3) a person using a regulated shooting ground to hunt pen-reared game birds. These provisions are unchanged under the bill.

Turkey on Private Property and Public Land

Under current law and the bill, person may hunt turkey on *private* property in Calvert, Caroline, Carroll, Charles, Dorchester, and Kent counties on Sundays during the spring turkey hunting season. In Dorchester County, a person may hunt turkeys on Sundays on *public* land designated for hunting by DNR during the spring turkey hunting season.

Background: Because white-tailed deer thrive in habitat that is composed of woods and openings and because hunter access in those areas is limited, suburban development has provided excellent deer habitat in the State. This has resulted in growing deer populations in suburban areas. Higher populations of deer can lead to a greater number of negative interactions with suburban residents, such as deer-vehicle collisions and vegetation damage. Deer also cause agricultural damage.

According to DNR, regulated hunting is the most cost-effective deer population control mechanism available throughout most of the State, and Sunday hunting has contributed positively to managing the State's white-tailed deer population in the 20 counties where it is now permitted. Hunters have harvested more than 70,000 deer on Sundays since becoming a legal hunting day in 2003. DNR reports that nearly 8,500 deer were taken on Sundays during the 2018-2019 season.

According to DNR, the numerous changes to the Sunday hunting provisions that have been made over the last decade have made the existing statute difficult to understand. This bill is largely intended to reorganize and clarify the Sunday hunting statute.

Small Business Effect: The department's economic impact analysis does not reflect amendments to the bill. As amended, the bill merely reorganizes and clarifies current law and codifies current practice. Accordingly, the bill has minimal or no impact on small businesses in the State.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - February 10, 2020
rh/lgc Third Reader - March 16, 2020
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Natural Resources – Sunday Hunting

BILL NUMBER: HB 173

PREPARED BY: Paul Peditto, Director, Wildlife and Heritage Service

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Authorizing Sunday hunting, through clarification of existing opportunities, likely has a meaningful economic impact on certain types of businesses throughout the State. The U.S. Fish and Wildlife Service reports that, in 2011, the average hunter in Maryland spent \$49 per hunting day on trip-related expenditures. In 2011, the National Survey of Fishing, Hunting, and Wildlife Associated Recreation estimated that hunters in Maryland spend more than \$260 million annually on food, lodging, equipment, and transportation.

In addition to businesses directly affected by hunting, the bill may also affect several other types of businesses. Most farms, for example, are small businesses. In 2011, the U.S. Department of Agriculture's National Agricultural Statistics Service estimated that Maryland deer caused \$7.7 million in agricultural damage statewide. Based on past estimates of crop damage losses, DNR estimates that an individual deer causes \$33.05 in agricultural damage annually. To the extent that the bill reduces crop damage, farmers benefit.

The bill may also affect vehicle owners and businesses involved in the repair of vehicles. DNR estimates that there was an average of 31,300 deer-vehicle collisions in each of the last five years and that the average cost per collision is \$4,179. The car insurance industry projected total annual damage in Maryland due to deer-vehicle collisions is \$133 million. Reducing the deer population in the State likely reduces the number of deer-vehicle collisions, which has a positive impact on vehicle owners and a corresponding negative impact on vehicle repair businesses.