



The Maryland Hunting Coalition, Inc.

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2018 Session of the Maryland General Assembly Hunting-Related Legislation *PERSPECTIVE*

The 438th Session of the Maryland General Assembly adjourned on April 9, 2018. Few hunting measures passed of any real significance, but it was an emotional Session on a couple of fronts. Here is a link to those bills introduced and the resultant outcome:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=M2&stab=01&pid=broadsubpage&tab=subject3&ys=2018RS>

Keep in mind that bills passed by the General Assembly do not become law until they are enacted by the Governor's signature. This year the last day the Governor can sign a passed bill is May 28, 2018. So, the final outcome of the passed bills shown above will not be known until this time. It's doubtful any of the hunting-related bills passed in 2018 will be vetoed.

Some of the hunting bills that are awaiting the Governor's signature into actual law:

- (1) *Senate Bill 182/House Bill 7* which will provide a \$50 tax credit for any deer donated to the hungry, capped at \$200 annually for recreational hunters; but, no cap if harvested/donated deer under a Deer Management Permit;
- (2) *House Bill 119* adds Calvert County to St. Mary's and Charles allowing holders of Deer Management Permits to harvest deer with high-powered rifles;
- (3) *Senate Bill 341/House Bill 1118* allows fluorescent pink to be worn while deer hunting, in addition to fluorescent orange; and
- (4) *House Bill 1163* exempts non-resident guides who hunt snow geese from Maryland's licensing requirements if their home state requires such licensure (aka, reciprocity).

Some of the hunting bills that did not pass:

- (1) *House Bill 91* which would have exempted landowners from wearing fluorescent orange while deer hunting on their lands;
- (2) *House Bill 1503* which would have designated the canvasback as Maryland's official waterfowl;
- (3) *Senate Bill 959/House Bill 1122* which would have allowed property owners in Allegany and Garrett counties to kill bears without a DNR-issued permit;
- (4) *House Bill 1429* which would have standardized the archery hunting safety zone to 50 yards.

The two hunting bills causing the most emotional debate in Annapolis in 2018:

- (1) *Senate Bill 747* which would have prohibited nighttime shooting of deer on Deer Management Permits; and
- (2) *Senate Bill 817/House Bill 1338* which would have authorized statewide Sunday hunting for all species.

Nighttime Shooting of Deer: Rumors circulated throughout the hunting community in the fall of 2017 the Hogan Administration was about to authorize expanded nighttime shooting of deer from beyond “Deer Cooperators” to holders of “Deer Management Permits” (aka, crop damage permits) in response to pressure from the farming community. *NOTE: Existing law prohibits nighttime shooting of deer via §10-410 (b) and (e) of the Natural Resources Article (Maryland Annotated Code); but, existing DNR regulations allow nighttime shooting of deer by “Deer Cooperators” via COMAR 08.03.09.11.* The Maryland Hunting Coalition was quick to express its opposition. With DNR issuing about 1,700 Deer Management Permits each year – allowing an estimated 10,000 persons (DMP holder/agents) to hunt deer 365 days a year plus all Sundays – the Coalition argued that a publicly-owned resource would cease to be sustainably managed in favor of the economic interests of an insular few if approved.

...Imagine, we asked:

(1) How can the Natural Resources Police reasonably be expected to protect the public from those who would use high-powered rifles to kill deer in the dark, especially in view of Maryland’s high population density? and

(2) Why legalize the heinous act of “jacklighting” when the hunting community has lobbied so hard in Annapolis to combat it? It was noted that enactment of the *Poaching Restitution Act of 2016* (Chapter 663/664) – despite the objections of the Judiciary which has disdain for mandatory penalties -- has put Maryland at the national forefront in terms of punishing deer poachers. The following excerpt speaks to the Act’s intent:

WHEREAS, This Act not only declares Maryland’s disdain for poaching, but imposes mandatory restitution for deer poaching on privately owned lands that, when such restitution is combined with the potential loss of hunting privileges for up to 5 years, as set forth in the Wildlife Poaching Prevention Act, will measurably deter future deer poaching in Maryland and promote Maryland as a national leader in its zero tolerance for poaching; now, therefore,

Following the hunting community’s outcry, there was silence from the Administration. Sensing the Administration was waiting until after adjournment of the 2018 General Assembly to proceed with DMP-related nighttime shooting of deer, the Coalition convinced Senator John Astle (Senate Co-Chair of the bi-partisan Maryland Legislative Sportsmen’s Caucus) to introduce Senate Bill 747 as a stop gap measure. SEHEA agreed and took it a step further by amending the bill to codify existing regulations allowing nighttime shooting of deer by Deer Cooperators. Clearly, SEHEA realized that nighttime shooting of deer by “Deer Cooperators” lacked legal foundation.

The bill and the amendments were defeated by the full Senate under the lobbying weight of the Maryland Farm Bureau. The Bureau led with a false narrative that deer-related crop damages amount to \$50 per acre on Maryland’s 1.2 million acres of farmland; an amount equivalent to \$60 million, despite all other reports of an estimated \$8 million annual loss. And only at night, they say – not during the 365 days per year and all Sundays permitted under a Deer Management Permit – can they truly mitigate these losses. Couple this argument with the Bureau’s request for additional means of controlling deer on their lands as seen in its 2018 Report below, and it leaves little doubt

the farming community is hell-bent on decimating Maryland's deer herd by any means possible. It's disturbing the pecuniary interests of a few can take precedence over the entire citizenry; thus, compromising, the scientific management of a publicly-owned, finite resource. The Maryland Hunting Coalition stands opposed.

<http://www.mdfarmbureau.com/wp-content/uploads/2018/01/MFBPolicy-2018-Final.pdf>

THE FINAL CHAPTER ON THIS ISSUE HAS NOT BEEN WRITTEN.

Statewide Sunday Hunting: *I wrote about this earlier in the Session but have updated herein.* The Maryland Hunting Coalition has long-held that any efforts to permit an expansion of Sunday hunting in Maryland not repeal any Sunday hunting that has been approved since 2002 when lawmakers repealed a prohibition dating back to 1723. Some argue that DNR should be vested with complete regulatory authority to determine all Sunday hunting in Maryland, not by law. True, Maryland law grants DNR such broad authority; but, those days legally designated for Sunday hunting have never been denied through regulation in any given hunting year.

Here's the 2-fold concern about vesting DNR with authority to determine all Sunday hunting in Maryland: (1) it would undo all the remarkable efforts made by local governments during the 2002-2017 period to allow Sunday hunting (remember, in 2002, only 12 counties approved of any Sunday hunting, and today there are only have 3 counties prohibiting Sunday hunting); and (2) all future Sunday hunting would be contingent upon the outcome of annual regulatory process governed exclusively by the Executive Branch of Maryland State Government. What if Marylanders elect an anti-hunting Governor?

A good faith effort was initiated by DNR in December 2015 to bring all impacted stakeholders to the table in an effort to find common ground on a statewide Sunday hunting bill. Following much discussion, a tentative accord was reached whereby (1) all existing Sunday hunting dates would be retained without change; (2) all future firearm hunting of deer would end at 10:30 am; and (3) other wildlife species would be allowed for Sunday hunting with no time-imposed restrictions. Alas, when it came time to actually drafting a bill consistent with and responsive to this tentative agreement, it did not happen.

During the 2018 Session, an effort was made to advance a statewide Sunday hunting bill – for the first time since 2002 -- absent initial input from the Coalition. Before its introduction in late January 2018, the Senate sponsor reached out to the Coalition for advice. We saw a proposed draft assembled by certain national sportsmen's groups with input from DNR. Without delving into the details, the Coalition was able to convince the Senate sponsor to make substantive changes to the draft bill consistent with and responsive to the December 2015 tentative accord; thus, resulting in the introduction of Senate Bill 817 and House Bill 1338.

<http://mgaleg.maryland.gov/2018RS/bills/sb/sb0817F.pdf>

At the hearings before the Senate and House, respectively, opposing stakeholder groups presented their cases. It was clear that a compromise would have to be reached if either bill was to pass out of Committee. Such a compromise was never reached and neither bill received a vote in their respective Committee before adjournment on April 9, 2018. The controversial nature of a statewide Sunday hunting bill still lingers.

IN THE FINAL ANALYSIS, the 2018 Session proved once again how difficult it is to secure passage of pro-hunting legislation. Maryland's hunting community – the estimated 88,300 hunters who annually spend \$266 million which supports 4,500 jobs – must remain united against opposing groups which are not only united but are well-funded. *There could be as much as a 40% turnover in Annapolis with the November 2018 election plus the hunting community has lost its strongest champion with the announced retirement of Senator John Astle.* The Coalition will continue this fight as long as it has requisite financial support.

The Mission of the Maryland Hunting Coalition is to safeguard the heritage and the privilege of recreational hunting in Maryland; to ensure that wildlife management decisions are based on scientific evidence and not on political ambiguities; to advocate for the most beneficial opportunities for hunters and convey those ideals to managers and lawmakers in our State Capitol of Annapolis.