

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 897

(Delegate Beitzel, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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Black Bear Damage Reimbursement Fund - Pets

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This bill authorizes the Department of Natural Resources (DNR) to reimburse a person from the Black Bear Damage Reimbursement fund for any damage to the person's "pets," as defined in the Family Law Article.

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Fiscal Summary

**State Effect:** State finances are not materially affected; the bill merely expands the authorized uses of the Black Bear Damage Reimbursement Fund. DNR can continue to implement the fund with existing budgeted staff and resources.

**Local Effect:** None.

**Small Business Effect:** Minimal. The bill may shift some of the available funding from farmers to pet owners. However, given the relatively small amount of available funding, any such shift is not meaningful.

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Analysis

**Current Law:** The Family Law article defines a "pet" as a domesticated animal. The term does not include livestock.

The Black Bear Damage Reimbursement Fund within DNR is used to reimburse farmers for bear damage to agricultural products and livestock. Reimbursable damages include damage to a person's beehives, fruit, or other crops, as well as damage to livestock and poultry. A person is eligible for reimbursement if (1) he/she has followed all black bear damage preventative measures recommended by DNR; (2) the damage amount is

determined by a specified agent; and (3) DNR has verified that the damage was caused by a black bear. Subject to available funding, a person may be reimbursed in an amount not less than \$200 or more than \$3,000 per year.

A person must have a hunting license and a black bear hunting permit in order to hunt black bears in the State. A black bear hunting permit enables the purchaser to hunt black bears in the State, subject to certain restrictions and requirements. A person who violates provisions related to killing or wounding a black bear are subject to penalties; however, a person who kills or wounds a black bear in defense of his/her own life, the lives of other individuals, or the lives of animals on the individual's property is not subject to any penalties.

**Background:** Maryland has a breeding population of black bears in the four westernmost counties (Allegany, Frederick, Garrett, and Washington counties), with the highest bear densities found in Garrett and western Allegany counties. DNR has information available on its [website](#) with recommendations on how to “live with black bears.” The primary recommendation to avoid conflicts with bears is to not attract bears in the first place. Trash and bird feeders are the most common attractants responsible for luring bears to human dwellings. Pet food, charcoal grills, fruit trees, and gardens may also attract bears. Once a bear finds food around a person's home, it will likely return. If bears are fed, they will associate people with food and may become a persistent problem. DNR notes it is illegal to feed bears in Maryland.

DNR advises that the Black Bear Damage Reimbursement Fund has been in effect for 23 years, and DNR receives an average of 17 claims annually. According to DNR, the total amount of agricultural damage claimed in a year has ranged from \$4,604 in 2012 to \$50,523 in 2003. In no year was there adequate funding to fully compensate farmers for total losses; the fund is fully subscribed on an annual basis. The average annual funding available in 2016 through 2018 was \$3,418.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 353 (Senator Edwards) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Natural Resources; University System of Maryland; Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2020  
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