
By: Senator Hafer

Introduced and read first time: February 9, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Black Bears - Damage to Crops and Livestock - Compensation**

3 FOR the purpose of establishing a Black Bear Conservation Fund as a special, nonlapsing
4 fund in the Department of Natural Resources; providing that the source of funds
5 shall be from the sale of bear conservation stamps and certain gifts or contributions
6 to the State; providing that annual contributions to the Fund shall be used to
7 reimburse farmers for certain damage to certain agricultural products and that at
8 the end of a year, any remaining funds shall be transferred in a certain manner for
9 purposes of black bear research; providing certain limits and conditions on the uses
10 of the Fund; requiring the Department to adopt certain regulations; and generally
11 relating to the establishment and administration of a special fund for the purpose of
12 providing certain reimbursement for crop and livestock damage caused by black
13 bears.

14 BY adding to
15 Article - Natural Resources
16 Section 10-423.1
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1995 Supplement)

19 Preamble

20 WHEREAS, There have been instances beginning in 1987 through 1995 where
21 black bears were proven to have damaged crops or livestock in Maryland; and

22 WHEREAS, The Department of Natural Resources has existing programs for other
23 wildlife species that damage crops under which a farmer can obtain a permit at no cost for
24 removing the animal if the farmer can justify to the Department that animals have
25 damaged the farmer's crops; and

26 WHEREAS, It is the purpose of this Act to set up a system to reimburse farmers for
27 damage to their crops or livestock caused by black bears; and

28 WHEREAS, It is also the intent of this Act that, when the Department of Natural
29 Resources determines that the black bear carrying capacity has been reached, the
30 Department shall implement all the recommendations of the Black Bear Task Force
31 presented in September 1995; now, therefore,

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

3 **Article - Natural Resources**

4 10-423.1.

5 (A) THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE PUBLIC INTEREST TO
6 PROVIDE FUNDING TO REIMBURSE A PERSON WHO HAS SUSTAINED DAMAGE TO
7 AGRICULTURAL PRODUCTS AS A RESULT OF BLACK BEAR.

8 (B) (1) THERE IS A BLACK BEAR DAMAGE REIMBURSEMENT FUND IN THE
9 DEPARTMENT.

10 (2) THE FUND CONSISTS OF:

11 (I) PROCEEDS FROM THE SALE OF A CONSERVATION BEAR STAMP
12 WHICH MAY BE PURCHASED AT A COST OF \$10 FOR EACH STAMP; AND

13 (II) GIFTS, GRANTS, AND CONTRIBUTIONS TO THE STATE THAT
14 ARE DESIGNATED FOR INCLUSION IN THE FUND.

15 (3) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND, AND IS
16 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

17 (4) THE STATE TREASURER SHALL HOLD AND THE STATE
18 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

19 (C) THE DEPARTMENT MAY REIMBURSE A PERSON FROM THE BLACK BEAR
20 DAMAGE REIMBURSEMENT FUND IN ACCORDANCE WITH SUBSECTIONS (D) AND (E)
21 OF THIS SECTION FOR ANY DAMAGE TO THE PERSON'S:

22 (1) BEEHIVES, FRUIT, OR OTHER CROPS; OR

23 (2) LIVESTOCK AND POULTRY AS DEFINED IN § 1-101 OF THE
24 AGRICULTURE ARTICLE.

25 (D) (1) A PERSON IS ELIGIBLE TO BE REIMBURSED FROM THE FUND IF:

26 (I) THE PERSON HAS FOLLOWED ALL BLACK BEAR DAMAGE
27 PREVENTIVE MEASURES RECOMMENDED BY THE DEPARTMENT;

28 (II) THE DAMAGE AMOUNT IS DETERMINED BY AN EXTENSION
29 AGENT OF THE UNIVERSITY OF MARYLAND COOPERATIVE SERVICE; AND

30 (III) THE DEPARTMENT HAS VERIFIED THAT THE DAMAGE WAS
31 CAUSED BY BLACK BEAR.

32 (2) SUBJECT TO AVAILABLE FUNDING, A PERSON MAY BE REIMBURSED
33 FROM THE FUND IN AN AMOUNT NOT LESS THAN \$200 OR MORE THAN \$3,000 PER
34 YEAR.

35 (E) IF THE MONEY IN THE FUND IS NOT SUFFICIENT TO SATISFY ALL THE
36 CLAIMS IN ACCORDANCE WITH THE CONDITIONS DESCRIBED IN SUBSECTION (D) OF
37 THIS SECTION, AN EQUAL PERCENT OF EACH CLAIM SHALL BE PAID.

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1 (F) AFTER ALL THE CLAIMS FOR THE YEAR HAVE BEEN SATISFIED BY THE
2 FUND, ANY EXCESS MONEY IN THE FUND SHALL BE TRANSFERRED TO THE
3 WILDLIFE MANAGEMENT AND PROTECTION FUND AND SHALL BE USED FOR BEAR
4 RESEARCH.

5 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE
6 PROVISIONS OF THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 1996.