

By: Senator Hafer

Introduced and read first time: February 9, 1996

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 14, 1996

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 1996

CHAPTER ____

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 or decals and certain gifts or
6 contributions to the State; providing that annual contributions to the Fund shall be
7 used to reimburse farmers for certain damage to certain agricultural products ~~and~~
8 ~~that at the end of a year, any remaining funds shall be transferred in a certain~~
9 ~~manner for purposes of black bear research~~; providing certain limits and conditions
10 on the uses of the Fund; requiring the Department to adopt certain regulations; and
11 generally relating to the establishment and administration of a special fund for the
12 purpose of providing certain reimbursement for crop and livestock damage caused
13 by black 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~~

2

1 removing the animal if the farmer can justify to the Department that animals have
2 damaged the farmer's crops; and

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

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

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

11 **Article - Natural Resources**

12 10-423.1.

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

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

18 (2) THE FUND CONSISTS OF:

19 (I) PROCEEDS FROM THE SALE OF A CONSERVATION BEAR STAMP
20 OR DECAL WHICH MAY BE PURCHASED AT A COST OF \$40 \$5 FOR EACH STAMP OR
21 DECAL; AND

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

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

26 (4) THE STATE TREASURER SHALL HOLD AND THE STATE
27 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

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

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

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

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

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

3

1 (II) THE DAMAGE AMOUNT IS DETERMINED BY AN EXTENSION
2 AGENT OF THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE;
3 AND

4 (III) THE DEPARTMENT HAS VERIFIED THAT THE DAMAGE WAS
5 CAUSED BY BLACK BEAR.

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

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

12 ~~(F) AFTER ALL THE CLAIMS FOR THE YEAR HAVE BEEN SATISFIED BY THE~~
13 ~~FUND, ANY EXCESS MONEY IN THE FUND SHALL BE TRANSFERRED TO THE~~
14 ~~WILDLIFE MANAGEMENT AND PROTECTION FUND AND SHALL BE USED FOR BEAR~~
15 ~~RESEARCH.~~

16 ~~(G)~~ (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT
17 THE PROVISIONS OF THIS SECTION.

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