

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 543 (Senator Sfikas)
Economic and Environmental Affairs

Trapping - Leghold Traps - Restrictions on Use

This bill repeals specified provisions of law governing the use of snare, body-gripping, and leghold traps, broadens an existing prohibition relating to the use of leghold traps, and establishes a new prohibition relating to the purchase and sale of raw fur of animals caught with leghold traps. The bill establishes penalties for violations of the bill's prohibitions and authorizes the Department of Natural Resources (DNR) to issue a permit for the use of a padded leghold trap under specified conditions. DNR must adopt regulations in accordance with the bill.

Fiscal Summary

State Effect: General fund expenditure increase of \$1,055,200 in FY 2002 for permitting and control activities. Future year estimates are annualized, adjusted for inflation, and reflect ongoing operating expenses. Special fund revenue decrease of \$15,500 annually beginning in FY 2002 and federal fund revenue decrease of \$5,000 annually beginning in FY 2004 as a result of a decrease in hunting licenses sold.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
SF Revenue	(\$15,500)	(\$15,500)	(\$15,500)	(\$15,500)	(\$15,500)
FF Revenue	0	0	(5,000)	(5,000)	(5,000)
GF Expenditure	1,055,200	884,300	928,800	976,400	1,027,300
Net Effect	(\$1,070,700)	(\$899,800)	(\$949,300)	(\$996,900)	(\$1,047,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The criminal penalty provisions of the bill are not expected to significantly affect local finances or operations. To the extent that the bill results in an increase in nuisance populations and as a result, damage to local infrastructure occurs, local governments could incur increased costs for infrastructure repair.

Analysis

Bill Summary: The bill broadens an existing prohibition by prohibiting a person, while trapping or attempting to trap animals, from placing, setting, maintaining, or operating a leghold trap. The bill also prohibits a person from knowingly buying, selling, bartering, or otherwise exchanging the raw fur of an animal that has been trapped with a leghold trap. The bill's prohibitions do not apply to the use of a padded leghold trap with a permit, a padded leghold trap for the control of nutria as part of a comprehensive control program for that species, and a snap-type trap to catch rats and mice.

DNR may issue a permit for the use of a padded leghold trap if: (1) in consultation with the Department of Health and Mental Hygiene or the U.S. Department of Health and Human Services, DNR has determined that the trap is necessary for the protection of public health and safety; (2) the use of the trap is the only practical means to protect a species designated as endangered and the person to whom the permit is issued is an employee or agent of DNR or the U.S. Fish and Wildlife Service; (3) the trap is set by an authorized agent of the Maryland Forest, Park and Wildlife Service in the exercise of the agent's wildlife control duties; (4) the use of the trap is related to the conducting of authorized wildlife research; or (5) the permit applicant establishes and DNR finds, in writing, that there is an animal problem on the applicant's property that cannot reasonably be abated by the use of nonlethal control tools or that the control tools cannot reasonably be applied and the length of the permit does not exceed 30 days. A person using a permit must check the trap at least once every 24 hours.

A person convicted of violating the bill's prohibitions is guilty of a misdemeanor and for a first offense, is subject to a fine of up to \$500, imprisonment of up to 30 days, or both, and revocation of all DNR licenses and permits. For a subsequent offense, the person is subject to a fine of up to \$1,000, imprisonment of up to 60 days, or both, and revocation of all DNR licenses and permits. If no licenses or permits are in effect, DNR may not issue a license or permit to the violator at a later date.

Current Law: A person, while trapping or attempting to trap animals, may not place, set, maintain, or operate any snares, body-gripping, or leghold traps within 150 yards of a permanent human residence. This prohibition does not apply to: (1) State and federal wetlands; (2) private wetlands as designated by DNR; (3) land that qualifies for agricultural assessments and timberland and lands used for reforestation; (4) except in Howard and Harford counties, owners and lessees of privately owned land; and (5) owners and lessees of any privately owned land in Howard and Harford counties as long as a trap is not within 150 yards of the permanent residence of another person. These provisions do not apply to the use of body-gripping traps with a jaw spread of less than

six inches that are placed, maintained, and operated completely submerged in water, or to the use of snap-type-traps used to catch rats and mice.

In Anne Arundel, Baltimore, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap may be used for the capture of fur-bearing mammals in water only. This prohibition does not apply to traps set on farmland by the owner of the farmland, by the owner's agent or tenant, by the owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland. The prohibition also does not apply to traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service under guidelines established by DNR.

Background: According to DNR, on a national basis, coyotes are responsible for in excess of \$13 million in damage annually. In the absence of commercial and recreational harvest, it is projected that coyote populations in the southeastern U.S. will increase by 210% in the next ten years. In the southeast, beavers cause in excess of \$83 million in damage annually. In the absence of commercial and recreational harvest, 110% growth in the next ten years is forecasted. Raccoon populations in the northeastern U.S. cause approximately \$40 million in damage annually. Raccoon populations are expected to increase by 100% in the next ten years. DNR reports that Maryland's nuisance animal hotline has recorded over 20,000 complaints attributed to furbearers in the last nine years.

State Revenues: DNR advises that most furbearers are caught using leghold traps. By prohibiting the use of leghold traps (except for the permitted use of padded leghold traps), the bill would effectively eliminate the commercial and recreational harvest of many furbearers in Maryland. Trappers are currently required to purchase a basic hunting license for \$15.50. Because the basic hunting license does not distinguish between trappers and the general hunting public, the actual number of trappers that are licensed is unknown, although DNR estimates there are at least 3,000 active trappers in the State. Of these, DNR estimates that approximately 1,000 do not engage in any other form of hunting. It is anticipated that they would no longer purchase a hunting license as a result of the bill. Accordingly, special fund revenues could decrease by an estimated \$15,500 annually beginning in fiscal 2002. Because DNR receives approximately \$5 in federal funds for each hunting license sold, the bill could also result in a decrease in federal fund revenues of an estimated \$5,000 annually. Federal funds would not be affected until fiscal 2004, however. (The number of licensed hunters in State fiscal 2002 drives federal funds provided in federal fiscal 2004, which coincides with State fiscal 2004.) It is assumed that DNR would not implement a permit fee for the use of padded leghold traps.

The criminal penalty provisions of the bill are not expected to significantly affect State revenues.

State Expenditures: General fund expenditures could increase by an estimated \$1,055,200 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring four natural resource biologists to issue permits and coordinate with other agencies and 14 natural resource technicians to conduct field inspections and, when necessary, conduct basic control activities. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses including an increase in contractual services for the administration of the existing nuisance hotline. The information and assumptions used in calculating the estimate are stated below:

- in the absence of commercial and recreational harvest in Maryland, in the next ten years, coyote populations will increase by an estimated 210%, beaver populations will increase by an estimated 110%, and raccoon populations will increase by an estimated 100%;
- one biologist and three technicians will be assigned to the eastern, western, and southern regions of the State;
- one biologist and four technicians will be assigned to the central region of the State;
- the cost of contractual services for the administration of the existing nuisance hotline will increase by one-third;
- DNR will need to purchase four traps per employee at \$70 each; and
- employee travel.

Salaries and Fringe Benefits	\$554,400
Automobile Purchases	324,000
Equipment	91,200
Automobile Operations	40,500
Contractual Services	15,000
Other Operating Expenses	<u>30,100</u>
Total FY 2002 State Expenditures	\$1,055,200

Future year expenditures reflect: (1) full salaries with 6.5% increases in fiscal 2003 and 4.5% increases each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Small Business Effect: DNR advises that trapping provides an important seasonal occupation and/or supplemental funding source to many individuals. This bill would result in a decrease in revenues for those individuals. The bill would also affect small businesses that buy fur from trappers and sell it to garment manufacturers. According to DNR, although the bill only prohibits the sale or purchase of pelts from animals captured in steel leghold traps, it is virtually impossible to distinguish the type of trap used by inspecting the pelt. Accordingly, the bill would effectively prohibit the sale or purchase of any pelts, resulting in a decrease in revenues to buyers. Fur garment manufacturers in Maryland would either have to process pelts in another State and have them shipped to Maryland for construction, or go out of business.

Wildlife cooperators who are permitted by DNR to assist landowners in the resolution of nuisance wildlife problems would realize increases in revenues as nuisance populations escalate and the demand for their services increases. DNR reports that nuisance furbearers cause significant economic damage to the agriculture and timber industries. To the extent that the bill results in an increase in nuisance populations and as a result, damage occurs, small businesses in those industries would be affected.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader – March 2, 2001
cm/cer

Analysis by: Lesley Frymier

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510