

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 10
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Management” insert “Permit Program”; strike beginning with “requiring” in line 3 down through “term;” in line 11 and substitute “establishing a certain black bear management permit program in the Department of Natural Resources; requiring the Department to issue certain permits to certain property owners, lessees, or designees upon a certain demonstration; authorizing the harvest of bears at certain sites under a certain circumstance; authorizing the Department to suspend the permit program under a certain circumstance for a certain period; specifying certain legislative findings; requiring the Department to adopt certain regulations by a certain date;”; in line 12, strike “control of the black bear population” and substitute “establishment of a certain black bear management permit program”; strike in their entirety lines 13 through 18, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 10-423

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)”;

and in line 21, strike “10-101(b) and 10-426” and substitute “10-423.2”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 1 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with “Section(s)” in line 3 down through “That” in line 6; strike in their entirety lines 9 through 11, inclusive; in lines 17, 18, and 31, in each instance, strike “10-426” and substitute “10-423.2”; and strike beginning with the first “THE” in line 32 down through “DEPARTMENT” in line 37 and substitute “THE GENERAL ASSEMBLY FINDS THAT:

(Over)

(1) THE BLACK BEAR POPULATION HAS INCREASED SIGNIFICANTLY IN RECENT YEARS, PARTICULARLY IN THE TWO WESTERNMOST COUNTIES OF THE STATE;

(2) FREQUENTLY THESE BEARS HAVE IMPAIRED THE USE AND ENJOYMENT OF PRIVATE PROPERTY AND CAUSED SUBSTANTIAL DAMAGE TO AGRICULTURAL OPERATIONS, INCLUDING LIVESTOCK, AND ON OCCASION HAVE BEEN PERCEIVED TO CONSTITUTE A THREAT TO HUMAN LIFE AND DOMESTICATED ANIMALS; AND

(3) IT IS, THEREFORE, IN THE PUBLIC INTEREST THAT THE DEPARTMENT ADDRESS THESE CONCERNS BY ESTABLISHING A BLACK BEAR MANAGEMENT PERMIT PROGRAM”.

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 9 on page 4, inclusive, and substitute:

“(B) THERE IS A BLACK BEAR MANAGEMENT PERMIT PROGRAM IN THE DEPARTMENT.

(C) THE DEPARTMENT SHALL ISSUE A MANAGEMENT PERMIT TO AN OWNER OF PROPERTY, A LESSEE OF AGRICULTURAL OR RESIDENTIAL PROPERTY, OR A DESIGNEE OF AN OWNER OR LESSEE OF PROPERTY WHERE THE FOLLOWING HAVE BEEN DEMONSTRATED:

(1) (I) ACTUAL DAMAGE TO THE PROPERTY, INCLUDING AGRICULTURAL PRODUCTS, CAUSED BY A BLACK BEAR ON THE PROPERTY; OR

(II) A THREAT OF HARM TO HUMAN LIFE OR ANIMALS ON THE PROPERTY THAT CAN BE ESTABLISHED AS A RESULT OF BLACK BEAR ACTIVITY; AND

(2) THE UTILIZATION OF REASONABLE PREVENTATIVE MEASURES BY THE PROPERTY OWNER OR LESSEE TO MINIMIZE THE RISK OF BLACK BEAR ACTIVITY ON THE PROPERTY.

(D) THE DEPARTMENT MAY AUTHORIZE THE HARVEST OF A BLACK BEAR ON A SITE OTHER THAN THE PROPERTY THAT IS THE SUBJECT OF THE PERMIT IF THE HARVEST SITE IS REASONABLY NEAR TO THAT PROPERTY.

(E) IF THE STATE'S POPULATION OF BLACK BEARS IS DESIGNATED AS A THREATENED OR ENDANGERED SPECIES UNDER THE STATE NONGAME AND ENDANGERED SPECIES CONSERVATION ACT, THE DEPARTMENT MAY SUSPEND THE PERMIT PROGRAM ESTABLISHED UNDER THIS SECTION FOR THE PERIOD OF THE DESIGNATION.

(F) BY OCTOBER 1, 2002, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.'