

SENATE BILL 363

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2002 Regular Session  
2lr2063  
CF HB 10

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By: **Senator Hafer**

Introduced and read first time: January 28, 2002

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Black Bear Management**

3 FOR the purpose of requiring the Secretary of Natural Resources to adopt regulations  
4 establishing a limited black bear hunting season under certain circumstances;  
5 requiring the Secretary to adopt certain regulations by a certain date; providing  
6 for the distribution of certain revenues; authorizing the Department of Natural  
7 Resources to take certain actions relating to the control of the black bear  
8 population; providing that a certain criminal penalty does not apply in certain  
9 circumstances; requiring that a certain minimum percentage of black bear  
10 hunting stamps shall be awarded in a certain manner; requiring  
11 implementation of certain regulations by a certain date; defining a certain term;  
12 and generally relating to the control of the black bear population.

13 BY renumbering

14 Article - Natural Resources  
15 Section 10-101(b) through (bb), respectively  
16 to be Section 10-101(c) through (cc), respectively  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2001 Supplement)

19 BY adding to

20 Article - Natural Resources  
21 Section 10-101(b) and 10-426  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2001 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - Natural Resources  
26 Section 10-423  
27 Annotated Code of Maryland  
28 (2000 Replacement Volume and 2001 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That Section(s) 10-101(b) through (bb), respectively, of Article -  
3 Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s)  
4 10-101(c) through (cc), respectively.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
6 read as follows:

7 **Article - Natural Resources**

8 10-101.

9 (B) "CARRYING CAPACITY" MEANS THE MAXIMUM NUMBER OF A SPECIES  
10 THAT CAN BE SUPPORTED BY A GIVEN HABITAT.

11 10-423.

12 (a) Any penalty imposed under this section does not apply to an individual  
13 who kills or wounds a black bear in defense of the individual's own life, the lives of  
14 other individuals, or the lives of animals on the individual's property.

15 (b) A PENALTY IMPOSED UNDER THIS SECTION DOES NOT APPLY TO AN  
16 INDIVIDUAL WHO KILLS OR WOUNDS A BLACK BEAR IN ACCORDANCE WITH § 10-426  
17 OF THIS SUBTITLE AND THE REGULATIONS ADOPTED UNDER § 10-426 OF THIS  
18 SUBTITLE.

19 (C) If the Secretary adopts any regulation, including an emergency regulation,  
20 under § 10-205 of this title or § 10-405 of this subtitle to prohibit the hunting,  
21 possessing, selling, purchasing, shipping, carrying, transporting, or exporting of black  
22 bears, a person who violates the regulation is subject to the following penalties:

23 (1) For a first offense, a fine not exceeding \$1,500, imprisonment not  
24 exceeding 6 months, or both and suspension of the person's hunting license and right  
25 to hunt any bird or game animal for a period of time not exceeding 2 years; and

26 (2) For a second or subsequent offense, a fine not exceeding \$2,000,  
27 imprisonment not exceeding 1 year, or both and suspension of the person's hunting  
28 license and right to hunt any bird or game animal for a period of time not exceeding  
29 4 years.

30 10-426.

31 (A) THE GENERAL ASSEMBLY FINDS THAT DUE TO THE EFFECT OF THE  
32 INCREASING BLACK BEAR POPULATION ON AGRICULTURAL OPERATIONS AND ON  
33 PRIVATE PROPERTY IN MARYLAND, PARTICULARLY IN THE TWO WESTERNMOST  
34 COUNTIES, IT IS IN THE PUBLIC INTEREST TO IMPLEMENT THE RECOMMENDATIONS  
35 OF THE 1995 BLACK BEAR CITIZENS TASK FORCE THAT WAS ASSEMBLED BY THE  
36 DEPARTMENT TO ADDRESS THE MANAGEMENT AND CONTROL OF NUISANCE BEARS.

1 (B) ON OR BEFORE OCTOBER 1, 2002, THE SECRETARY SHALL ADOPT  
2 REGULATIONS TO:

3 (1) ESTABLISH, IN ACCORDANCE WITH SUBSECTION (C) OF THIS  
4 SECTION, A LIMITED BLACK BEAR HUNTING SEASON TO CONTROL THE BLACK BEAR  
5 POPULATION IN A REGION WHERE THE BLACK BEAR POPULATION EXCEEDS THE  
6 REGION'S CARRYING CAPACITY; AND

7 (2) REQUIRE THAT, NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
8 TITLE, MONEY GENERATED FROM THE SALE OF LOTTERY CHANCES OR BLACK BEAR  
9 HUNTING STAMPS BE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND  
10 PROTECTION FUND.

11 (C) IN ESTABLISHING A LIMITED BLACK BEAR HUNTING SEASON UNDER  
12 SUBSECTION (B)(1) OF THIS SECTION, THE DEPARTMENT MAY:

13 (1) REGULATE THE TIME PERIOD AND LOCATIONS WHERE BLACK BEAR  
14 HUNTING IS ALLOWED;

15 (2) ESTABLISH THE NUMBER OF BLACK BEAR HUNTING STAMPS ISSUED,  
16 AT A LEVEL NECESSARY TO CONTROL THE BLACK BEAR POPULATION;

17 (3) OPERATE A LOTTERY WHEREBY AN INDIVIDUAL WHO HOLDS A  
18 VALID LICENSE ISSUED UNDER § 10-301(F)(1)(I), (II), OR (III), (2), OR (3) OR § 10-303 OF  
19 THIS TITLE MAY PURCHASE A CHANCE TO COMPETE FOR A BLACK BEAR HUNTING  
20 STAMP;

21 (4) REQUIRE THAT THE FEE IS NONREFUNDABLE IF THE APPLICANT  
22 DOES NOT OBTAIN A BLACK BEAR HUNTING STAMP;

23 (5) REQUIRE THAT IF AN INDIVIDUAL OBTAINS A BLACK BEAR HUNTING  
24 STAMP, THE APPLICATION FEE FOR THE LOTTERY WILL BE APPLIED TO THE FEE FOR  
25 THE BLACK BEAR HUNTING STAMP;

26 (6) PROVIDE FOR THE DISTRIBUTION OF BLACK BEAR HUNTING STAMPS  
27 AND ALLOW AN AGENT SELLING BLACK BEAR HUNTING STAMPS TO RETAIN AN  
28 AMOUNT SET BY THE DEPARTMENT FOR THE COST OF THE STAMP; AND

29 (7) ESTABLISH THE FEE FOR BLACK BEAR HUNTING STAMPS AT A LEVEL  
30 THAT THE DEPARTMENT BELIEVES WILL GENERATE ADEQUATE REVENUE IN THE  
31 STATE WILDLIFE MANAGEMENT AND PROTECTION FUND TO MEET THE BLACK BEAR  
32 MANAGEMENT NEEDS OF THE STATE.

33 (D) A PERSON MAY HUNT BLACK BEAR ON PRIVATE LAND ONLY IF CARRYING  
34 THE WRITTEN PERMISSION OF THE OWNER OF THE LAND OR OTHER PERSON  
35 DESIGNATED BY THE OWNER OF THE LAND, IF THE LAND IS OWNED OR LEASED BY A  
36 PERSON OTHER THAN THE PERSON HUNTING.

1 (E) TO THE EXTENT POSSIBLE, A MINIMUM OF 10% OF THE BLACK BEAR  
2 HUNTING STAMPS ISSUED IN A COUNTY WHERE HUNTING IS TO TAKE PLACE SHALL  
3 BE AWARDED TO COUNTY RESIDENTS.

4 (F) ON OR BEFORE OCTOBER 1, 2002, THE DEPARTMENT SHALL FULLY  
5 IMPLEMENT THE REGULATIONS ADOPTED UNDER THIS SECTION.

6 (G) A LOTTERY FOR PURPOSES OF DISTRIBUTING BLACK BEAR HUNTING  
7 STAMPS UNDER THIS SECTION MAY NOT BE CONSTRUED TO BE A LOTTERY UNDER  
8 ARTICLE III, SECTION 36 OF THE CONSTITUTION OR § 12-203 OF THE CRIMINAL LAW  
9 ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 June 1, 2002.