
By: **Delegates Frush, Cardin, Barkley, Barve, Bronrott, Conroy, Cryor, Dumais, Feldman, Goldwater, Holmes, Hubbard, Kach, King, Lee, Madaleno, Mandel, Menes, Moe, Montgomery, Parker, Ross, Stern, F. Turner, and Zirkin**

Introduced and read first time: January 28, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Black Bear Hunt - Prohibition**

3 FOR the purpose of classifying black bears as nongame mammals; prohibiting the
4 Department of Natural Resources from reducing the black bear population in
5 the State with certain exceptions; prohibiting the Department from establishing
6 an open season to hunt black bears; and generally relating to a complete
7 prohibition of hunting black bears.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 10-101(f), 10-206, and 10-405(a)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

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

15 **Article - Natural Resources**

16 10-101.

17 (f) "Forest game birds and mammals" means forest game birds (ruffed grouse
18 and turkey) and forest game mammals ([black bears,] deer, fox squirrels, excluding
19 the Delmarva subspecies, and gray and red squirrels) or any part, egg, offspring, or
20 dead body of any of them.

21 10-206.

22 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
23 Department may reduce the wildlife population in any county, election district, or
24 other identifiable area of the State after a thorough investigation reveals that
25 protected wildlife is seriously injurious to agricultural or other interests in the

1 affected area. The method of reducing the wildlife population is at the Department's
2 discretion, except that trapping is preferred whenever feasible. The Department shall
3 dispose of wildlife taken pursuant to the provisions of this section as the Department
4 deems advisable.

5 (B) THE DEPARTMENT MAY NOT REDUCE THE BLACK BEAR POPULATION IN
6 ANY AREA OF THE STATE EXCEPT:

7 (1) IN DEFENSE OF A PERSON, THE PROPERTY OF A PERSON, OR
8 DOMESTICATED ANIMALS ON THE PROPERTY OF A PERSON; AND

9 (2) AFTER EXHAUSTING ALL NONLETHAL METHODS OF RESOLVING
10 CHRONIC DOCUMENTED AGRICULTURAL DAMAGE OR DEPREDATION CAUSED BY THE
11 BLACK BEAR.

12 10-405.

13 (a) (1) Pursuant to § 10-205 of this title, AND SUBJECT TO PARAGRAPH (2)
14 OF THIS SUBSECTION, the Department shall establish by regulation and publish by
15 July 1 each year the open season to hunt forest and upland game birds and mammals.

16 (2) THE DEPARTMENT MAY NOT ESTABLISH AN OPEN SEASON TO HUNT
17 BLACK BEARS.

18 [(2)] (3) Except as provided under § 10-410 of this subtitle, the
19 Department may not authorize hunting on a Sunday.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.