

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 372

(Delegate Frush, *et al.*)

Environmental Matters

Natural Resources - Leghold Traps - Prohibition

This bill repeals an existing prohibition relating to the use of steel-jaw leghold traps in specified counties and establishes a statewide prohibition on the use of leghold traps, as defined in the bill. The Department of Natural Resources (DNR) may issue permits for the use of leghold traps under specified conditions, and DNR and the U.S. Fish and Wildlife Service may use leghold traps under specified conditions.

Fiscal Summary

State Effect: General fund expenditure increase of \$474,800 in FY 2006. Future year estimates are annualized and adjusted for inflation. Special fund revenue decrease of \$8,300 annually beginning in FY 2006 and federal fund revenue decrease of \$1,800 annually beginning in FY 2008.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
SF Revenue	(\$8,300)	(\$8,300)	(\$8,300)	(\$8,300)	(\$8,300)
FF Revenue	0	0	(1,800)	(1,800)	(1,800)
GF Expenditure	474,800	393,800	417,100	442,300	469,400
Net Effect	(\$483,100)	(\$402,100)	(\$427,200)	(\$452,400)	(\$479,500)

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

Local Effect: Local governments could incur increased costs to address furbearer nuisance populations.

Small Business Effect: Meaningful.

Analysis

Bill Summary: “Leghold trap” means any spring-powered, pan- or sear-activated device with two opposing steel jaws, whether the jaws are smooth, toothed, padded, or offset, that is designed to capture an animal by snapping closed upon a limb or part of a limb of the animal.

DNR may issue a permit to use a leghold trap, for a period of up to 30 days, to any person who applies for a permit and demonstrates that: (1) wildlife has caused actual damage to property owned, leased, or controlled by the applicant; (2) the applicant has attempted to abate the damage; and (3) the damage has not been and cannot reasonably be expected to be abated by the use of legal lethal or nonlethal control tools. DNR may also issue a permit to use a leghold trap for the purpose of conducting legitimate wildlife research.

The bill authorizes DNR, in consultation with the Department of Social and Health Services of the U.S. Department of Health and Human Services, to use a leghold trap to capture an animal posing an immediate human health or safety threat. In addition, the U.S. Fish and Wildlife Service may use a leghold trap when it, in consultation with DNR, determines that the use of such a trap is necessary to protect species listed as threatened or endangered under the federal Endangered Species Act.

Any leghold trap used, set, placed, or maintained under the bill’s provisions must display a registration number issued by DNR and the permit number and must be checked and emptied at least once every 12 hours. Leghold traps authorized for use under the bill may not have toothed jaws.

Current Law: Hunting and trapping seasons and bag limits are established based on furbearer biology, distribution and abundance of each species, public interests and needs, and the incidence of furbearer damage complaints. Harvest of the following furbearers is currently regulated in Maryland: muskrat, beaver, nutria, long-tailed weasel, mink, skunk, otter, fisher, raccoon, opossum, red fox, gray fox, coyote, and bobcat. Harvesting muskrat, mink, long-tailed weasel, river otter, and beaver by any means other than trapping is prohibited. Legal trapping devices include box traps, snares, leghold traps, and body-gripping traps, subject to various restrictions. All leghold traps must possess smooth jaws. DNR establishes by regulation the maximum jaw spread for leghold traps and body-gripping traps. No furbearer taken during the legal trapping season may be transported from the point of capture until it has been killed. In general, a person must possess a valid hunting license to hunt or trap furbearing mammals.

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 furbearing 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: A 2004 report by the International Association of Fish and Wildlife Agencies (IAFWA) notes that trapping is the only practical means to capture furbearing species. The steel-jaw leghold trap, which was invented in the 1820s, is used in most states to capture furbearing animals. State agencies also use steel-jaw leghold traps in game management. According to the Congressional Research Service, a majority of trappers prefer steel-jaw leghold traps over alternative traps, largely because trappers maintain that leghold traps are more effective in the field. Animal welfare groups and others, on the other hand, argue that leghold traps inflict unnecessary pain and anxiety on animals. These groups argue that more humane methods exist. Other types of traps include quick-kill traps (such as the conibear trap), cage traps, and leg snares.

More than 80 countries and 8 U.S. states (Arizona, California, Colorado, Florida, Massachusetts, New Jersey, Rhode Island, and Washington) have severely restricted or banned the use of steel-jaw leghold traps. Efforts to overturn some of these bans have been made due to an increase in nuisance complaints. For example, after trapping prohibitions were implemented in Massachusetts, beaver populations increased from an estimated 24,000 in 1996 to more than 70,000 in 2004, and complaints almost doubled.

According to information provided by DNR, beavers, woodchucks, and other species cause millions of dollars in damage each year to roads, bridges, dams, water drainage systems, and electrical utilities. Cases of rabies among fox, coyote, and raccoon are increasing, with associated costs estimated at over \$450 million per year nationwide. In its 2004 report, IAFWA stated that wildlife damages to agriculture totaled \$944 million in 2001. Damage to homes was estimated at \$4.4 billion annually in the mid-1990s and was estimated to increase by \$972 million in the absence of harvest. Further, IAFWA reported that beaver cause an estimated \$1.1 billion annually in damage to timber, and that beaver populations are estimated to increase by 102% in the absence of trapping. Total wildlife damages were estimated to increase by 221% in the absence of hunting and trapping. 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 and, by generally prohibiting the use of those traps, the bill would effectively eliminate the commercial and recreational harvest of many furbearers in Maryland. Based on data

from its annual hunter mail survey, DNR estimates that there are 1,200 licensed resident trappers in Maryland. Of these, DNR estimates that approximately 30%, or 360 trappers, do not engage in any other form of hunting. It is anticipated that those individuals would no longer purchase a hunting license as a result of the bill. The fee for a resident hunting license is \$24.50. Accordingly, special fund revenues could decrease by an estimated \$8,300 annually beginning in fiscal 2006. (Agents, which issue approximately 97.5% of licenses, keep \$1.50 for each license issued.)

Because DNR receives approximately \$5 in federal funds for each hunting license sold, the bill could also result in an \$1,800 decrease in federal fund revenues annually. Federal funds would not be affected until fiscal 2008, however. (The number of licensed hunters in fiscal 2006 drives federal funds provided in fiscal 2008.) Legislative Services advises that, to the extent licensed trappers continue to purchase hunting licenses under the bill, the impact on revenues would decrease correspondingly.

The bill does not authorize DNR to collect a permit fee.

State Expenditures: General fund expenditures could increase by an estimated \$474,796 in fiscal 2006, which accounts for the bill's October 1, 2005 effective date. This estimate reflects the cost of hiring eight natural resource technicians to analyze information submitted by permit applicants, issue permits, and provide technical assistance and public education relating to furbearer nuisance populations. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. This estimate is based on DNR's experience in administering deer management permits; other information and assumptions used in calculating the estimate are stated below:

- DNR's nuisance hotline gets about 2,400 calls per year relating to furbearers;
- furbearers account for most of the business of the 226 wildlife control cooperators permitted by DNR;
- by generally prohibiting commercial and recreational trapping, furbearer nuisance populations will increase;
- several thousand permit applications are anticipated each year;
- two technicians will be needed to handle permit applications in each of the four regions of the State; and
- employee travel will be necessary to assess property damage and abatement activities.

Salaries and Fringe Benefits	\$261,186
Automobile Purchases and Operation	165,200
Equipment and Other Operating Expenses	<u>48,410</u>
Total FY 2006 State Expenditures	\$474,796

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Local Expenditures: Currently, local governments may use their own staff or hire wildlife control cooperators to handle furbearer nuisance problems as they arise. Under this bill, the cost in staff time or to hire wildlife control cooperators could increase in certain situations, as alternative methods of control must be tried prior to applying to DNR for a permit to use a leghold trap. According to information provided by wildlife control cooperators, costs could increase by a factor of five.

Small Business Effect: DNR advises that trapping provides an important seasonal occupation and/or supplemental funding source to many individuals. DNR reports that there are an estimated 1,200 licensed trappers in the State and an estimated 1,000 unlicensed individuals who trap on their own property. The annual revenue for trappers varies from a few hundred to several thousand dollars. By generally prohibiting the use of leghold traps, this bill could result in a decrease in revenues for those individuals. The bill could also affect small businesses that buy fur from trappers and sell it to garment manufacturers.

Wildlife control cooperators who are permitted by DNR to assist landowners in the resolution of nuisance wildlife problems would likely realize increases in revenues as nuisance populations escalate and the demand for their services increases; in addition, the bill's prohibition and permitting process would likely result in additional costs to their customers. Currently, 226 wildlife control cooperators are permitted by DNR; based on information provided by those entities, in situations where a leghold trap is the optimal management technique, costs for landowners to control nuisance populations could increase by a factor of five. DNR reports that nuisance furbearers cause significant economic damage to the agriculture and timber industries; accordingly, those small businesses, and other landowners affected by nuisance furbearers, could incur increased control costs.

Additional Information

Prior Introductions: Several bills have been introduced in an attempt to broaden the existing prohibition regarding the use of steel-jaw leghold traps. SB 543 of 2001 received an unfavorable report from the Senate Economic and Environmental Affairs Committee. The House Environmental Matters Committee held a hearing on HB 377 of 2002 and HB 365 of 2003, but no further action was taken. The Senate Education, Health, and Environmental Affairs Committee held a hearing on SB 272 of 2003, but no further action was taken. SB 279 of 2004 was referred to the Senate Education, Health, and Environmental Affairs Committee, but the bill was subsequently withdrawn. HB 498 of 2004 received an unfavorable report by the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Department of Natural Resources, International Association of Fish and Wildlife Agencies, Congressional Research Service, Animal Protection Institute, Department of Legislative Services

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