

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 822 (Senator Britt)
Education, Health, and Environmental Affairs

Natural Resources - Steel Jawed Leghold Traps - Prohibition

This bill prohibits a person from using, setting, placing, or maintaining any steel-jaw leghold trap to trap an animal. The prohibition does not apply to authorized agents of the Maryland Forest, Park, and Wildlife Service acting under guidelines established by the Department of Natural Resources (DNR). A person also may not use, sell, possess, set, place, or maintain a snare trap, with the exception of specified snare traps that are intended to capture an animal by the foot or leg.

Fiscal Summary

State Effect: General fund expenditures could increase by \$1.8 million in FY 2008 to hire additional DNR personnel to establish a furbearer management section within the department to replace the furbearer population control currently provided by trappers and private wildlife control personnel. Future years reflect ongoing personnel and operating costs. Special fund revenues would decrease by \$11,200 annually beginning in FY 2008. Federal fund revenues would decrease by \$2,000 annually beginning in FY 2010.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
SF Revenue	(\$11,200)	(\$11,200)	(\$11,200)	(\$11,200)	(\$11,200)
FF Revenue	0	0	(2,000)	(2,000)	(2,000)
GF Expenditure	1,765,600	1,289,300	1,353,500	1,421,500	1,493,700
Net Effect	(\$1,776,800)	(\$1,300,500)	(\$1,366,700)	(\$1,434,700)	(\$1,506,900)

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

Current Law: The Secretary of Natural Resources is responsible for conservation and management of wildlife and wildlife resources in the State. 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 addition, a person must obtain, or be authorized under, a furbearer permit to hunt fur-bearing mammals, with certain exceptions.

In Anne Arundel, Baltimore, Howard, 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.

A person may not use, sell, possess, set, place, or maintain a snare trap in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's counties. A snare trap is a device made of wire, synthetic cord, or other material in the form of a noose designed or set to capture an animal by the neck.

DNR may issue wildlife cooperator permits to specified persons with adequate training in the capture, handling, and care of wildlife who desire to assist in wildlife control.

Background: DNR advises leghold traps are the most selective live restraining device available, allowing for release of nontarget captures, and are essential wildlife management tools. The steel-jaw leghold trap, which was invented in the 1820s, is used

in most states to capture furbearing animals. State agencies also use the traps for game management.

A small number of states have severely restricted or banned the use of steel-jaw leghold traps. Increases in nuisance complaints due to the restrictions have resulted in efforts to overturn the restrictions or bans in some cases. According to a 2004 report by the International Association of Fish and Wildlife Agencies (IAFWA), 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. The report estimated that, depending on the species, 25% to 100% of prior harvest levels could have to be taken by some form of government program to prevent increases in the level of damage caused by furbearers if public trapping continues to be prohibited.

DNR reports that Maryland's nuisance animal hotline has recorded over 20,000 complaints attributed to furbearers in the last nine years.

As DNR has been restructured, the functions of the Maryland Forest, Park, and Wildlife Service are now generally performed by the Wildlife and Heritage Service, Parks Service, and Forest Service.

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. DNR estimates that there are 1,200 licensed resident trappers in Maryland and approximately one-third (400) of those trappers do not engage in any other form of hunting. It is anticipated those individuals would no longer purchase a furbearer permit or a hunting license as a result of the bill. The fee for a furbearer permit is \$5.00 and the fee for a resident hunting license is \$24.50. Special fund revenues could therefore decrease by approximately \$11,215 annually beginning in fiscal 2008. (Agents, who issue approximately 97.5% of licenses, keep \$1.50 for each license issued.)

Because DNR receives approximately \$5.00 in federal funds for each hunting license sold, the bill could also result in a \$2,000 decrease in federal fund revenues annually. Federal funds would not be affected until fiscal 2010, however. (The number of licensed hunters in fiscal 2008 drives federal funds provided in fiscal 2010.) Legislative Services advises that, to the extent licensed trappers continue to purchase hunting licenses and furbearer permits under the bill, the impact on revenues would decrease correspondingly.

State Expenditures: General fund expenditures could increase by an estimated \$1,765,610 in fiscal 2008, which accounts for the bill's October 1, 2007 effective date. This estimate reflects the cost of hiring 4 natural resource biologists and 20 natural

resource technicians (1 natural resource biologist and 5 natural resource technicians in each of DNR's four regions) to manage furbearer populations and respond to public demand to address human-furbearer conflicts.

DNR advises that licensed trappers and wildlife control cooperators currently accomplish prescribed management practices established by DNR to control furbearer populations. The inability of the estimated 1,200 licensed trappers, additional unlicensed persons trapping on their own property, and approximately 250 wildlife control cooperators to use steel-jaw leghold traps would create an immediate need for both proactive (developing and implementing population management plans) and reactive (responding to public complaints) furbearer population control, responsibility for which would fall on the department. DNR advises the wildlife control cooperators do not qualify as "agents" of the department (who continue to be authorized to use steel-jaw leghold traps under the bill). Virtually all of the furbearer-related complaints received via the Maryland animal nuisance hotline are currently handled by licensed trappers, wildlife control cooperators, or wildlife rehabilitators. DNR generally only responds in emergency situations.

The estimate reflects various start-up and operating costs associated with the new positions, including a vehicle for each additional staff member. DNR advises the furbearer management staff would work independently, similar to the practice of wildlife control cooperators, requiring a vehicle for each position.

Positions	24
Salaries and Fringe Benefits	\$823,070
Automobile Purchases and Operation	651,000
Equipment and Other Operating Expenses	<u>291,540</u>
Total FY 2008 State Expenditures	\$1,765,610

Future year expenditures reflect (1) full salaries with 4.5% 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. A prohibition on the use of steel-jaw leghold traps could increase local governments' costs in staff time or to hire wildlife control cooperators and could remove local governments' ability to remedy furbearer-related problems.

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 steel-jaw 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. However, the wildlife control cooperators' inability to use leghold traps and snares would likely result in additional costs to their customers. 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. Education, Health, and Environmental Affairs held a hearing on SB 272 of 2003, but no further action was taken. SB 279 of 2004 was referred to Education, Health, and Environmental Affairs, but the bill was subsequently withdrawn. HB 498 of 2004 and HB 372 of 2005 both received an unfavorable report by Environmental Matters.

Cross File: None.

Information Source(s): Department of Natural Resources, International Association of Fish and Wildlife Agencies, Department of Legislative Services

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