

Department of Legislative Services  
 Maryland General Assembly  
 2007 Session

**FISCAL AND POLICY NOTE**

House Bill 1369 (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.” 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 \$555,000 in FY 2008. Future year estimates are annualized and adjusted for inflation. Special fund revenue decrease of \$11,200 annually beginning in FY 2008 and federal fund revenue decrease of \$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	555,000	438,500	460,000	482,800	507,000
Net Effect	(\$566,200)	(\$449,700)	(\$473,200)	(\$496,000)	(\$520,200)

*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 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:** 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.

**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 advises that there are 1,200 licensed resident trappers in Maryland and estimates that 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.

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

**State Expenditures:** General fund expenditures could increase by an estimated \$555,038 in fiscal 2008, which accounts for the bill's October 1, 2007 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 receives in the range of 2,400 calls per year relating to furbearers;
- furbearers account for most of the business of the approximately 250 wildlife control cooperators permitted by DNR;
- by generally prohibiting commercial and recreational trapping, furbearer nuisance populations would increase;
- several thousand permit applications could be submitted each year;
- two technicians would be needed to handle permit applications in each of the four regions of the State; and
- employee travel would be necessary to assess property damage and abatement activities.

Positions	8
Salaries and Fringe Benefits	\$274,858
Automobile Purchases and Operation	223,000
Equipment and Other Operating Expenses	<u>57,180</u>
<b>Total FY 2006 State Expenditures</b>	<b>\$555,038</b>

Future year expenditures reflect full salaries with 4.5% annual increases and 3% employee turnover; and 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.

**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. Annual revenues 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. 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.

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### **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 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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Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510