

Department of Legislative Services
2011 Session

FISCAL AND POLICY NOTE

House Bill 540 (Montgomery County Delegation)
Environmental Matters

Montgomery County - Leghold or Body-Gripping Traps - Prohibition
MC 8-11

This bill prohibits the use, setting, placement, or maintenance of a leghold trap or body-gripping trap in Montgomery County, expanding on an existing prohibition against the use, setting, placement, or maintenance of any steel jaw leghold trap on land in the county (with specified exceptions). The prohibition does not apply to traps set (1) on farmland, consistent with best management practices established by the Department of Natural Resources (DNR), by specified individuals; or (2) by an authorized agent of DNR who exercises the duties of the agent for wildlife control under DNR guidelines.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances in the near term; however, DNR may require additional staff to the extent furbearer populations increase significantly as a result of the prohibition.

Local Effect: Montgomery County expenditures increase to the extent the prohibition results in an increase in furbearer populations and requires the use of more expensive live traps.

Small Business Effect: Potential meaningful.

Analysis

Current Law: 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,

but may use a steel jaw leghold trap to capture furbearing mammals in water. The prohibition, however, does not apply to traps set on farmland by the owner of the farmland, the owner's agent or tenant, owner's lessee, or 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 (the functions of which, as DNR has been restructured, are now generally performed by the Wildlife and Heritage Service, Maryland Park Service, and Forest Service) who exercises the agent's duties for wildlife control under guidelines established by DNR.

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

Background: DNR indicates that populations of certain furbearers in Montgomery County are expected to increase due to the prohibition under the bill. Some furbearers may be harvested by means other than trapping but are primarily trapped. DNR's *Maryland Guide to Hunting and Trapping* indicates that hunting and trapping seasons and bag limits for furbearers are established based on furbearer biology, distribution and abundance of each species, public interests and needs, and the incidence of furbearer damage complaints. Species that are managed as "furbearers" in Maryland include beaver, coyote, fisher, gray fox, long-tailed weasel, mink, muskrat, opossum, raccoon, red fox, river otter, and skunk. A hunting license is required to hunt or trap furbearers and, with certain exceptions, a person must obtain or be authorized by a furbearer permit to hunt, chase, or trap any furbearer.

DNR contracts with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service to provide a nuisance wildlife hotline for Maryland residents. From October 1, 2009, to September 30, 2010 (federal fiscal 2010), the hotline received 8,841 calls for assistance from landowners experiencing wildlife conflicts, 1,579 (18%) of which were from Montgomery County. Of the complaints from Montgomery County residents, 361 were for raccoon, 189 for red fox, 52 for opossum, 13 for skunk, and 26 for coyote. DNR indicates leghold and body-gripping traps are the primary tools used to manage population densities of these species, the loss of which would allow populations and conflicts to increase significantly.

State Fiscal Effect: DNR advises an additional natural resources technician must be hired, at a cost of \$60,686 in fiscal 2012, to address the surge in wildlife complaints prompted by the bill. This assumes a 90-day start-up delay and accounts for a salary and fringe benefits, one-time start-up costs, and ongoing operating expenses. Future year expenditures would reflect a full salary with 4.4% annual increases, 3% employee turnover, and 1% annual increases in ongoing operating expenses.

Legislative Services advises, however, that it is unclear at this time whether additional staff will be needed, as wildlife complaints are currently primarily handled through the U.S. Department of Agriculture hotline and by wildlife control operators (holding wildlife cooperator permits), with DNR staff responding on occasion. Therefore, it is assumed, for the purposes of this fiscal and policy note, that the bill's changes can be handled with existing resources in the near term. However, to the extent complaints increase to a level where DNR needs to respond to more complaints and cannot do so with existing staff, additional resources may be needed.

Special/federal fund revenues may decrease minimally, to the extent the bill's prohibition results in a decrease in sales of furbearer permits and/or hunting licenses. DNR receives federal wildlife restoration funding, which is distributed to states based on a formula that includes the number of hunters in each state, based on the number of hunting licenses sold. According to DNR, 310 furbearer permits were sold to Montgomery County residents during the 2009-2010 hunting season. The number of people that trap furbearers in Montgomery County, however, is unknown. The fee for an individual furbearer permit is \$5.00 and the fee for a resident hunting license is \$24.50.

Local Fiscal Effect: Montgomery County may be affected to the extent the prohibition results in an increase in furbearer populations and requires the use of more expensive live traps. Montgomery County advises the bill will result in an overall increase in the number of beavers that must be caught, since less recreational trapping will occur. The bill effectively requires the use of live traps, which are typically 50% to 75% more expensive to use than body-gripping traps. Montgomery County anticipates being required to remove more beavers from parklands in order to avoid potentially costly damage to stormwater management facilities and other public and private infrastructure.

Small Business Effect: Wildlife damage control operators, as a result of farmers and other landowners requiring their services, may experience an increase in business and revenue.

Additional Information

Prior Introductions: HB 831 of 2009 and HB 858 of 2010, both similar bills, passed the House and each received a hearing in the Senate Education, Health, and Environmental Affairs Committee. No future action was taken on HB 831. While HB 858 received a favorable report, no further action was taken by the Senate.

Cross File: None.

Information Source(s): Montgomery County, Department of Natural Resources,
Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2011
ncs/lgc

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