

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1386 (Delegates Cox and McComas)
Environment and Transportation

Natural Resources - Black Bear Hunting - Permit Requirements

This bill establishes several restrictions and requirements relating to black bear hunting permits issued by the Department of Natural Resources (DNR) in Allegany, Frederick, Garrett, and Washington counties. In those counties, DNR is prohibited from issuing a black bear hunting permit to a person who is not a State resident. Additionally, the bill requires the number of black bear hunting permits that are issued each year to be in an amount estimated to meet the “targeted harvest rate” for that year. The “targeted harvest rate” is the difference between DNR’s goal for the annual mortality rate and the known mortality rate for black bears. DNR must issue affected permits using an annual randomized lottery system in which all individuals seeking a permit are given the same priority. A person who harvests a black bear under such a permit may not be selected for a black bear hunting permit in the following year. Finally, in addition to permits issued under the provisions described above, DNR must issue a permit to a landowner to hunt black bears on the landowner’s property. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Special fund revenues decrease minimally beginning in FY 2023. State expenditures are not materially affected.

Local Effect: The bill is not anticipated to materially affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: A person must have a black bear hunting permit to hunt for black bears in the State. A black bear hunting permit enables the purchaser to hunt black bears in the State, subject to certain restrictions and requirements. Only one black bear may be harvested by a permit holder for the season. The black bear hunting permit is only available through the Maryland Black Bear Lottery process, and each applicant must pay a \$15 nonrefundable application fee. The permit is valid for the black bear hunting season. The 2021 black bear hunting season is from October 25 through October 29. Black bear hunting season is open in Allegany, Frederick, Garrett, and Washington counties.

The Code of Maryland Regulations (COMAR 08.03.04.20) defines (1) “annual mortality rate” to mean the estimated part of the black bear population in the hunted area that is known to have died as a result of natural death, accidents, hunting, or other causes; (2) “known mortality rate” to mean the estimated percent of the black bear population in the hunted area that is known to have died as a result of natural death, accidents, or other nonhunting related causes; and (3) “targeted harvest rate” as the difference between DNR’s goal for the annual mortality rate and the known mortality rate. Prior to each hunting season, DNR’s Wildlife and Heritage Service determines the targeted harvest rate for the season and issues the number of permits estimated to be required to meet the targeted harvest rate for the season. At the discretion of the Director of the Wildlife and Heritage Service, the service must either close the season upon the determination that the targeted harvest rate has been reached or establish an appropriate season length estimated to achieve the targeted harvest rate.

Generally, first-time offenders of provisions related to killing or wounding a black bear are subject to a fine of up to \$1,500 and imprisonment for up to six months; second-time offenders are subject to a fine of up to \$2,000 and/or imprisonment for up to one year. Under the general wildlife penalties in the Natural Resources Article, Natural Resources Police (NRP) officers may seize any bear unlawfully caught, sold, offered for sale, transported, or possessed. DNR may dispose of any seized animal at the department’s discretion. Further, NRP officers may seize any device, equipment, conveyance, or property unlawfully used. However, a person who kills or wounds a black bear in defense of his/her own life, the lives of other individuals, or the lives of animals on the individual’s property (including honey bees, as specified) is not subject to any penalties.

There is a Black Bear Damage Reimbursement Fund within DNR that is used to reimburse farmers for bear damage to agricultural products or pets. Reimbursable damages include damage to a person’s beehives, fruit, or other crops, as well as damage to livestock, poultry, and pets. A person is eligible for reimbursement if (1) the person has followed all black bear damage preventative measures recommended by DNR; (2) the damage amount is determined by a specified agent; and (3) DNR has verified that the damage was caused by

a black bear. Subject to available funding, a person may be reimbursed in an amount not less than \$200 or more than \$3,000 per year.

State Revenues: Special fund revenues for the State Wildlife Management and Protection Fund decrease minimally beginning in fiscal 2023 from the bill's prohibition against issuing black bear hunting permits to nonresidents and the subsequent reduction in the number of people paying the \$15 nonrefundable application fee to enter the black bear hunting permit lottery. For context, DNR advises that during the 2021 black bear hunting season, 600 nonresidents applied to enter the black bear hunting permit lottery, resulting in \$9,000 in special fund revenues from application fees. DNR advises that currently, no more than 10% of the annual black bear hunting permits are awarded to nonresidents.

Additional Comments: DNR also notes that overall, the bill restricts the department's ability to react to any changes in the black bear population and its ability to expand or decrease the active hunting area through regulation if the need arises.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Frederick and Garrett counties; Department of Natural Resources; Department of Legislative Services

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Analysis by: Kathleen P. Kennedy

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