

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 406

(Delegate Love, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

Hunting - Snares, Traps, and Other Similar Devices - Identification Requirement

This bill requires a person who is otherwise exempt from licensing or permitting requirements under Title 10 of the Natural Resources Article (Wildlife), before using a snare, trap, or another similar device to capture wildlife, to obtain a free Department of Natural Resources (DNR) identification number from DNR's electronic licensing system. Further, a person who uses a snare, trap, or other similar device to capture wildlife must ensure that the person's identification number is stamped on the device or on a metal tab affixed to the device. DNR may waive the identification number requirement if the device is only used on private property owned or rented by the person placing the device. Finally, a person who finds a snare, trap, or another similar device that does not meet the bill's identification requirements may report the device to DNR or the Natural Resources Police (NRP) Force. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations. DNR can issue any additional identification numbers using its existing online COMPASS licensing system with existing budgeted resources. The application of existing penalties to violations of the bill is not anticipated to materially affect State finances.

Local Effect: The bill does not materially affect local governments.

Small Business Effect: Minimal.

Analysis

Current Law:

General Hunting Restrictions Related to Hunting Fur-bearing Mammals

A furbearer means any coyote, raccoon, bobcat, opossum, beaver, mink, muskrat, otter, fox, skunk, fisher, and long-tailed weasel. With certain exceptions, a Maryland resident or nonresident must have a furbearer permit to hunt, chase, or trap any furbearer in the State or participate in the unarmed chasing of foxes and raccoons in the State. Generally, any person who traps or attempts to trap furbearers in the State under the authority of a furbearer permit must first obtain a certificate of trapper education.

An individual furbearer permit enables the purchaser to hunt, chase, or trap any furbearer in the State or participate in the unarmed chasing of foxes and raccoons. An individual furbearer permit is valid from the date of issuance through July 31 the following year, and the annual fee is \$5.00. Nonresidents must also obtain a nonresident trapping license to trap furbearers in Maryland. The fee for a nonresident trapping license is the higher of \$25.50 or the fee charged by the nonresident's home state for a similar license.

A furbearer permit is not required to hunt or trap a furbearing animal if (1) a person possesses a valid wildlife control cooperator permit and is engaging in the control of furbearing mammals in accordance with the terms and conditions of the permit; (2) a landowner possesses a landowner wildlife damage control permit; (3) a landowner is destroying a muskrat that is damaging an embankment or impoundment; (4) a landowner is hunting or trapping a coyote, fox, or skunk that is damaging or destroying the personal or real property of the landowner on their land; (5) an owner of a marsh or the owner's employees are hunting a raccoon that destroys a muskrat or its home in a marsh area of the State; or (6) a landowner or the landowner's agent is setting or using traps or similar devices at any time to trap raccoons or opossums that are damaging property. A furbearer permit is also not required for a person hunting under an apprentice hunting license.

Restrictions on the Use of Certain Traps Near Residences

A person, while trapping or attempting to trap animals, may not place, set, maintain, or operate any snares, body-gripping, or leghold traps within 150 yards of a permanent human residence. However, this restriction does not apply to (1) State and federal wetlands; (2) private wetlands as designated by DNR; (3) land that qualifies for agricultural assessments, and timberlands and lands used for reforestation; (4) except in Harford and Howard counties, owners and lessees of any privately owned land; and (5) owners and lessees of any privately owned land in Harford and Howard counties as long as the trap is not within 150 yards of the permanent residence of *another* person. The restrictions regarding placing certain traps near residences do not apply to the use of (1) body-gripping

traps with a jaw spread of less than six inches that are placed, maintained, and operated completely in submerged water or (2) snap-type traps used to catch rats and mice.

Relevant Penalties

Under current law, a person who violates any provision of Title 10 of the Natural Resources Article (Wildlife) is guilty of a misdemeanor. Various penalties apply for first and subsequent offenses. Fines collected for such violations are credited to the State Wildlife Management and Protection Fund. Additionally, an NRP officer, or any law enforcement officer who arrests a person for violating Title 10 of the Natural Resources Article may seize every bird, mammal, reptile, and amphibian unlawfully caught, sold, offered for sale, transported, or possessed. DNR may dispose of any seized species of wildlife at the department's discretion. In addition, an NRP officer or any law enforcement officer, upon arresting any person for violating Title 10 of the Natural Resources Article, may seize any device, equipment, conveyance, or property unlawfully used and, upon conviction, may be forfeited, as specified.

COMPASS Licensing System

DNR's COMPASS online licensing and registration system was designed so that an individual can access or create a personal DNR licensing account via the Internet, telephone, or U.S. mail or by visiting a DNR service center. Individuals may also establish an account at various sports license agent locations in retail stores throughout the State. Once an individual creates an account, the individual is issued a DNR identification card that contains a unique identification number to use for future licensing purchases.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 275 (Senator Bailey) - Education, Energy, and the Environment.

Information Source(s): Department of Natural Resources; Department of Legislative Services

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