

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 798 (Senator Astle)
Education, Health, and Environmental Affairs

Anne Arundel County - Trapping - Rabies Vector Species

This bill authorizes the owner or lessee of real property in Anne Arundel County to use a trap to capture rabies vector species on the curtilage (*i.e.*, the enclosed area of land around a dwelling) of the real property without a permit or license. If a rabies vector species is caught in the trap, the owner or lessee must promptly notify Anne Arundel County Animal Control. Upon receiving notice of a capture, Anne Arundel County Animal Control must take custody of the rabies vector species that was trapped. The bill authorizes the governing body of Anne Arundel County to impose reasonable restrictions on the manner of trapping rabies vector species to ensure humane treatment of the animals.

Fiscal Summary

State Effect: The bill does not directly affect State operations or finances.

Local Effect: Anne Arundel County Animal Control expenditures increase by \$15,000 in FY 2011 and by \$20,000 annually thereafter. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Bill Summary: A “rabies vector species” is a fox, raccoon, or skunk. A “trap” is a device used to capture wildlife alive and does not include a snare, body-gripping, or leghold trap.

Current Law: Generally, except during hunting and trapping season, an individual may not hunt or trap any fur-bearing mammal, or possess the meat or pelt of any fur-bearing mammal, whether hunted or trapped within the State or any other state, territory, or country. Other provisions of law specify that:

- a person may hunt or trap, on his/her land, a coyote, fox, or skunk that is damaging or destroying personal or real property;
- a person may not possess any live raccoon or opossum unless the person first procures a Department of Natural Resources (DNR) permit;
- the owner of a marsh or the owner's employees may, generally, hunt any raccoon which destroys a muskrat or its home in a marsh area; and
- a landowner or the landowner's agent may set or use steel traps or similar devices at any time to trap raccoon or opossum which are damaging property.

Current regulations require a landowner who wishes to control wildlife on their property to obtain a landowner wildlife damage control permit from the U.S. Department of Agriculture (USDA). USDA-approved permits specify (1) the species of wildlife to be controlled; (2) the acceptable procedures for controlling the wildlife; (3) the disposition of the wildlife; and (4) the effective dates of the permit. Landowner wildlife damage control permits expire after two months; however, USDA may approve a two-month extension if a wildlife problem persists.

Current regulations prohibit a person from importing into Maryland any live raccoons, skunks, foxes, wolves, coyotes, bobcats, or any other mammalian wildlife species, or hybrids, for which there is no USDA-certified vaccine against rabies. In addition, a person or organization may not harbor or move within Maryland any live raccoons, skunks, foxes, wolves, coyotes, bobcats, or any other mammalian wildlife species, or hybrids, for which there is no USDA-certified vaccine against rabies, without first having obtained a DNR permit, except when transferring living animals within a county or city to a designee of local government for the purpose of humane euthanasia.

Background: The USDA's Animal and Plant Health Inspection Service office in Annapolis operates a toll free line for individuals to call when wildlife control issues arise. USDA reviews the problem with the caller and, if necessary, issues a permit to the landowner to trap the nuisance animal. **Exhibit 1** shows the number of calls that USDA received for rabies vector species in Anne Arundel County from federal fiscal 2004 through 2009. At other times, landowners contract the services of private wildlife damage control operators that operate wildlife control businesses. DNR estimates that wildlife damage control operators handle at least twice the number of calls that USDA does in Anne Arundel County for rabies vector species.

The bill removes DNR's authority to regulate the taking of rabies vector species by landowners on their property in Anne Arundel County. DNR advises the bill reduces its ability to manage wildlife in the State.

Exhibit 1
U.S. Department of Agriculture
Anne Arundel County – Wildlife Complaints Received and Permits Issued
(Federal Fiscal 2004-2009)

<u>Fiscal</u> <u>Year</u>	<u>Raccoon</u>		<u>Fox</u>		<u>Skunk</u>	
	<u>Complaints</u>	<u>Permits</u>	<u>Complaints</u>	<u>Permits</u>	<u>Complaints</u>	<u>Permits</u>
2004	44	4	49	0	1	0
2005	23	2	32	1	1	0
2006	19	1	23	0	1	0
2007	24	3	62	0	1	0
2008	387	182	253	87	10	5
2009	566	260	234	74	12	3

Source: Department of Natural Resources

Local Expenditures: The bill authorizes individuals to trap specified animals without a permit or license and requires Anne Arundel County Animal Control to take custody of trapped animals upon notification. Anne Arundel County advises the bill may increase the total number of rabies vector species caught in the county. Therefore, Anne Arundel County Animal Control expenditures increase by an estimated \$15,000 in fiscal 2011, which accounts for the bill's October 1, 2010 effective date, and by \$20,000 annually thereafter for medications to extinguish animals and disposal services. Anne Arundel County advises the additional anticipated workload can be absorbed by existing staff.

Small Business Effect: Most wildlife damage control operators are small businesses and charge fees for their services. Fees vary between operators and are dependent upon the species being controlled and the techniques utilized by the operator. There are 42 wildlife damage control permit operators providing rabies vector species control services in Anne Arundel County. By allowing landowners and lessees to trap animals, the bill may decrease the demand for animal control services in Anne Arundel County and reduce wildlife damage control operator income.

Additional Information

Prior Introductions: None.

Cross File: HB 521 (Delegate George, *et al.*) - Environmental Matters.

Information Source(s): Anne Arundel County, Department of Natural Resources,
Department of Legislative Services

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