

Feeding Black Bears on Private Property

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Issue

Does New Jersey, New York, or any New England state have a law that prohibits feeding black bears on private property?

(This report updates information provided in OLR Report [2012-R-0351](#). It does not discuss laws on baiting bears for hunting or similar purposes.)

Summary

New Hampshire, New Jersey, New York, Rhode Island, and Vermont have laws or regulations that prohibit feeding black bears on private property. They differ though as to whether the ban extends to activities that unintentionally attract or feed black bears. Maine law authorizes the inland fisheries and wildlife commissioner to establish rules prohibiting black bear feeding, but he has not done so. Connecticut and Massachusetts have no laws imposing such restrictions.

Each state that bans feeding bears on private property prohibits intentionally doing so, as shown in Attachment 1. This generally refers to using, giving, placing, exposing, depositing, distributing, or scattering edible material to attract a bear to feed on it. Some states exempt from the ban activities such as state-approved scientific research or bona fide agricultural practices. Penalties vary by state, but may include such things as fines upwards of \$1,000 per violation, prison time, or suspension of fish and wildlife license privileges. New Hampshire's and New Jersey's laws require a warning to be issued before penalties apply.

New York, Rhode Island, and Vermont also prohibit the act of unintentionally feeding black bears, as shown in Attachment 2. Unintentionally feeding is generally leaving material such as food, garbage, or birdseed out for a different purpose, but results in attracting a bear to feed. New York's and Vermont's laws apply to the act of allowing bears to be fed after receiving a state written notice or order to address the problem, such as appropriately containing or removing the material. The penalties for unintentionally feeding bears in these three states mirror their penalties for intentional feeding.

Maine law authorizes the inland fisheries and wildlife commissioner to adopt regulations banning or limiting (1) bear feeding if there is reason to believe that the feed type or location creates a public safety hazard or has a detrimental effect on bears and (2) the placement of garbage or other known bear attractants if there is reason to believe that doing so is a public safety hazard. It also allows him to ban feeding bears in any area with evidence of chronic wasting disease ([12 Me. Rev. Stat. Ann. tit. 12, § 10105](#)). The commissioner has not exercised this authority.

Attachment 1: Selected States' Intentional Black Bear Feeding Bans and Penalties

State	Ban	Exceptions	Penalty
New Hampshire (N.H. Code Admin. R. Fis. 310.01 ; N.H. Rev. Stat. Ann. §§ 206:19-a and 651:2)	<ul style="list-style-type: none"> Use, place, provide, give, expose, deposit, scatter, or distribute material that attracts black bears after receiving a notice from the fish and game executive director or his designee to stop the activity because it might injure a person, damage property, or create a public nuisance 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Conditional or unconditional discharge, a fine of up to \$1,000, or both
New Jersey (N.J. Stat. Ann. § 23:2A-14)	<ul style="list-style-type: none"> Feed, give, place, expose, deposit, distribute, or scatter edible material or attractant to attract, or entice black bears Store pet food, garbage, or other bear attractants in a way that will result in black bear feedings when bears are known to frequent the area 	<ul style="list-style-type: none"> Using or placing material for a reason other than to attract or entice black bears but does so anyway (i.e., unintentional feeding) State-approved black bear management or research purposes 	<ul style="list-style-type: none"> Written warning for a first violation Fine of up to \$1,000 per subsequent violation Court action for injunctive relief

State	Ban	Exceptions	Penalty
New York (N.Y. Comp. Codes R. & Regs. Envtl. Conserv. § 187.1 ; N.Y. Envtl. Conserv. Law §§ 71-0919 to 71-0925)	<ul style="list-style-type: none"> Use, place, give, expose, deposit, distribute, or scatter material to attract a black bear to feed on it 	<ul style="list-style-type: none"> Tracking dog training 	<ul style="list-style-type: none"> Fine of up to \$250, up to 15 days in prison, or both Additional civil fines
Rhode Island (R.I. Code R. §§ 250-60-00-9.6 & 9.17 ; R.I. Gen. Laws § 20-1-16)	<ul style="list-style-type: none"> Use, place, give, expose, deposit, distribute, or scatter any material, or to maintain its availability, in a way that attracts wildlife, such as bears, to feed on it 	<ul style="list-style-type: none"> Licensed or permitted bona fide scientific research Certain activities associated with bona fide agricultural practices, including (1) planting, cultivating, or harvesting crops and (2) distributing food material for livestock Distributing food for legally possessed captive wildlife Cutting trees or brush Installing elevated feeders to provide seed, grain, fruit, worms, or suet for birds or squirrels located within 100 feet of an occupied dwelling 	<ul style="list-style-type: none"> Misdemeanor, punishable by a fine of up to \$500, up to 90 days in jail, or both
Vermont (10 V.S.A. §§ 4502(a) , 4520(a) & 4827a(a))	<p>Knowingly:</p> <ul style="list-style-type: none"> Feed a bear Give, place, expose, deposit, distribute, or scatter bait, food, or other edible material in a manner to lure a bear to feed “Bait, food, or other edible material” includes fruit, grain, salt, grease, garbage or other materials to feed or lure wildlife 	<ul style="list-style-type: none"> Licensed or permitted activities for bona fide scientific research, mitigating wildlife damage, nuisance problems, or wildlife population reduction programs Certain activities associated with bona fide agricultural practices, including (1) planting, cultivating, or harvesting crops and (2) distributing feed material for livestock 	<ul style="list-style-type: none"> Fine of up to \$1,000 per violation 10 points per conviction assessed against the violator’s fish & wildlife license privileges (10 points assessed over a five year period results in a one-year suspension; 15-19 points over five years yields a two-year suspension; 20 or more points over five years yields a three-year suspension)

Attachment 2: Selected States' Unintentional Black Bear Feeding Bans and Penalties

State	Ban	Penalty
New York (N.Y. Comp. Codes R. & Regs. Envtl. Conserv. § 187.1)	<ul style="list-style-type: none"> • Incidentally or indirectly feed a black bear after receiving a written notice from the department of environmental conservation <ul style="list-style-type: none"> • “Incidental or indirectly feed” means to use, place, give, expose, deposit, distribute, or scatter material for a different purpose, but attracts a black bear to it (e.g., store garbage or refuse or use and store birdseed in a way that bears can access) 	<ul style="list-style-type: none"> • Fine of up to \$250, up to 15 days in prison, or both • Additional civil fines
Rhode Island (R.I. Code R. §§ 250-60-00-9.6 & 9.17 ; R.I. Gen. Laws § 20-1-16)	<ul style="list-style-type: none"> • Leaving out food where it is accessible to wildlife, such as bears 	<ul style="list-style-type: none"> • Misdemeanor, punishable by a fine of up to \$500, up to 90 days in jail, or both
Vermont (10 V.S.A. §§ 4502(a) , 4520(a) & 4827a(a))	<ul style="list-style-type: none"> • Place bait or food in a manner that results in the feeding of a bear after the fish and wildlife commissioner or his designee issues an order requiring it to be contained or removed <ul style="list-style-type: none"> • “Bait, food, or other edible material” includes fruit, grain, salt, grease, garbage or other materials to feed or lure wildlife 	<ul style="list-style-type: none"> • Fine of up to \$1,000 per violation • 10 points per conviction assessed against the violator’s fish & wildlife license privileges (10 points assessed over a five-year period results in a one-year suspension; more points assessed over a five-year period yields a longer suspension, see Attachment 1)

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