

# HOUSE BILL 1369

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HB 372/05 – ENV

71r2650

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By: **Delegates Frush, Ali, Barkley, Beidle, Bronrott, Davis, Dumais, Feldman, Guzzone, Hubbard, Hucker, Lawton, Lee, Montgomery, Pena-Melnyk, and F. Turner**

Introduced and read first time: March 2, 2007  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Leghold Traps – Prohibition**

3 FOR the purpose of expanding the prohibition against using, setting, placing, or  
4 maintaining a leghold trap to apply to all persons statewide; providing certain  
5 exceptions to the prohibition against using, setting, placing, or maintaining a  
6 leghold trap under certain circumstances; authorizing the Department of  
7 Natural Resources to issue a permit to use, set, place, or maintain a leghold  
8 trap to certain persons under certain circumstances; requiring any leghold trap  
9 being used, set, placed, or maintained to have prominently affixed to it a  
10 registration number and a permit number issued by the Department; requiring  
11 any leghold trap being used, set, placed, or maintained to be checked and  
12 emptied at a certain time; defining a certain term; clarifying that certain  
13 persons may not use, set, place, or maintain a leghold trap to trap certain  
14 animals; and generally relating to the use, setting, placement, and maintenance  
15 of leghold traps.

16 BY renumbering

17 Article – Natural Resources  
18 Section 10–101(l) through (cc), respectively  
19 to be Section 10–101(m) through (dd), respectively  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2006 Supplement)

22 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Natural Resources  
 2 Section 10–101(l) and 10–410(o)  
 3 Annotated Code of Maryland  
 4 (2000 Replacement Volume and 2006 Supplement)

5 BY repealing  
 6 Article – Natural Resources  
 7 Section 10–410(o)  
 8 Annotated Code of Maryland  
 9 (2000 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – Natural Resources  
 12 Section 10–414 and 10–504  
 13 Annotated Code of Maryland  
 14 (2000 Replacement Volume and 2006 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 16 MARYLAND, That Section(s) 10–101(l) through (cc), respectively, of Article – Natural  
 17 Resources of the Annotated Code of Maryland be renumbered to be Section(s)  
 18 10–101(m) through (dd), respectively.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 20 read as follows:

21 **Article – Natural Resources**

22 10–101.

23 **(L) “LEGHOLD TRAP” MEANS ANY SPRING–POWERED, PAN– OR**  
 24 **SEAR–ACTIVATED DEVICE WITH TWO OPPOSING STEEL JAWS, WHETHER THE**  
 25 **JAWS ARE SMOOTH, TOOTHED, PADDED, OR OFFSET, THAT IS DESIGNED TO**  
 26 **CAPTURE AN ANIMAL BY SNAPPING CLOSED UPON A LIMB OR PART THEREOF OF**  
 27 **THE ANIMAL.**

28 10–410.

29 [(o) (1) In Anne Arundel, Baltimore, Howard, Montgomery, and Prince  
 30 George’s counties, a person may not use, set, place, or maintain any steel jaw leghold  
 31 trap on land. The steel jaw leghold trap may be used for the capture of fur–bearing  
 32 mammals in water only.

1           (2) This subsection does not apply to:

2                   (i) Traps set on farmland by the owner of the farmland, by the  
3 owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's  
4 immediate family who resides on the farmland; or

5                   (ii) Traps set by an authorized agent of the Maryland Forest,  
6 Park and Wildlife Service who exercises the agent's duties for wildlife control under  
7 guidelines established by the Department.]

8           **(O) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF  
9 THIS SUBSECTION, A PERSON MAY NOT USE, SET, PLACE, OR MAINTAIN OR  
10 AUTHORIZE THE USE, SETTING, PLACEMENT, OR MAINTENANCE OF ANY  
11 LEGHOLD TRAP TO CAPTURE ANY ANIMAL.**

12           **(2) THE DEPARTMENT MAY, IN CONSULTATION WITH THE  
13 DEPARTMENT OF SOCIAL AND HEALTH SERVICES OF THE U.S. DEPARTMENT  
14 OF HEALTH AND HUMAN SERVICES, USE, SET, PLACE, AND MAINTAIN A  
15 LEGHOLD TRAP TO CAPTURE AN ANIMAL POSING AN IMMEDIATE HUMAN  
16 HEALTH OR SAFETY THREAT.**

17           **(3) THE DEPARTMENT MAY ISSUE A PERMIT TO USE, SET, PLACE,  
18 AND MAINTAIN A LEGHOLD TRAP FOR A PERIOD NOT EXCEEDING 30 DAYS TO  
19 ANY PERSON WHO:**

20                   **(I) APPLIES FOR A PERMIT;**

21                   **(II) DEMONSTRATES THAT WILDLIFE HAS CAUSED ACTUAL  
22 DAMAGE TO PROPERTY OWNED, LEASED, OR CONTROLLED BY THE APPLICANT  
23 AND THAT THE APPLICANT HAS ATTEMPTED TO ABATE THE DAMAGE BY THE USE  
24 OF LEGAL LETHAL OR NONLETHAL CONTROL TOOLS, INCLUDING EXCLUSION  
25 METHODS, HABITAT MODIFICATION, GUARD ANIMALS, FRIGHTENING DEVICES,  
26 REPELLANTS, ELECTRIC FENCING, AND OTHER TRAPS; AND**

27                   **(III) DEMONSTRATES THAT:**

28                           **1. WILDLIFE HAS CAUSED ACTUAL DAMAGE TO  
29 PROPERTY OWNED, LEASED, OR CONTROLLED BY THE APPLICANT; AND**

1                   **2. THE DAMAGE HAS NOT BEEN AND CANNOT**  
2 **REASONABLY BE EXPECTED TO BE ABATED BY THE USE OF LEGAL LETHAL OR**  
3 **NONLETHAL CONTROL TOOLS, INCLUDING EXCLUSION METHODS, HABITAT**  
4 **MODIFICATION, GUARD ANIMALS, FRIGHTENING DEVICES, REPELLANTS,**  
5 **ELECTRIC FENCING, AND OTHER TRAPS.**

6                   **(4) THE DEPARTMENT MAY ISSUE A PERMIT TO USE, SET, PLACE,**  
7 **AND MAINTAIN A LEGHOLD TRAP FOR THE PURPOSE OF CONDUCTING**  
8 **LEGITIMATE WILDLIFE RESEARCH.**

9                   **(5) THE U.S. FISH AND WILDLIFE SERVICE MAY USE, SET, PLACE,**  
10 **AND MAINTAIN A LEGHOLD TRAP WHEN THE SERVICE, IN CONSULTATION WITH**  
11 **THE DEPARTMENT, DETERMINES THAT THE USE OF A LEGHOLD TRAP IS**  
12 **NECESSARY TO PROTECT SPECIES LISTED AS THREATENED OR ENDANGERED**  
13 **UNDER THE FEDERAL ENDANGERED SPECIES ACT.**

14                   **(6) ANY LEGHOLD TRAP USED, SET, PLACED, OR MAINTAINED**  
15 **UNDER THIS SUBSECTION MUST HAVE PROMINENTLY AFFIXED TO IT THE**  
16 **FOLLOWING:**

17                           **(I) A REGISTRATION NUMBER ISSUED BY THE**  
18 **DEPARTMENT AND CORRELATING TO THE OWNER OF THE TRAP; AND**

19                           **(II) A PERMIT NUMBER ISSUED BY THE DEPARTMENT.**

20                   **(7) ANY LEGHOLD TRAP USED, SET, PLACED, OR MAINTAINED**  
21 **UNDER THIS SUBSECTION SHALL BE CHECKED AND EMPTIED AT LEAST ONCE**  
22 **EVERY 12 HOURS.**

23                   **(8) A LEGHOLD TRAP AUTHORIZED UNDER THIS SUBSECTION**  
24 **MAY NOT HAVE TOOTHED JAWS.**

25 10-414.

26                   **(a) A person may not possess any live raccoon or opossum unless the person**  
27 **first procures a permit from the Department. Any raccoon or opossum reduced to**  
28 **possession by a hunter or trapper shall be immediately killed.**

1           (b) Notwithstanding any other provisions of this title, the owner of a marsh  
2 or the owner's employees may hunt any raccoon which destroys a muskrat or its home  
3 in a marsh area of the State at any time.

4           (c) **[A] SUBJECT TO § 10-410(O) OF THIS SUBTITLE,** A landowner or the  
5 landowner's agent may set or use steel traps or similar devices at any time to trap  
6 raccoon or opossum which are damaging property.

7           (d) A person may not cut a tree for the purpose of hunting or dislodging a  
8 raccoon or opossum without the consent of the owner of the tree.

9 10-504.

10           (a) **[A] SUBJECT TO § 10-410(O) OF THIS TITLE,** A person may not hunt  
11 any muskrat, beaver, or otter in any manner except by trapping. A person may not dig  
12 into or in any manner molest or destroy any part of a muskrat, beaver, or otter den or  
13 house. A person may not possess at any time the hide or skin of any muskrat, beaver,  
14 or otter which has been caught in any way except by trapping, and any muskrat,  
15 beaver, or otter hide or skin which has been punctured by a hole which appears to be a  
16 shot or bullet hole shall be prima facie evidence that the muskrat, beaver, or otter was  
17 killed illegally.

18           (b) A person may not possess at any time a light for the purpose of hunting  
19 muskrats, beaver, or otter at nighttime. Possession of a light shall be prima facie  
20 evidence that the light was intended for this purpose.

21           (c) **[A] SUBJECT TO § 10-410(O) OF THIS TITLE,** A landowner or the  
22 landowner's lessee shall have the exclusive right to trap for muskrats down to the  
23 mean low watermark or on marsh land adjacent to the landowner's land. A person  
24 may not enter upon or place traps upon the land without first obtaining the written  
25 consent of the landowner or the landowner's lessee.

26           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2007.