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By: **Senator Sfikas**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Trapping - Leghold Traps - Restrictions on Use**

3 FOR the purpose of prohibiting the use of certain leghold traps in the trapping of  
4 animals, except under certain circumstances; providing for certain exceptions;  
5 prohibiting a certain sale, purchase, barter, or exchange of certain fur;  
6 authorizing the Department of Natural Resources to issue a certain permit for  
7 the use of padded leghold traps under certain circumstances; requiring a person  
8 using a certain permit to check traps at a certain frequency; specifying certain  
9 penalties for certain violations; requiring the Department of Natural Resources  
10 to adopt certain regulations; defining certain terms; and generally relating to  
11 certain restrictions on the use of certain traps.

12 BY repealing and reenacting, with amendments,  
13 Article - Natural Resources  
14 Section 10-408.1  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume)

17 BY repealing  
18 Article - Natural Resources  
19 Section 10-410(o)  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume)

22 BY renumbering  
23 Article - Natural Resources  
24 Section 10-410(p)  
25 to be Section 10-410(o)  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Natural Resources**

2 10-408.1.

3 (a) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "ANIMAL PROBLEM" MEANS AN ANIMAL THAT DAMAGES OR IS  
6 LIKELY TO DAMAGE LIVESTOCK, OTHER DOMESTICATED ANIMALS, OR OTHER  
7 PRIVATE PROPERTY.

8 (3) "RAW FUR" MEANS A PELT THAT HAS NOT BEEN PROCESSED FOR  
9 PURPOSES OF RETAIL SALE.

10 (B) (1) [A] EXCEPT AS ALLOWED UNDER SUBSECTION (C) OF THIS  
11 SECTION, A person, while trapping or attempting to trap animals, may not place, set,  
12 maintain, or operate [any snares, body-gripping, or] A leghold [traps within 150  
13 yards of a permanent human residence] TRAP.

14 (2) NOTWITHSTANDING THE ISSUANCE OF A LAWFUL PERMIT TO TRAP  
15 ANIMALS, A PERSON MAY NOT KNOWINGLY, BUY, SELL, BARTER, OR OTHERWISE  
16 EXCHANGE, OR OFFER TO BUY, SELL, BARTER, OR OTHERWISE EXCHANGE THE RAW  
17 FUR OF AN ANIMAL THAT HAS BEEN TRAPPED WITH A LEGHOLD TRAP.

18 [(b)] (C) [This] THE PROHIBITIONS UNDER SUBSECTION (B)(1) OF THIS  
19 section [does] DO not apply to THE USE OF:

20 (1) [State and federal wetlands] A PADDED LEGHOLD TRAP WITH A  
21 PERMIT GRANTED UNDER SUBSECTION (D) OF THIS SECTION;

22 (2) [Private wetlands as designated by the Department] A PADDED  
23 LEGHOLD TRAP FOR THE CONTROL OF NUTRIA, ALSO KNOWN AS MYOCASTOR  
24 COYPUS, AS PART OF A COMPREHENSIVE CONTROL PROGRAM FOR THAT SPECIES;  
25 AND

26 [(3)] Land which qualifies for agricultural assessments, as provided under  
27 § 8-209 of the Tax - Property Article, and timberland and lands used for  
28 reforestation;]

29 [(4)] Except in Howard and Harford counties, owners and lessees of any  
30 privately owned land; and]

31 [(5)] Owners and lessees of any privately owned land in Howard and  
32 Harford counties as long as a trap described in subsection (a) of this section is not  
33 within 150 yards of the permanent residence of another person]

34 (3) A SNAP-TYPE TRAP TO CATCH RATS AND MICE.

1 [(c) This section does not apply to the use of body-gripping traps with a jaw  
2 spread of less than 6 inches that are placed, maintained, and operated completely  
3 submerged in water.

4 (d) This section does not apply to the use of snap-type traps used to catch rats  
5 and mice.]

6 (D) (1) THE DEPARTMENT MAY ISSUE A PERMIT FOR THE USE OF A PADDED  
7 LEGHOLD TRAP IF:

8 (I) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT  
9 OF HEALTH AND MENTAL HYGIENE OR THE UNITED STATES DEPARTMENT OF  
10 HEALTH AND HUMAN SERVICES, HAS DETERMINED THAT THE TRAP IS NECESSARY  
11 FOR THE PROTECTION OF PUBLIC HEALTH AND SAFETY;

12 (II) 1. THE USE OF THE TRAP IS THE ONLY PRACTICAL MEANS TO  
13 PROTECT A SPECIES DESIGNATED AS ENDANGERED OR THREATENED UNDER THE  
14 NONGAME AND ENDANGERED SPECIES CONSERVATION ACT, THE FEDERAL  
15 ENDANGERED SPECIES ACT, OR REGULATIONS ADOPTED UNDER THE AUTHORITY OF  
16 THESE STATUTES; AND

17 2. THE PERSON TO WHOM THE PERMIT IS ISSUED IS AN  
18 EMPLOYEE OR AGENT OF THE DEPARTMENT OR OF THE UNITED STATES FISH AND  
19 WILDLIFE SERVICE;

20 (III) THE TRAP IS SET BY AN AUTHORIZED AGENT OF THE  
21 MARYLAND FOREST, PARK AND WILDLIFE SERVICE IN THE EXERCISE OF THE  
22 AGENT'S WILDLIFE CONTROL DUTIES, UNDER GUIDELINES ESTABLISHED BY THE  
23 DEPARTMENT;

24 (IV) THE USE OF THE TRAP IS RELATED TO THE CONDUCTING OF  
25 AUTHORIZED WILDLIFE RESEARCH; OR

26 (V) 1. THE PERMIT APPLICANT ESTABLISHES AND THE  
27 DEPARTMENT FINDS, IN WRITING, THAT THERE IS AN ANIMAL PROBLEM ON THE  
28 APPLICANT'S PROPERTY THAT CAN NOT REASONABLY BE ABATED BY THE USE OF  
29 NONLETHAL CONTROL TOOLS, INCLUDING GUARD ANIMALS, ELECTRIC FENCING,  
30 AND BOX AND CAGE TRAPS, OR THAT THE CONTROL TOOLS CAN NOT REASONABLY  
31 BE APPLIED; AND

32 2. THE LENGTH OF THE PERMIT DOES NOT EXCEED 30 DAYS.

33 (2) A PERSON USING A PERMIT ISSUED UNDER THIS SUBSECTION SHALL  
34 CHECK THE TRAP AT LEAST ONCE EVERY 24 HOURS.

35 (E) IN ADDITION TO ANY OTHER PENALTY PROVIDED UNDER FEDERAL OR  
36 STATE LAW, A PERSON CONVICTED OF VIOLATING SUBSECTION (B) OF THIS SECTION  
37 SHALL BE GUILTY OF A MISDEMEANOR AND:

38 (1) FOR A FIRST OFFENSE:

1 (I) THE PERSON SHALL BE SUBJECT TO A FINE OF UP TO \$500,  
2 IMPRISONMENT UP TO 30 DAYS, OR BOTH; AND

3 (II) ALL LICENSES AND PERMITS ISSUED TO THE PERSON BY THE  
4 DEPARTMENT SHALL BE REVOKED FOR 5 YEARS; AND

5 (2) FOR A SUBSEQUENT OFFENSE:

6 (I) THE PERSON SHALL BE SUBJECT TO A FINE OF UP TO \$1,000,  
7 IMPRISONMENT OF UP TO 60 DAYS, OR BOTH; AND

8 (II) AS APPLICABLE:

9 1. ALL LICENSES AND PERMITS ISSUED TO THE PERSON BY  
10 THE DEPARTMENT SHALL BE PERMANENTLY REVOKED; OR

11 2. IF AT THE TIME OF THE SUBSEQUENT OFFENSE THE  
12 PERSON DOES NOT HAVE A LICENSE OR PERMIT ISSUED BY THE DEPARTMENT, THE  
13 DEPARTMENT MAY NOT ISSUE A LICENSE OR PERMIT TO THE PERSON AT A LATER  
14 DATE.

15 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS IN ACCORDANCE WITH  
16 THE PROVISIONS OF THIS SECTION.

17 10-410.

18 [(o) (1) In Anne Arundel, Baltimore, Montgomery, and Prince George's  
19 counties, a person may not use, set, place, or maintain any steel jaw leghold trap on  
20 land. The steel jaw leghold trap may be used for the capture of fur-bearing mammals  
21 in water only.

22 (2) This subsection does not apply to:

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10-410(p) of  
30 Article - Natural Resources of the Annotated Code of Maryland be renumbered to be  
31 Section(s) 10-410(o).

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2001.