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By: **Delegates Frush, Bobo, Boschert, Bronrott, Clagett, Conroy, Conway, Cryor, Goldwater, Grosfeld, Hubbard, Kopp, Krysiak, Nathan-Pulliam, Petzold, Pitkin, Rosso, Rzepkowski, Sher, Stern, Barve, Mandel, Dembrow, Shriver, and Hammen**

Introduced and read first time: January 28, 2002

Assigned to: Environmental Matters

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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 statewide; clarifying that certain persons  
5 may not use, set, place, or maintain a leghold trap to trap certain animals; and  
6 generally relating to prohibiting the use, setting, placing, and maintaining of  
7 leghold traps.

8 BY repealing and reenacting, with amendments,  
9 Article - Natural Resources  
10 Section 10-408.1(a), 10-410(o), 10-414, and 10-504  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2001 Supplement)

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

15 **Article - Natural Resources**

16 10-408.1.

17 (a) A person, while trapping or attempting to trap animals, may not place, set,  
18 maintain, or operate any snares[,] OR body-gripping[, or leghold] traps within 150  
19 yards of a permanent human residence.

20 10-410.

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

25 (2) This subsection does not apply to:

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

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

7 10-414.

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

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

14 (c) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A landowner or the  
15 landowner's agent may set or use steel traps or similar devices at any time to trap  
16 raccoon or opossum which are damaging property.

17 (d) A PERSON MAY NOT USE, SET, PLACE, OR MAINTAIN A LEGHOLD TRAP TO  
18 TRAP RACCOON OR OPOSSUM.

19 (E) A person may not cut a tree for the purpose of hunting or dislodging a  
20 raccoon or opossum without the consent of the owner of the tree.

21 10-504.

22 (a) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A person may not  
23 hunt any muskrat, beaver, or otter in any manner except by trapping. A person may  
24 not dig into or in any manner molest or destroy any part of a muskrat, beaver, or otter  
25 den or house. A person may not possess at any time the hide or skin of any muskrat,  
26 beaver, or otter which has been caught in any way except by trapping, and any  
27 muskrat, beaver, or otter hide or skin which has been punctured by a hole which  
28 appears to be a shot or bullet hole shall be prima facie evidence that the muskrat,  
29 beaver, or otter was killed illegally.

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

33 (c) [A] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A landowner or the  
34 landowner's lessee shall have the exclusive right to trap for muskrats down to the  
35 mean low watermark or on marsh land adjacent to the landowner's land. A person  
36 may not enter upon or place traps upon the land without first obtaining the written  
37 consent of the landowner or the landowner's lessee.

1 (D) A PERSON MAY NOT USE, SET, PLACE, OR MAINTAIN A LEGHOLD TRAP TO  
2 TRAP A MUSKRAT, BEAVER, OR OTTER.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2002.