

HOUSE BILL 365

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HB 377/02 - ENV

2003 Regular Session
3lr0207
CF 3lr0943

By: **Delegates Frush, Barkley, Bobo, Boschert, Bronrott, Clagett, Cryor, Feldman, Gaines, Goldwater, Gutierrez, Healey, Hubbard, Lee, Madaleno, Mandel, McConkey, Moe, Montgomery, Nathan-Pulliam, Petzold, Ross, Rzepkowski, Simmons, Stern, and F. Turner**

Introduced and read first time: February 4, 2003

Assigned to: Environmental Matters

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 in all areas statewide; clarifying that certain
5 persons may not use, set, place, or maintain a leghold trap to trap certain
6 animals; and generally relating to prohibiting the use, setting, placing, and
7 maintaining of 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 2002 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, 2003.