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By: **Delegates Frush, Barkley, Barve, Bobo, Bronrott, Conroy, Cryor,  
Dumais, Feldman, Goldwater, Hubbard, Kaiser, King, Lee, Madaleno,  
Mandel, Menes, Moe, Montgomery, Nathan-Pulliam, Parker, Quinter,  
Ross, Sophocleus, Stern, and F. Turner**

Introduced and read first time: January 28, 2005

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 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 trap  
8 to certain persons under certain circumstances; requiring any leghold trap being  
9 used, set, placed, or maintained to have prominently affixed to it a registration  
10 number and a permit number issued by the Department; requiring any leghold  
11 trap being used, set, placed, or maintained to be checked and emptied at a  
12 certain time; defining a certain term; clarifying that certain persons may not  
13 use, set, place, or maintain a leghold trap to trap certain animals; and generally  
14 relating to the use, setting, placement, and maintenance of leghold traps.

15 BY renumbering  
16 Article - Natural Resources  
17 Section 10-101(l) through (cc), respectively  
18 to be Section 10-101(m) through (dd), respectively  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume and 2004 Supplement)

21 BY adding to  
22 Article - Natural Resources  
23 Section 10-101(l) and 10-410(o)  
24 Annotated Code of Maryland  
25 (2000 Replacement Volume and 2004 Supplement)

26 BY repealing  
27 Article - Natural Resources  
28 Section 10-410(o)

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Natural Resources  
5 Section 10-414 and 10-504  
6 Annotated Code of Maryland  
7 (2000 Replacement Volume and 2004 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That Section(s) 10-101(l) through (cc), respectively, of Article - Natural  
10 Resources of the Annotated Code of Maryland be renumbered to be Section(s)  
11 10-101(m) through (dd), respectively.

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

14 **Article - Natural Resources**

15 10-101.

16 (L) "LEGHOLD TRAP" MEANS ANY SPRING-POWERED, PAN- OR  
17 SEAR-ACTIVATED DEVICE WITH TWO OPPOSING STEEL JAWS, WHETHER THE JAWS  
18 ARE SMOOTH, TOOTHED, PADDED, OR OFFSET, THAT IS DESIGNED TO CAPTURE AN  
19 ANIMAL BY SNAPPING CLOSED UPON A LIMB OR PART THEREOF OF THE ANIMAL.

20 10-410.

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

25 (2) This subsection does not apply to:

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

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

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

1           (2)     THE DEPARTMENT MAY, IN CONSULTATION WITH THE DEPARTMENT  
2 OF SOCIAL AND HEALTH SERVICES OF THE U.S. DEPARTMENT OF HEALTH AND  
3 HUMAN SERVICES, USE, SET, PLACE, AND MAINTAIN A LEGHOLD TRAP TO CAPTURE  
4 AN ANIMAL POSING AN IMMEDIATE HUMAN HEALTH OR SAFETY THREAT.

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

8                   (I)     APPLIES FOR A PERMIT;

9                   (II)    DEMONSTRATES THAT WILDLIFE HAS CAUSED ACTUAL  
10 DAMAGE TO PROPERTY OWNED, LEASED, OR CONTROLLED BY THE APPLICANT AND  
11 THAT THE APPLICANT HAS ATTEMPTED TO ABATE THE DAMAGE BY THE USE OF  
12 LEGAL LETHAL OR NONLETHAL CONTROL TOOLS, INCLUDING EXCLUSION METHODS,  
13 HABITAT MODIFICATION, GUARD ANIMALS, FRIGHTENING DEVICES, REPELLANTS,  
14 ELECTRIC FENCING, AND OTHER TRAPS; AND

15                  (III)   DEMONSTRATES THAT:

16                           1.     WILDLIFE HAS CAUSED ACTUAL DAMAGE TO PROPERTY  
17 OWNED, LEASED, OR CONTROLLED BY THE APPLICANT; AND

18                           2.     THE DAMAGE HAS NOT BEEN AND CANNOT REASONABLY  
19 BE EXPECTED TO BE ABATED BY THE USE OF LEGAL LETHAL OR NONLETHAL  
20 CONTROL TOOLS, INCLUDING EXCLUSION METHODS, HABITAT MODIFICATION,  
21 GUARD ANIMALS, FRIGHTENING DEVICES, REPELLANTS, ELECTRIC FENCING, AND  
22 OTHER TRAPS.

23           (4)     THE DEPARTMENT MAY ISSUE A PERMIT TO USE, SET, PLACE, AND  
24 MAINTAIN A LEGHOLD TRAP FOR THE PURPOSE OF CONDUCTING LEGITIMATE  
25 WILDLIFE RESEARCH.

26           (5)     THE U.S. FISH AND WILDLIFE SERVICE MAY USE, SET, PLACE, AND  
27 MAINTAIN A LEGHOLD TRAP WHEN THE SERVICE, IN CONSULTATION WITH THE  
28 DEPARTMENT, DETERMINES THAT THE USE OF A LEGHOLD TRAP IS NECESSARY TO  
29 PROTECT SPECIES LISTED AS THREATENED OR ENDANGERED UNDER THE FEDERAL  
30 ENDANGERED SPECIES ACT.

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

33                   (I)     A REGISTRATION NUMBER ISSUED BY THE DEPARTMENT AND  
34 CORRELATING TO THE OWNER OF THE TRAP; AND

35                   (II)    A PERMIT NUMBER ISSUED BY THE DEPARTMENT.

36           (7)     ANY LEGHOLD TRAP USED, SET, PLACED, OR MAINTAINED UNDER  
37 THIS SUBSECTION SHALL BE CHECKED AND EMPTIED AT LEAST ONCE EVERY 12  
38 HOURS.

1 (8) A LEGHOLD TRAP AUTHORIZED UNDER THIS SUBSECTION MAY NOT  
2 HAVE TOOTHED JAWS.

3 10-414.

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

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

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

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

15 10-504.

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

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

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2005.