

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 258

(Howard County Delegation)

Environmental Matters

Education, Health, and Environmental
Affairs

Howard County - Steel Jaw Leghold Trap Prohibition
Ho. Co. 6-05

This bill applies the existing prohibition relating to the use of steel-jaw leghold traps in specified counties to Howard County.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: The bill's prohibition would not materially affect State operations or finances due to its limited applicability.

Local Effect: The bill would not materially affect Howard County finances or operations.

Small Business Effect: Minimal.

Analysis

Current Law: Hunting and trapping seasons and bag limits are established based on furbearer biology, distribution and abundance of each species, public interests and needs, and the incidence of furbearer damage complaints. Harvest of the following furbearers is currently regulated in Maryland: muskrat, beaver, nutria, long-tailed weasel, mink, skunk, otter, fisher, raccoon, opossum, red fox, gray fox, coyote, and bobcat. Harvesting muskrat, mink, long-tailed weasel, river otter, and beaver by any means other than

trapping is prohibited. Legal trapping devices include box traps, snares, leghold traps, and body-gripping traps, subject to various restrictions. All leghold traps must possess smooth jaws. The Department of Natural Resources (DNR) establishes by regulation the maximum jaw spread for leghold traps and body-gripping traps. No furbearer taken during the legal trapping season may be transported from the point of capture until it has been killed. In general, a person must possess a valid hunting license to hunt or trap furbearing mammals.

In Anne Arundel, Baltimore, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel-jaw leghold trap on land. The steel-jaw leghold trap may be used for the capture of furbearing mammals in water only. This prohibition does not apply to traps set on farmland by the owner of the farmland, by the owner's agent or tenant, by the owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland. The prohibition also does not apply to traps set by an authorized agent of the Maryland Forest, Park, and Wildlife Service under guidelines established by DNR.

Background: A 2004 report by the International Association of Fish and Wildlife Agencies notes that trapping is the only practical means to capture furbearing species. The steel-jaw leghold trap, which was invented in the 1820s, is used in most states to capture furbearing animals. State agencies also use steel-jaw leghold traps in game management. According to the Congressional Research Service, a majority of trappers prefer steel-jaw leghold traps over alternative traps, largely because trappers maintain that leghold traps are more effective in the field. Animal welfare groups and others, on the other hand, argue that leghold traps inflict unnecessary pain and anxiety on animals. These groups argue that more humane methods exist. Other types of traps include quick-kill traps (such as the conibear trap), cage traps, and legsnare.

More than 80 countries and 8 U.S. states (Arizona, California, Colorado, Florida, Massachusetts, New Jersey, Rhode Island, and Washington) have severely restricted or banned the use of steel-jaw leghold traps. Efforts to overturn some of these bans have been made due to an increase in nuisance complaints. For example, after trapping prohibitions were implemented in Massachusetts, beaver populations increased from an estimated 24,000 in 1996 to more than 70,000 in 2004, and complaints almost doubled.

Additional Information

Prior Introductions: Several bills have been introduced in an attempt to broaden the existing prohibition regarding the use of steel jaw leghold traps. SB 543 of 2001 received an unfavorable report from the Senate Economic and Environmental Affairs Committee.

The House Environmental Matters Committee held a hearing on HB 377 of 2002 and HB 365 of 2003, but no further action was taken. The Senate Education, Health, and Environmental Affairs Committee held a hearing on SB 272 of 2003, but no further action was taken. SB 279 of 2004 was referred to the Senate Education, Health, and Environmental Affairs Committee but the bill was subsequently withdrawn. HB 498 of 2004 received an unfavorable report by the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Department of Natural Resources, Howard County, International Association of Fish and Wildlife Agencies, Congressional Research Service, Animal Protection Institute, Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2005
n/hlb

Analysis by: Lesley G. Cook

Direct Inquiries to:
(410) 946-5510
(301) 970-5510