

SENATE BILL 798

M2

0lr2856
CF HB 521

By: **Senator Astle**

Introduced and read first time: February 10, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Trapping – Rabies Vector Species**

3 FOR the purpose of authorizing the owner or lessee of real property in Anne Arundel
4 County to use a trap to capture certain rabies vector species in a certain area of
5 the real property without a license or permit; requiring the owner or lessee to
6 provide certain notice to Anne Arundel County Animal Control related to
7 certain trapping activity; requiring Anne Arundel County Animal Control, on
8 receiving certain notice, to take custody of certain rabies vector species under
9 certain circumstances; authorizing the governing body of Anne Arundel County
10 to impose certain reasonable restrictions on certain trapping activities for a
11 certain purpose; defining certain terms; and generally relating to trapping in
12 Anne Arundel County.

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 10–406 and 10–414
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2009 Supplement)

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

20 **Article – Natural Resources**

21 10–406.

22 (a) Except during the hunting and trapping season or as allowed under
23 [subsection] **SUBSECTIONS (b) AND (C)** of this section, a person may not hunt or trap
24 any fur-bearing mammal or possess the meat or pelt of any fur-bearing mammal,
25 whether hunted or trapped within the State or any other state, territory, or country.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) (i) A person may possess any green pelt of any fur-bearing
2 mammal until March 25 for purposes of curing the skins.

3 (ii) However, in Frederick, Garrett, Allegany, Carroll, Howard,
4 and Washington counties, a person may hunt or trap mink or muskrat between
5 November 15 and February 15, of the year following, and a person may possess any
6 green mink and muskrat pelt until February 25 for purposes of curing the skin.

7 (iii) 1. In the remainder of the State except for the counties
8 in item 2 of this paragraph, a person may hunt or trap mink or muskrat between
9 January 1 and March 15.

10 2. In Baltimore, Cecil, Harford, Kent, Queen Anne's,
11 Somerset, and Worcester counties, a person may hunt or trap mink or muskrat
12 between December 15 and March 15 of the year following.

13 (iv) The Department may extend any muskrat season set by this
14 subsection for a period of 1 week, if the Department considers it necessary for any
15 reason, including weather conditions.

16 (2) A person may possess the meat of muskrat or otter no more than
17 10 days after the close of open season for these mammals in order to dispose of the
18 meat for food. However, a person may apply for a permit to store the meat during the
19 closed season if the meat was hunted lawfully.

20 (3) A muskrat damaging any embankment or impoundment may be
21 destroyed by the owner at any time.

22 (4) A person may hunt or trap and possess the pelt or meat of raccoon
23 or opossum during those periods and under the restrictions, including bag limits, the
24 Department may establish by regulation.

25 (5) In Charles and Dorchester counties, a person may hunt or trap a
26 fox or possess the pelt of a fox at any time of year.

27 (6) A person may hunt or trap on the person's land a coyote, fox or
28 skunk that is damaging or destroying the personal or real property of the landowner.

29 (7) A person may:

30 (i) Trap a coyote during the trapping season established by the
31 Department; or

32 (ii) Hunt a coyote:

1 1. While the person is legally hunting for any other
2 species of game bird or mammal, by any method legal for use at the time in hunting
3 that other species; or

4 2. At any time of year, by predator calling.

5 **(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
6 **THE MEANINGS INDICATED.**

7 **(II) “RABIES VECTOR SPECIES” MEANS A FOX, RACCOON, OR**
8 **SKUNK.**

9 **(III) 1. “TRAP” MEANS A DEVICE USED FOR THE LIVE**
10 **CAPTURE OF WILDLIFE.**

11 **2. “TRAP” DOES NOT INCLUDE A SNARE,**
12 **BODY-GRIPPING, OR LEGHOLD TRAP.**

13 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**
14 **OWNER OR LESSEE OF REAL PROPERTY IN ANNE ARUNDEL COUNTY MAY USE A**
15 **TRAP TO CAPTURE A RABIES VECTOR SPECIES ON THE CURTILAGE OF THE REAL**
16 **PROPERTY WITHOUT A PERMIT OR LICENSE.**

17 **(3) A LANDOWNER OR LESSEE THAT PLACES A TRAP UNDER**
18 **PARAGRAPH (2) OF THIS SUBSECTION SHALL PROMPTLY NOTIFY ANNE**
19 **ARUNDEL COUNTY ANIMAL CONTROL OF THE CAPTURE OF A RABIES VECTOR**
20 **SPECIES.**

21 **(4) ON RECEIVING NOTICE OF CAPTURE, ANNE ARUNDEL**
22 **COUNTY ANIMAL CONTROL SHALL TAKE CUSTODY OF A RABIES VECTOR**
23 **SPECIES TRAPPED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

24 **(5) THE GOVERNING BODY OF ANNE ARUNDEL COUNTY MAY**
25 **IMPOSE REASONABLE RESTRICTIONS ON THE MANNER OF TRAPPING RABIES**
26 **VECTOR SPECIES AUTHORIZED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO**
27 **ENSURE THE HUMANE TREATMENT OF THE RABIES VECTOR SPECIES.**

28 10-414.

29 **(a) [A] EXCEPT AS PROVIDED IN § 10-406(C) OF THIS SUBTITLE, A**
30 **person may not possess any live raccoon or opossum unless the person first procures a**
31 **permit from the Department. Any raccoon or opossum reduced to possession by a**
32 **hunter or trapper shall be immediately killed.**

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

4 (c) A landowner or the landowner's agent may set or use steel traps or
5 similar devices at any time to trap raccoon or opossum which are damaging property.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.