

10 AN ACT concerning

20 **Natural Resources - Leghold Traps - Prohibition**

30 FOR the purpose of expanding the prohibition against using, setting, placing, or maintaining a
40 leghold trap to apply in all areas statewide; clarifying that certain persons may not use, set, place,
50 or maintain a leghold trap to trap certain animals; and generally relating to prohibiting the use,
60 setting, placing, and maintaining of leghold traps.

70 BY repealing and reenacting, with amendments,
80 Article - Natural Resources
90 Section 10-408.1(a), 10-410(o), 10-414, and 10-504
100 Annotated Code of Maryland
110 (2000 Replacement Volume and 2002 Supplement)

120 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the
130 Laws of Maryland read as follows:

140 **Article - Natural Resources**

150 §10-408.1.

160 (a) A person, while trapping or attempting to trap animals, may not place, set, maintain, or
170 operate any snares, OR body-gripping, ~~or leghold~~ traps within 150 yards of a permanent
180 human residence.

190 §10-410.

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

230 ~~(2) This subsection does not apply to:~~

240 ~~(i) Traps set on farmland by the owner of the farmland, by the owner's~~
250 ~~agent or tenant, owner's lessee, or by any member of the owner's or tenant's~~
260 ~~immediate family who resides on the farmland; or~~

270 ~~(ii) Traps set by an authorized agent of the Maryland Forest, Park and~~
280 ~~Wildlife Service who exercises the agent's duties for wildlife control under~~
290 ~~guidelines established by the Department.~~

300 §10-414.

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

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

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

400 (D) A PERSON MAY NOT USE, SET, PLACE, OR MAINTAIN A LEGHOLD TRAP TO
410 TRAP RACCOON OR OPOSSUM.

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

440 §10-504.

450 (a) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A person may not hunt any
460 muskrat, beaver, or otter in any manner except by trapping. A person may not dig into or in any
470 manner molest or destroy any part of a muskrat, beaver, or otter den or house. A person may not
480 possess at any time the hide or skin of any muskrat, beaver, or otter which has been caught in any
490 way except by trapping, and any muskrat, beaver, or otter hide or skin which has been punctured
500 by a hole which appears to be a shot or bullet hole shall be prima facie evidence that the muskrat,
510 beaver, or otter was killed illegally.

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

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

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

610 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect October 1, 2003.

620 MANDATES: Governor Robert Ehrlich
630 Senator Paula Hollinger, Chair, Education, Health & Environmental Affairs
640 Delegate Maggie McIntosh, Chair, Environmental Matters Committee
650 State Senator John Hafer
660 Delegate Kevin Kelly
670 Delegate George Edwards
680 Delegate LeRoy Myers, Jr.
690 Delegate Tony McConkey

Sponsor:

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