Introduced by Senator McCormack

Referred to Committee on

Date:

Subject: Fish and wildlife; trapping; leghold traps

Statement of purpose of bill as introduced: This bill proposes to prohibit the use of leghold traps to take or attempt to take wildlife.

An act relating to the use of leghold traps

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 4707 is amended to read:

§ 4707. TRAPS TRAPPING; LEGHOLD TRAPS; NOTICE

(a) As used in this section, “leghold trap” means a device designed to close on the foot or leg of an animal with enough force to hold the animal until the person tending the trap returns. “Leghold trap” includes both padded and unpadded steel-jawed leghold style traps. “Leghold trap” shall not include cage and box traps, suitcase-type live beaver traps, or common rat and mouse traps.

(b) No person shall take or attempt to take an animal with the use of a leghold trap.
(c) A person who intends to set a trap for any animal on the property of another shall, prior to setting the trap, notify the owner of the property of his or her intention to set the trap and of the prospective location of the trap. The owner of the property may, at any time, refuse to grant permission to set a trap or revoke the permission if previously granted.

Sec. 2. 10 V.S.A. § 4523 is added to read:

§ 4523. USE OF LEGHOLD TRAP

A person who violates section 4707 of this title by using or attempting to use a leghold trap to take wildlife shall be fined not less than $200.00 or more than $500.00 or imprisoned for not more than 60 days, or both, for a first offense. For a second or subsequent offense, a person shall be fined not less than $500.00 or more than $1,000.00 or imprisoned for not more than six months, or both.

Sec. 3. 10 V.S.A. App. § 44 is amended to read:

§ 44. FURBEARING SPECIES

1.0 Authority

1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084, 4828, and 4861. In promulgating this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife, and furbearing animals in this State is in the interest of the public welfare and that
the safeguarding of these valuable resources for the people of the State requires
a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to
maintain the best health, population, and utilization levels of the regulated
species.

1.3 This rule shall apply to all persons who take or attempt to take
furbearing animals by trapping or hunting.

2.0 Purpose

The purpose of this rule is to regulate the taking of furbearing animals.

3.0 Definitions

3.1 “Commissioner” means the Commissioner of the Vermont Department
of Fish and Wildlife.

3.2 “Compensation” shall mean money.

3.3 “Department” means the Vermont Department of Fish and Wildlife.

3.4 “Board” means the Vermont Fish and Wildlife Board.

3.5 “Furbearing animal” means beaver, otter, marten, mink, raccoon, fisher,
fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as
amended pursuant to 10 V.S.A. § 4001.

3.6 “Trapping” means to take or attempt to take furbearing animals with
trips including the dispatching of such lawfully trapped furbearing animals.
3.7 A “trap” means a mechanical device used to capture, kill and/or restrain furbearing animals excluding firearms, muzzleloaders and archery equipment.

3.8 A ‘Tanned’ pelt is one that has been treated to turn the skin into leather.

3.9 A “leghold trap” means a device designed to close on the foot or leg of an animal with enough force to hold the animal until the person tending the trap returns. “Leghold trap” includes both padded and unpadded steel-jawed leghold style traps. “Leghold trap” shall not include cage and box traps, suitcase-type live beaver traps, or common rat and mouse traps.

4.0 Restrictions

4.1 A person trapping for furbearing animals under this rule shall visit his/her traps at least once every calendar day, except as provided in paragraph 4.2, and dispatch or release any animal caught therein.

4.2 A person who sets body gripping traps in the water or under the ice, or foothold or cage traps under the ice shall visit his/her traps at least once every three calendar days and remove any animal caught therein.

4.3 A person shall not set a trap on lands other than his/her own which does not have his/her name and address permanently and legibly stamped or engraved thereon, or on a tag of rustless material securely attached thereto.

4.4 All traps under ice will be marked with a tag visible above the ice.
4.5 A person shall not set a body gripping trap with a jaw spread over eight inches measured inside the jaws unless the trap is set five feet or more above the ground, or in the water.

4.6 A person shall not use toothed foothold leghold traps or snares when trapping under this section.

* * *

4.16 Lynx

(a) This subsection shall be effective on January 1, 2014.

(b) Any person who incidentally captures a lynx shall notify the Department immediately.

(c) The following regulations on traps and trapping shall only apply within the Wildlife Management Unit E.

(1) Foothold traps set on land must be anchored using a chain or cable no longer than 18” that is center-mounted to the trap using a swivel connection and must have at least one in-line swivel along the chain or cable.

[Repealed.]

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Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.