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S.201

Introduced by Senator McCormack

Referred to Committee on Natural Resources and Energy

Date: January 6, 2022

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~~

An act relating to best management practices for trapping

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.

1 ~~(c) A person who intends to set a trap for any animal on the property of~~
2 another shall, prior to setting the trap, notify the owner of the property of his
3 or her intention to set the trap and of the prospective location of the trap. The
4 owner of the property may, at any time, refuse to grant permission to set a trap
5 or revoke the permission if previously granted.

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

7 § 4523. USE OF LEGHOLD TRAP

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

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

15 § 44. FURBEARING SPECIES

16 1.0 Authority

17 1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084,
18 4828, and 4861. In promulgating this rule, the Fish and Wildlife Board is
19 following the policy established by the General Assembly that the protection,
20 propagation, control, management, and conservation of fish, wildlife, and
21 furbearing animals in this State is in the interest of the public welfare and that

1 ~~the safeguarding of these valuable resources for the people of the State~~

2 requires a constant and continual vigilance.

3 1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to
4 maintain the best health, population, and utilization levels of the regulated
5 species.

6 1.3 This rule shall apply to all persons who take or attempt to take
7 furbearing animals by trapping or hunting.

8 2.0 Purpose

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

10 3.0 Definitions

11 3.1 "Commissioner" means the Commissioner of the Vermont Department
12 of Fish and Wildlife.

13 3.2 "Compensation" shall mean money.

14 3.3 "Department" means the Vermont Department of Fish and Wildlife.

15 3.4 "Board" means the Vermont Fish and Wildlife Board.

16 3.5 "Furbearing animal" means beaver, otter, marten, mink, raccoon,
17 fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or
18 as amended pursuant to 10 V.S.A. § 4001.

19 3.6 "Trapping" means to take or attempt to take furbearing animals with
20 ~~traps including the dispatching of such lawfully trapped furbearing animals.~~

1 ~~3.7 A "trap" means a mechanical device used to capture, kill and/or~~
2 ~~restrain furbearing animals excluding firearms, muzzleloaders and archery~~
3 ~~equipment.~~

4 3.8 A "Tanned" pelt is one that has been treated to turn the skin into leather.

5 3.9 A "leghold trap" means a device designed to close on the foot or leg of
6 an animal with enough force to hold the animal until the person tending the
7 trap returns. "Leghold trap" includes both padded and unpadded steel-jawed
8 leghold style traps. "Leghold trap" shall not include cage and box traps,
9 suitcase-type live beaver traps, or common rat and mouse traps.

10 4.0 Restrictions

11 4.1 A person trapping for furbearing animals under this rule shall visit
12 his/her traps at least once every calendar day, ~~except as provided in paragraph~~
13 ~~4.2,~~ and dispatch or release any animal caught therein.

14 4.2 A person who sets body gripping traps in the water or under the ice, or
15 foothold or cage traps under the ice shall visit his/her traps at least once every
16 three calendar days and remove any animal caught therein.

17 4.3 A person shall not set a trap on lands other than his/her own which
18 does not have his/her name and address permanently and legibly stamped or
19 engraved thereon, or on a tag of rustless material securely attached thereto.

20 ~~4.4 All traps under ice will be marked with a tag visible above the ice.~~

1 ~~4.5 A person shall not set a body gripping trap with a jaw spread over eight~~
2 inches measured inside the jaws unless the trap is set five feet or more above
3 the ground, or in the water.

4 4.6 A person shall not use ~~toothed foothold~~ leghold traps or snares when
5 trapping under this section.

6 * * *

7 4.16 Lynx

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

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

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

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

16 [Repealed.]

17 * * *

18 Sec. 4. EFFECTIVE DATE

19 ~~This act shall take effect on passage.~~

Sec. 1. DEPARTMENT OF FISH AND WILDLIFE; BEST MANAGEMENT PRACTICES FOR TRAPPING

(a) On or before January 15, 2023, the Commissioner of Fish and Wildlife shall submit to the Senate Committee on Natural Resources and Energy, the House Committee on Natural Resources, Fish, and Wildlife, and the Fish and Wildlife Board recommended best management practices (BMPs) for trapping that propose criteria and equipment designed to modernize trapping and improve the welfare of animals subject to trapping programs. The BMPs shall be based on investigation and research conducted by scientists and experts at the Department of Fish and Wildlife and shall use the “Best Management Practices for Trapping in the United States” issued by the Association of Fish and Wildlife Agencies as the minimum standards for BMP development. The BMPs shall include recommended:

(1) trapping devices and components of trapping devices that are more humane than currently authorized devices and are designed to minimize injury to a captured animal;

(2) criteria for adjusting or maintaining trapping devices so that they operate correctly and humanely;

(3) trapping techniques, including the appropriate size and type of a trap for target animals, use of lures or other attractants, and trap safety;

(4) requirements for the location of traps, including the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class 4 roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate; and

(5) criteria for when live, captured animals should be released or dispatched.

(b) The report required under subsection (a) of this section shall include a recommendation from the Commissioner of Fish and Wildlife for funding the replacement of currently authorized trapping devices with trapping devices that are compliant with the recommended BMPs. The Commissioner’s recommendation shall include alternatives financed with public funding, private funding, or some combination of public and private funding.

(c) In developing the BMPs required under subsection (a) of this section, the Commissioner shall provide an opportunity for public review and comment and shall hold at least one public hearing regarding the proposed BMPs.

(d) As used in this section, “trapping” means to take or attempt to take furbearing animals with traps including the dispatching of lawfully trapped furbearing animals.

Sec. 2. 10 V.S.A. § 4861 is amended to read:

§ 4861. FUR-BEARING ANIMALS, TAKING, POSSESSION

(a) Fur-bearing animals shall not be taken except in accordance with the provisions of this part, and of rules of the Board. The fur or skins of fur-bearing animals may be possessed at any time unless otherwise provided by this part, rules of the Board, or orders of the Commissioner.

(b) On or before January 1, 2024, the Fish and Wildlife Board shall revise the rules regulating the trapping of fur-bearing animals in the State. The revised rules shall be at least as stringent as best management practices for trapping recommended by the Department of Fish and Wildlife to the General Assembly.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.