

1 S.201

2 Introduced by Senator McCormack

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife; trapping; leghold traps

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

8 An act relating to the use of leghold traps

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

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

11 § 4707. ~~TRAPS~~ TRAPPING; LEGHOLD TRAPS; NOTICE

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

18 (b) No person shall take or attempt to take an animal with the use of a
19 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 or
3 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 requires
2 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, fisher,
17 fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as
18 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 restrain
2 furbearing animals excluding firearms, muzzleloaders and archery equipment.

3 3.8 A ‘Tanned’ pelt is one that has been treated to turn the skin into leather.

4 3.9 A “leghold trap” means a device designed to close on the foot or leg of
5 an animal with enough force to hold the animal until the person tending the
6 trap returns. “Leghold trap” includes both padded and unpadded steel-jawed
7 leghold style traps. “Leghold trap” shall not include cage and box traps,
8 suitcase-type live beaver traps, or common rat and mouse traps.

9 4.0 Restrictions

10 4.1 A person trapping for furbearing animals under this rule shall visit
11 his/her traps at least once every calendar day,~~except as provided in paragraph~~
12 4.2, and dispatch or release any animal caught therein.

13 4.2 A person who sets body gripping traps in the water or under the ice, or
14 foothold or cage traps under the ice shall visit his/her traps at least once every
15 three calendar days and remove any animal caught therein.

16 4.3 A person shall not set a trap on lands other than his/her own which does
17 not have his/her name and address permanently and legibly stamped or
18 engraved thereon, or on a tag of rustless material securely attached thereto.

19 4.4 All traps under ice will be marked with a tag visible above the ice.

