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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2308

03/11/2019 Authored by Fischer
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to game and fish; modifying requirements for certain traps; requiring
1.3 certain permission for traps and snares; requiring reporting; requiring license
1.4 forfeiture for certain violations; providing criminal penalties; amending Minnesota
1.5 Statutes 2018, sections 97A.421, subdivision 1; 97B.903; 97B.931, subdivision
1.6 2, by adding a subdivision; 97B.951; proposing coding for new law in Minnesota
1.7 Statutes, chapter 97B.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 97A.421, subdivision 1, is amended to read:

1.10 Subdivision 1. General. (a) The annual license of a person convicted of a violation of
1.11 the game and fish laws relating to the license or wild animals covered by the license is void
1.12 when:

1.13 (1) a second conviction occurs within three years under a license to trap fur-bearing
1.14 animals, take small game, or to take fish by angling or spearing;

1.15 (2) a third conviction occurs within one year under a minnow dealer's license;

1.16 (3) a second conviction occurs within three years for violations of section 97A.425 that
1.17 do not involve falsifications or intentional omissions of information required to be recorded,
1.18 or attempts to conceal unlawful acts within the records;

1.19 (4) two or more misdemeanor convictions occur within a three-year period under a
1.20 private fish hatchery license;

1.21 (5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for
1.22 a violation of section 97A.425 not described in clause (3); ~~or~~

2.1 (6) the conviction is related to assisting a person in the illegal taking, transportation, or
 2.2 possession of wild animals, when acting as a hunting or angling guide; or

2.3 (7) the conviction is for violation of one of the following trapping-related sections:
 2.4 97B.903, paragraph (a); 97B.930, paragraph (a); 97B.931, subdivision 3; or 97B.951,
 2.5 paragraph (b).

2.6 (b) Except for big-game licenses and as otherwise provided in this section, for one year
 2.7 after the conviction the person may not obtain the kind of license or take wild animals under
 2.8 a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish
 2.9 law violation.

2.10 Sec. 2. Minnesota Statutes 2018, section 97B.903, is amended to read:

2.11 **97B.903 USE OF BODY-GRIPPING TRAPS.**

2.12 (a) A person may not set, place, or operate, except as a ~~waterset~~ completely submerged
 2.13 water set or as provided in paragraph (b), a body-gripping ~~or conibear-type~~ trap on public
 2.14 lands and waters that has a maximum jaw opening when set greater than ~~6-1/2~~ 4-1/2 inches
 2.15 and less than ~~7-1/2~~ inches measured from the inside edges of the body-gripping portions of
 2.16 the jaws, unless.

2.17 (b) Body-gripping traps greater than 4-1/2 inches and less than 7-1/2 inches may be used
 2.18 in the following manner on land:

2.19 (1) the trap is in a baited or unbaited enclosure and ~~the trap trigger is recessed seven~~
 2.20 ~~inches or more from the top and frontmost portion of the open end~~ securely fastened to a
 2.21 tree or post in an upright position with a single opening on top that is 50 square inches or
 2.22 less, the top of the enclosure is at least four feet above the ground or snowpack, and the trap
 2.23 trigger is recessed into the enclosure 12 inches or more from the top of the enclosure; or

2.24 ~~(2) no bait, lure, or other attractant is placed within 20 feet of the trap; or~~

2.25 ~~(3)~~ (2) the trap is elevated at least ~~three~~ five feet above the surface of the ground or
 2.26 snowpack. The tree or pole upon which the trap is fastened must be at least 45 degrees.

2.27 (c) In addition to other penalties provided under section 97A.421, a person convicted
 2.28 of violating this section may not obtain a license to trap for two years after the date of a
 2.29 first conviction and may not obtain a license to trap for five years after the date of each
 2.30 subsequent conviction.

3.1 Sec. 3. **[97B.904] ENCAPSULATED FOOT TRAPS.**

3.2 A person may set, place, or operate an encapsulated foot trap only when:

3.3 (1) the triggering mechanism can be activated only by a pulling force;

3.4 (2) no animal or fish products are used as bait;

3.5 (3) a removable plug is inserted in the trap a minimum distance of 1-1/2 inches when
 3.6 set; and

3.7 (4) the plug caps do not exceed the outside diameter of the trap tube by more than one-half
 3.8 inch.

3.9 Sec. 4. **[97B.930] REPORTING WHEN DOG OR COLLARED ANIMALS TAKEN;**
 3.10 **ANNUAL REPORT.**

3.11 (a) A person who finds or is notified that a dog or collared animal has been taken in the
 3.12 person's trap or snare must notify a conservation officer or employee of the Department of
 3.13 Natural Resources Fish and Wildlife Division within 24 hours after the animal is discovered
 3.14 by the person or the taking is reported to the person. A person who violates this paragraph
 3.15 is guilty of a misdemeanor and subject to section 97A.421.

3.16 (b) By March 1 each year, the commissioner must report to the legislature, as provided
 3.17 in section 3.195, on takings reported under paragraph (a) for the previous calendar year.

3.18 (c) In addition to other penalties provided under this section and section 97A.421, a
 3.19 person who kills a dog or collared animal in a body-gripping trap or snare may not obtain
 3.20 a license to trap for five years after the date of conviction.

3.21 Sec. 5. Minnesota Statutes 2018, section 97B.931, subdivision 2, is amended to read:

3.22 Subd. 2. **Body-gripping traps.** Except as provided under subdivision 3, a body-gripping;
 3.23 nonbear-type trap need not be tended more frequently than once every third calendar day.

3.24 Sec. 6. Minnesota Statutes 2018, section 97B.931, is amended by adding a subdivision to
 3.25 read:

3.26 Subd. 3. **Trap-tending interval; nondrowning sets.** Any trap capable of capturing a
 3.27 wild animal and not capable of drowning the animal must be tended at least once each
 3.28 calendar day, and any animal captured must be removed from the trap. In addition to other
 3.29 penalties provided under section 97A.421, a person who violates this subdivision may not

4.1 obtain a license to trap for two years after the date of a first conviction and may not obtain
4.2 a license to trap for five years after the date of each subsequent conviction.

4.3 Sec. 7. Minnesota Statutes 2018, section 97B.951, is amended to read:

4.4 **97B.951 USE OF SNARES TO TAKE UNPROTECTED MAMMALS.**

4.5 (a) A snare set for an unprotected mammal may not be left in place after March 31 except
4.6 as authorized by the commissioner for the predator-control program under section 97B.671.

4.7 (b) A person must not place, set, or operate a snare in violation of the following
4.8 requirements:

4.9 (1) for nonrelaxing, spring-powered, or spring-assisted snares, the snare must be
4.10 completely submerged in water; and

4.11 (2) for nonlethal cable restraints on land, the snare must:

4.12 (i) not have an entanglement larger than one-half inch diameter within reach of the cable
4.13 restraint;

4.14 (ii) not have a cable length exceeding seven feet; and

4.15 (iii) include a relaxing reverse-bend washer lock with a minimum outside diameter of
4.16 1-1/4 inches.

4.17 (c) In addition to other penalties provided under section 97A.421, a person who violates
4.18 paragraph (b) may not obtain a license to trap for two years after the date of a first conviction
4.19 and may not obtain a license to trap for five years after the date of each subsequent
4.20 conviction.

4.21 (d) For purposes of this section, "entanglement" means a tree, stump, or other object,
4.22 including fences, around which an animal in a cable restraint could tangle the cable and
4.23 choke itself.