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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2243

03/08/2017 Authored by Fischer and Hausman The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

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 set; requiring reporting; requiring license
1.4 forfeiture for certain violations; providing criminal penalties; amending Minnesota
1.5 Statutes 2016, 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 2016, 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 (b); 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 2016, 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 completely submerged waterset,  
 2.13 a body-gripping or conibear-type trap on public lands and waters that has a maximum jaw  
 2.14 opening when set greater than ~~6-1/2~~ 4-1/2 inches and less than ~~7-1/2~~ inches measured from  
 2.15 the inside edges of the body-gripping portions of the jaws, unless except body-gripping  
 2.16 traps greater than 4-1/2 inches and less than 7-1/2 inches may be used in the following  
 2.17 manner on land:

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

2.22 (2) ~~no bait, lure, or other attractant is placed within 20 feet of the trap~~ is in a baited or  
 2.23 unbaited enclosure with an opening that is 25 square inches or less, the trap trigger is recessed  
 2.24 12 inches or more from the closest edge of the opening of the enclosure, and the opening  
 2.25 is placed on the top or side of the enclosure; or

2.26 (3) the trap is elevated at least ~~three~~ five feet above the surface of the ground or snowpack.

2.27 (b) A person setting or placing a body-gripping trap in the public road right-of-way must  
 2.28 notify the adjoining landowner. In addition to other penalties provided under section 97A.421,  
 2.29 a person convicted of violating this paragraph may not obtain a license to trap for two years  
 2.30 from the date of a first conviction and may not obtain a license to trap for five years from  
 2.31 the date of each 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) plugs inserted in the trap have a minimum distance of 1-1/2 inches when set; and

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

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

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

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

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

3.21 Sec. 5. Minnesota Statutes 2016, 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 2016, 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 protected wild animal and not capable of drowning the animal must be tended at least once  
3.28 each calendar day, and any animal captured must be removed from the trap. In addition to  
3.29 other penalties provided under section 97A.421, a person who violates this subdivision may

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

4.3 Sec. 7. Minnesota Statutes 2016, 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;

4.15 (iii) include a breakaway device or stop rated at 285 pounds or less; and

4.16 (iv) include a relaxing reverse-bend washer lock with a minimum outside diameter of  
4.17 1-1/4 inches.

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

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