



General Assembly

Amendment

January Session, 2009

LCO No. 6716

SB0065006716SD0

Offered by:

SEN. MEYER, 12th Dist.

REP. ROY, 119th Dist.

To: Subst. Senate Bill No. 650

File No. 707

Cal. No. 486

"AN ACT CONCERNING THE CREATION OF A TRUST FOR THE CARE OF AN ANIMAL."

After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Section 26-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) The commissioner may, after notice and public hearing conducted in the manner prescribed by section 26-67, issue regulations governing and prescribing the taking of all species of fur-bearing animals by use of traps within the state. Such regulations may (1) establish the open and closed seasons, (2) establish the legal hours, (3) prescribe the legal methods that may be used, including size, type and kind of traps and the type and kind of bait and lures, (4) designate the places where traps may be placed and set and the conditions under which the placing and setting of traps will be legal, (5) establish the daily bag limit and the season bag limit, (6) assess a reasonable fee, or

develop a comparable equitable plan, for season trapping rights on state-owned property. Assignment of such rights for specific areas may be determined by drawing or by the order in which requests therefor are recorded as received in the office of the commissioner when there is a set fee for such areas, or the method of high bid may be used. No person shall set, place or attend any trap upon the land of another without having in his possession the written permission of the owner or lessee of such land, or his agent, and no person shall set, place or attend any trap not having the name of the person using such trap legibly stamped thereon or attached thereto; provided the owner or legal occupant of such land or such person as he designates may set, place or attend any legal steel trap in any place within a radius of one hundred feet of any permanent building located on such land. No person who sets, places or attends any trap shall permit more than twenty-four hours to elapse between visits to such trap; provided, if such twenty-four-hour period expires before sunset, the person who set such trap shall have until sunset to visit the same. No person shall place, set or attend any body-crushing trap, leghold trap, snare, net or similar device capable of taking, killing or injuring any animal. For purposes of this section, "body-crushing trap" means a device designed to kill an animal with a blow or crushing force to the body and includes, but is not limited to, conibear-style traps and "leghold trap" means a device designed to close on the foot or leg of an animal with sufficient force to hold the animal until the person tending the trap returns. A leghold trap includes, but is not limited to, a steel-jawed leghold style trap that is either padded or unpadded. For purposes of this section, cage and box traps, nets, suitcase-type beaver traps and common rat and mouse traps shall not be considered body-crushing traps, leghold traps or snares. The pelt of any fur-bearing animal legally taken may be possessed, sold or transported at any time. Upon demand of any officer having authority to serve criminal process or any representative of the Department of Environmental Protection, any person in possession of any such pelt shall furnish to such officer or such representative satisfactory evidence that such pelt was legally taken or acquired. No provision hereof shall be construed as

prohibiting any landowner or lessee of land used for agricultural purposes or any citizen of the United States, or any person having on file in the court having jurisdiction thereof a written declaration of his intention to become a citizen of the United States, who is regularly employed by such landowner or lessee, from pursuing, trapping and killing at any time any fur-bearing animal, except deer, which is injuring any property, or the owner of any farm or enclosure used for breeding or raising any legally acquired fur-bearing animal who has a game breeder's license issued by the commissioner or a fur breeder's license issued by the Livestock Division of the Department of Agriculture, from taking or killing any such animal legally in his possession at any time or having in possession any pelt thereof. No person shall molest, injure or disturb any muskrat house or den at any time. Any fur-bearing animal legally taken alive may be possessed by the person taking the same, provided he shall notify the commissioner in a writing signed by him stating the species and sex of such animal, the date and the name of the town where such animal was taken and the specific address where such animal will be kept. Any representative of the department may at any time inspect such animal and the enclosure or other facilities used to hold such animal and make inquiry concerning the diet and other care such animal should have and if, in the opinion of the commissioner or such representative, such animal is not being provided adequate or proper facilities or care, such animal may be seized by such representative of the department and be disposed of as determined by the commissioner. Fur-bearing animals taken alive, as herein provided, shall not be sold or exchanged, provided the person who legally possesses such animal may apply to the commissioner for a game breeder's license or to the Livestock Division of the Department of Agriculture for a fur breeder's license and when so licensed he may breed such animal and the progeny thereof, and such issue when three generations removed from the wild may be sold or exchanged alive or dead. Any trap illegally set and any body-crushing trap, leghold trap, snare, net or similar device found placed or set in violation of the provisions of this section shall be seized by any representative of the department and, if not claimed

within twenty-four hours, the commissioner may order such trap, snare, net or other device destroyed, sold or retained for use by the commissioner. Any person who violates any provision of this section or any regulation issued by the commissioner shall be fined not more than two hundred dollars or be imprisoned not more than sixty days or both. Whenever any person is convicted, or forfeits any bond, or has his case nolledd upon the payment of any sum of money, or receives a suspended sentence or judgment for a violation of any of the provisions of this section or any regulation issued hereunder by the commissioner, all traps used, set or placed in violation of any such provisions or any such regulation may, by order of the trial court, be forfeited to the state and may be retained for use by the department or may be sold or destroyed at the discretion of the commissioner. The proceeds from any such sale shall be paid to the State Treasurer and by him credited to the General Fund.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) The use of leghold traps for the taking of wildlife by a federal, state or municipal government employee or such employee's duly authorized agent, to protect humans or domesticated animals from demonstrated risks to their health or safety, provided such employee or duly authorized agent: (A) Notifies the commissioner of the location of such trap not later than fifteen calendar days after setting such trap, and (B) notifies the commissioner, in writing, of all animals caught in such trap and the disposition of such animals not later than thirty days after the capture of such animals,

(2) The use of leghold traps for the taking of coyotes to protect humans or domesticated animals from demonstrated risks to their health or safety, provided nonlethal deterrents or the shooting of such coyotes are not viable options, as determined by the commissioner. A leghold trap used to take a coyote pursuant to this subdivision shall: (A) Be set by a Department of Environmental Protection employee or by a trapper licensed pursuant to this chapter and authorized by the commissioner to trap such coyotes, and (B) be checked by such

employee or by such authorized trapper not later than every twelve-hour period after the setting of such trap. Such authorized trapper shall notify the commissioner of the location of such trap not later than fifteen calendar days after setting such trap and shall notify the commissioner, in writing, of all animals caught in such trap and the disposition of such animals not later than thirty days after the capture of such animals,

(3) The use of body-crushing or leghold traps for the taking of beaver or muskrats demonstrated to be causing damage to property, provided nonlethal management of such beaver or muskrats is not a viable option, as determined by the commissioner. A leghold trap used to take beaver or muskrats pursuant to this subdivision shall: (A) Be set by a Department of Environmental Protection employee or by a trapper licensed pursuant to this chapter and authorized by the commissioner to trap such beaver or muskrats, (B) be checked by such employee or by such authorized trapper not later than every twenty-four-hour period after the setting of such trap, and (C) be used for not longer than thirty days. Such authorized trapper shall notify the commissioner of the location of such trap not later than fifteen calendar days after setting such trap and shall notify the commissioner, in writing, of all animals caught in such trap and the disposition of such animals not later than thirty days after the capture of such animals, or

(4) The use of a leghold trap by a landowner or lessee of land used for agricultural purposes, or by such landowner or lessee's authorized agent, to control any fur-bearing animal that is injuring any property or other animal located on such land used for agricultural purposes."