§ 11-1101. Prohibitions.

1. Except as provided in title 5 or in sections 11-1901 or 11-1903, no wild bird shall be trapped, netted or snared, or if so taken, possessed.

2. Traps shall not be set for the taking of any protected wildlife except (a) in an open season as provided in section 11-1103 for taking the species for which the trap is set; or (b) in accordance with a license or permit issued by the department pursuant to title 5; or (c) as provided in title 5 or title 19 with respect to rabies control and predatory, destructive or menacing wildlife; or (d) on a registered muskrat marsh as provided in section 11-1109. Protected wildlife taken or captured in a trap shall not be killed or possessed while captive unless it is a species of wildlife for which the trap was or might lawfully have been set at the time of capture.

3. In waters of the Southern Zone, as so defined, from December 5 through January 31, no person shall set, place or maintain a trap of any kind except (a) spring hole trap sets for the purpose of taking fox, or (b) water sets during any open season established for the taking of muskrat, otter and beaver, or (c) traps set on a registered muskrat marsh pursuant to permit, issued as provided in section 11-1109.

4. On the opening day of an open season for trapping, no person shall stake, set or place any trap or deadfall for the purpose of taking the species of game for which such open season is established or fixed, in the area for which such open season is established or fixed, before 7:00 A.M.

5. Except as provided in subdivision 1 or 2 of section 11-0523 with respect to destructive and menacing wildlife, no person shall (a) set or use a trap of the leg-gripping type having teeth in the jaws; (b) set a trap so that wildlife when caught is suspended; (c) use, locate or set a snare or a device consisting of a noose of any material whereby an animal may be taken.

6. a. No person shall set or use a trap of the leg-gripping type (a)

having a spread of jaws exceeding 7 1/4" measured at right angles to the axis upon which the jaws operate and excluding the gripping surface of each jaw, when used under water during the open season for trapping beaver or otter, or (b) in any other case, except as provided in title 5 or in section 11-1109, having a spread of jaws exceeding 5-3/4" as so measured.

b. No person shall set or use a body gripping type trap with a dimension of more than 7-1/2 inches except:

(a) when used in water during the open season for trapping beaver and otter; or

(b) as further permitted by the department by regulation.

The dimension of the body gripping trap shall be ascertained when the trap is set in the extreme cocked position and shall be the maximum distance between pairs of contacting body gripping surfaces except for rectangular devices which shall be the maximum perpendicular distance between pairs of contacting body gripping surfaces.

c. Traps of the leg-gripping type having a spread of jaws exceeding 4" measured as described in paragraph a of this subdivision, when set on land (excluding traps originally set in water) (a) shall be covered at the time the trap is set or visited; if the trap becomes uncovered after it is set the covering shall be replaced at the time the trap is visited; coverings shall include but not be limited to soil, sand, leaves, needles, other plant materials, and other substances as permitted by department regulation; such substances shall completely cover the jaws of the trap, and (b) shall be equipped with a pan tensioning device which shall include but not be limited to a bolt and nut, notches grooved in the pan and dog or lever, sheer pins, a spring under the pan or strip of band steel, or other devices or modifications as permitted by regulation of the department.

7. Except as provided in section 11-1109, (a) no person shall take muskrat by the use of a box, wire or cage trap, except that they may be taken in such a trap of a construction incapable of taking any species of wildlife until wildlife previously taken therein has been released;

(b) except as otherwise permitted by department regulation, no person shall set, stake or use a trap within a distance of five feet from a muskrat den or house or any structure constructed by a muskrat in which it can take shelter; (c) smoke, chemicals, gas or poison shall not be used on or near any trap used to take beaver, otter, fisher, bobcat, coyote, fox, mink, raccoon, muskrat or skunk.

8. Except as permitted by the department, no person shall set, stake or use a trap within a distance of fifteen feet from a beaver dam, den or house.

9. No person shall take, possess or remove from any legally set trap any lawfully trapped wildlife or shall wilfully disturb, destroy, take or possess, any legally set trap, without the permission of the owner of such trap.

10. Traps shall not be set or placed on a public highway.

11. Beaver, fisher and otter shall be taken only as permitted by the department.

12. No person shall trap wildlife within one hundred feet of a dwelling, school building, school playground or church without the written consent of the owner or lessee of the property where the trap is set.