

TITLE XVIII

FISH AND GAME

CHAPTER 210

FUR-BEARING ANIMALS

Section 210:1

210:1 Otter, Mink and Muskrat. – [Repealed 1981, 148:6, I, eff. July 21, 1981.]

Section 210:1-a

210:1-a Taking Foxes. – [Repealed 1981, 148:6, II, eff. July 21, 1981.]

Section 210:2

210:2 Raccoons. – No person shall hunt raccoons at night by the use of a rifle, revolver, or pistol larger than .22 caliber long rifle or by the use of shotgun shells carrying shot larger than number 4. Lights may be used to take or attempt to take raccoons, except by use of a light from a motor vehicle.

Source. 1935, 124:4. 1937, 132:1. 1939, 215:1. RL 244:3. 1947, 116:1. 1953, 189:1. RSA 210:2. 1959, 151:1. 1967, 27:1; 208:1. 1969, 404:1. 1977, 23:1. 1981, 148:3. 1989, 33:1, eff. June 11, 1989.

Section 210:3

210:3 Sable, Marten. – [Repealed 1981, 148:6, III, eff. July 21, 1981.]

Section 210:3-a

210:3-a Fisher Seasons. – [Repealed 1981, 148:6, IV, eff. July 21, 1981.]

Section 210:3-b

210:3-b Marine Mammals. – It shall be unlawful for any person to possess or take any marine mammals except as provided for in the Marine Mammal Protection Act and under the rules adopted by the executive director pursuant to RSA 207:14 and RSA 211:62. Notwithstanding any provisions to the contrary, whoever violates this section shall be guilty of a violation.

Source. 1969, 452:1. 1977, 588:37. 1993, 51:1, eff. June 15, 1993.

Section 210:3-c

210:3-c Bobcat Seasons. – [Repealed 1981, 148:6, V, eff. July 21, 1981.]

Section 210:4

210:4 Muskrat House, Dens, Etc. – No person shall at any time destroy or injure a muskrat house, den or burrow, or place a trap within 15 feet thereof. No person shall at any time injure or destroy the house, den or burrow used by any game animal or fur-bearing animal.

Source. 1935, 124:4. RL 244:5. RSA 210:4. 1975, 33:1, eff. May 16, 1975.

Beaver

Section 210:5

210:5 Open Season. – [Repealed 1981, 148:6, VI, eff. July 21, 1981.]

Section 210:6

210:6 Notice. – [Repealed 1981, 148:6, VII, eff. July 21, 1981.]

Section 210:7

210:7 Trapping of Beaver and Otter. –

I. During the open season beaver and otter shall be taken and possessed by resident trappers only and taken only by means of traps.

II. In addition to the restrictions imposed by RSA 210:12, no person shall pre-bait, cut holes in the ice or brush, or make any preliminary preparations in the trapping area for the taking of beaver or otter prior to the first day of the trapping season, in Coos county.

Source. 1939, 81:2. RL 244:8. 1945, 46:2. 1951, 11:2. RSA 210:7. 1979, 50:2. 1981, 148:4. 1985, 51:1, eff. June 18, 1985.

Section 210:8

210:8 Sealing and Sale of Skins. –

I. It shall be unlawful for any person to sell, give away, buy, possess, accept as a gift, offer for transportation, or transport raw skins or unskinned carcasses of any fur-bearing animal unless such skin or carcass bears an official New Hampshire fish and game department tag or seal. The executive director may adopt rules under RSA 541-A exempting any species of fur-bearing animal from the requirements of this section.

II. Nothing herein shall prohibit the transportation or possession of raw pelts or unskinned fur-bearing animals or coyotes when accompanied by the hunter or trapper or designee specified in writing with the signature of the licensed hunter or trapper.

III. All skins as specified in paragraph I shall be presented to a conservation officer, he shall tag or seal the same if legally taken. Such skins shall be presented for tagging or sealing during the open season in which they are caught or within 10 days after the closing of the open season thereof.

IV. Any of the skins as specified in paragraph I that come into this state in any manner from any other state, country or province shall bear the official tag, seal or stamp of such other state, country or province.

V. If any of the skins as specified in paragraph I come into this state from another state, country or province and said state, country or province does not require an official tag, seal or stamp, the person possessing such skins shall have said skins tagged or sealed within 3 days of entrance into this state in accordance with this section, or he shall possess an itemized bill of sale and said bill of sale shall be produced for inspection upon the request of any law enforcement officer.

VI. As a prerequisite of tagging or sealing, the executive director may require that the skinned carcasses of certain fur-bearing animals, or the skinned carcasses of coyotes be turned over to the fish and game department for analysis. The executive director shall notify all licensed trappers and hunters in advance of the opening of the season of the species of fur-bearers to be turned over to the department.

Source. 1973, 48:1. 1979, 62:1. 1993, 237:3, eff. Jan. 1, 1994.

Section 210:8-a

210:8-a Fur Seals. –

I. No person shall sell, buy, give away, or possess any fur seals in this state unless such seals are legally affixed to skins or furs by a conservation officer or persons authorized by the executive director.

II. No person shall remove, alter, deface, or destroy any fur seals or place or cause to be placed any fur seals on any skins or furs without written permission of the executive director.

III. Nothing in the preceding paragraphs shall apply to a conservation officer or other fish and game personnel while acting in the performance of their duties.

IV. Any person found guilty of violating any of the provisions of this section shall be guilty of a violation for each offense committed under this section.

Source. 1981, 41:1, eff. May 17, 1981.

Section 210:9

210:9 Protection of Beaver. –

I. No person shall destroy or disturb or interfere in any manner with the dams or houses of beaver, without first obtaining a special permit from the executive director.

II. Notwithstanding paragraph I or any other provision of law or rule of the executive director or the department of environmental services, a landowner, the landowner's agent, or any town or municipal or state official or employee, may destroy beaver, remove beaver dams, or install beaver pipes or beaver fences on property under their control to protect property, public highways, or bridges from damage or submersion. Dam removal shall be allowed without a permit under RSA 482-A if machinery does not enter the water and filling or dredging in or adjacent to surface water, wetlands, or their banks does not occur. Removal shall be done in a gradual manner that does not allow a sudden release of impounded water so as to cause erosion, siltation, or a safety hazard downstream.

II-a. For purposes of paragraph II, the term "beaver pipes" means no more than 3 temporary structures with the widest dimension no larger than 15 inches that is placed in a beaver dam to allow water passage to maintain a specific water surface elevation, and the term "beaver fences" means posts and fencing installed at culverts in such a manner as to either encourage or discourage beaver damming against the fence.

III. The executive director may require the reporting of beaver taken pursuant to paragraph II by rules made in accordance with RSA 541-A.

IV. Skins or unskinned carcasses taken under this section shall be sealed pursuant to RSA 210:8 before such skins or unskinned carcasses are sold or given away.

V. The executive director or his agents shall provide advice relative to beaver control techniques when requested.

Source. 1939, 81:2. RL 244:10. 1943, 64:3. RSA 210:9. 1967, 441:3. 1988, 79:1. 1996, 228:42. 2009, 257:1, eff. Sept. 14, 2009.

Section 210:9-a

210:9-a Fish and Game Director. – [Repealed 1988, 79:2, eff. June 14, 1988.]

Section 210:10

210:10 Penalty. – Whoever violates any of the provisions of this subdivision shall be guilty of a violation.

Source. 1939, 81:2. RL 244:11. RSA 210:10. 1973, 531:52, eff. Oct. 31, 1973 at 11:59 p.m.

Traps, Spring Guns, and Snares

Section 210:11

210:11 Setting Traps. –

I. No person shall set, arrange or tend any trap upon any land or from the shores of any waters of which he is not the owner or occupant, except such traps as may be placed under water from a boat or canoe or through the ice on any public body of water as defined in RSA 271:20 or on the following named rivers, Androscoggin, Ammonoosuc, Ashuelot, Bear Camp, Contoocook, Connecticut, Cochecho, Exeter, Lamprey, Mascoma, Merrimack, Merrymeeting, Islinglass, Pemigewasset, Pine, Saco, Soucook, Suncook, Winnepesaukee and their navigable tributaries, until he has secured from the owner or occupant a permit in writing signed by said owner or occupant, and until he shall have filed with the conservation officer in whose district said person is going to trap, a copy thereof, together with a description of the land on which trapping is to be done. Navigable tributary as used in this section shall be defined as those waters from the mouth of said tributary to a point upstream where a person can row a boat or paddle a canoe when the water in the stream is in its ordinary condition.

II. All metal traps shall have the name of the person setting them, either stamped or engraved in a legible and permanent manner on the trap or on a durable tag securely affixed to the metal trap or chain holding said trap.

III. No person shall set or arrange any trap in a public way, cart road or path commonly used as a passageway by human beings or domestic animals.

IV. The executive director, with the approval of the commissioner of the department of transportation in the case of Class I, II or III highways, and of the municipality in the case of Class IV, V or VI highways, is authorized to issue special permits allowing the setting of traps for a specified period of time and in a specific location under or in

the vicinity of bridges or in artificial or natural ditches or drainage systems or in the vicinity of any combination of such within the limits of the right-of-way of any public highway if such trapping is desirable to protect the highway.

Source. 1935, 124:4. 1937, 188:15a. 1939, 125:1. RL 244:12. 1951, 195:1. RSA 210:11. 1975, 12:1. 1977, 24:1. 1979, 49:1. 2004, 257:34, eff. June 15, 2004.

Section 210:11-a

210:11-a Restriction on Certain Traps – [Repealed by 2004, 65:2, eff. July 3, 2004.]

Section 210:12

210:12 Time for. – No person shall set or arrange any trap prior to the first day of the open season for trapping any particular fur-bearing animal.

Source. 1947, 42:1, eff. Mar. 18, 1947.

Section 210:13

210:13 Visiting Traps. – Notwithstanding any other law to the contrary, a person shall visit his traps at least once in each calendar day, provided, however, that a person trapping for beaver through the ice during the open season therefor, shall visit his traps once in each 72 hours. Trappers shall be permitted to use artificial lights during the hours of darkness to facilitate the checking of traps under this section, subject to the following restrictions: no person shall check traps at night by the use of a rifle, revolver, or pistol larger than a .22 caliber long rifle or by use of shotgun shells carrying shot larger than number 4 birdshot; and checking traps by the use of lights from a motor vehicle shall be prohibited. Only a person whose name is either stamped or engraved on the traps or on a durable tag securely affixed to the traps shall have the authority to tend the traps. In case of an emergency, the owner of the traps may grant written permission to another duly licensed trapper to tend the traps.

Source. 1935, 124:4. 1937, 188:15. 1941, 126:14. RL 244:13. 1951, 11:3. RSA 210:13. 1977, 76:1. 1994, 51:1, eff. July 1, 1994.

Section 210:14

210:14 Disturbing Traps of Another. – No person shall disturb the trap of another, nor take a fur-bearing animal from the trap of another unless an owner shall have complied with the authorization provisions of RSA 210:13. Any person taking a fur-bearing animal from a trap set by another without complying with RSA 210:13 shall be deemed guilty of theft by unauthorized taking or transfer and punishable accordingly.

Source. 1935, 124:4. RL 244:14. RSA 210:14. 1977, 76:2, eff. June 27, 1977.

Section 210:15

210:15 Protection of Bear Traps. – A person who sets or causes to be set a bear trap shall build in a suitable manner, and maintain around the same, a railing or guard not less than 3 feet high, and shall post not less than 2 painted signs, with the words "Bear Trap" thereon in letters not less than 3 inches in height, on such railing or guard.

Source. 1935, 124:4. 1937, 188:16. RL 244:15.

Section 210:16

210:16 Spring Guns. – No person shall set or use at any time any device, the object of which is to discharge a firearm, for the purpose of taking game or fur-bearing animals.

Source. 1935, 124:4. RL 244:16.

Section 210:17

210:17 Snares. – The executive director may adopt rules, under RSA 541-A, relative to the use of snares for the taking of wildlife.

Source. 1935, 124:4. RL 244:18. RSA 210:17. 1986, 233:1, 3, I. 2001, 92:1, eff. Aug. 20, 2001.

Section 210:18

210:18 Damage to Domestic Animals. –

I. Any person causing injury or damage to domestic animals, except for dogs at large pursuant to RSA 466:33, by the aid or use of traps shall be liable to the owner therefor. An injury to a licensed dog at large shall be reported to the town or city listed on the dog's tag, and to the owner of the dog if identifiable.

II. Any person engaged in the act of trapping in violation of the laws or rules governing trapping under this title resulting in the death of a domestic animal shall be guilty of a violation. Upon conviction, and in addition to any other penalty, the person's trapping license shall be revoked for a period up to 3 years. Prior to the restoration of such person's ability to apply for a license or permit to trap, the person shall show successful completion of a trapping education program pursuant to RSA 210:25.

Source. 1935, 124:4. RL 244:18. 2004, 65:1, eff. July 3, 2004. 2014, 155:1, eff. Jan. 1, 2015.

Penalties

Section 210:19

210:19 Fines. – Any person who violates a provision of this chapter is subject to the following penalties:

I. For each offense under RSA 210:1-4 inclusive, and RSA 210:11-14, inclusive, a person shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and for each otter, mink, muskrat, raccoon, sable, marten or fisher taken or possessed contrary to the provisions thereof, any person shall be guilty of an additional violation.

II. For each offense of RSA 210:15 and 210:16, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person, and such person shall be liable for twice the amount of the damage caused by his act, to be recovered by the person or his estate sustaining the injury or loss.

III. For each offense under RSA 210:17, a person shall be guilty of a violation.

Source. 1935, 124:4. 1937, 188:17. 1939, 81:3. RL 244:19. 1945, 131:3. RSA 210:19. 1967, 33:2. 1973, 529:40, eff. Oct. 31, 1973 at 11:59 p.m.

Licenses for Trapping and Fur Buying

Section 210:20

210:20 Expiration Date. – Notwithstanding any of the general provisions for the expiration of fish and game licenses, any license to trap fur-bearing animals and any license to buy furs under RSA 214:24 shall expire on June 30 of each year.

Source. 1969, 93:1, eff. June 30, 1970.

Section 210:21

210:21 Report of Catch. – [Repealed 2001, 92:4, eff. Aug. 20, 2001.]

Section 210:22

210:22 Penalty. – [Repealed 1985, 219:2, eff. July 30, 1985.]

Section 210:23

210:23 Authority of Fish and Game Executive Director. – The executive director of the fish and game department with the approval of the commission may declare an open season or closed season on any fur-bearing

animals in any town and county in the state. The executive director may make such other rules as necessary as to lengthening or shortening the seasons, bag limits, reporting requirements, and the method and manner of taking, in accordance with RSA 541-A.

Source. 1977, 111:2. 1981, 148:5. 2001, 92:2, eff. Aug. 20, 2001.

Section 210:24

210:24 Notice of Open or Closed Season. – [Repealed 2008, 131:1, eff. Aug. 2, 2008.]

Section 210:24-a

210:24-a Season for Taking of Fur-Bearing Animals. – The executive director is authorized to set a season for the taking of fur-bearing animals for nonresident hunters and trappers which may be different from the season established for resident hunters and trappers.

Source. 1983, 263:2, eff. Aug. 17, 1983.

Section 210:24-b

210:24-b Wildlife Control Operators. –

I. The executive director may adopt rules, under RSA 541-A, for the licensure and regulation of wildlife control operators engaged in the practice of the trapping of nuisance animals. Such rules may include, but shall not be limited to:

- (a) The establishment of license types and fees.
- (b) Minimum license requirements.
- (c) The manner and method of taking.
- (d) The wildlife species which may be controlled.
- (e) Transportation and disposition of the wildlife.
- (f) Reporting and sale requirements.
- (g) Exceptions to RSA 210:11.
- (h) License reciprocity.

II. The provisions of this section, and any rules adopted under this section, shall not apply to officers and employees of the department, the state, or of a municipality, where such persons are acting in their official capacity.

Source. 2001, 92:3, eff. Aug. 20, 2001.

Education

Section 210:25

210:25 Trapping Education. – There is hereby established a program to provide education to the citizens of the state of New Hampshire on the practice of trapping fur-bearing animals as a recognized conservation and management tool as well as a traditional sport avocation. The program shall be established within the department of fish and game and shall be administered by the executive director, with the approval of the fish and game commission.

Source. 1981, 197:1. 1983, 48:2. 2007, 134:2, eff. July 1, 2007.