

§ 4826. Taking deer damaging crops

(a) A person, including an authorized member of the person's family, an authorized regular on-premises employee, or an agent who holds a Vermont hunting license and who is designated by the person, may take, on land owned or occupied by the person, up to ~~six~~ four deer per year that the person can prove were doing damage to the following:

- (1) a tree that is being grown in a plantation or being cultivated for the purpose of harvesting an annual or perennial crop or producing any marketable item; or
- (2) a crop-bearing plant; or
- (3) a crop, except grass.

(b) A person by whom, or under whose direction, a deer is wounded or killed, shall report in writing signed by him or her within 12 hours all the facts relative to the act to a game warden. The report shall state the time and place of the wounding or killing.

(c) A person who kills a deer shall immediately properly dress the carcass and care for the meat.

(d) The game warden shall immediately investigate the case and if satisfied that the deer was taken as provided in this section, shall give the person a certificate of the finding in the matter. The certificate shall entitle the person to the ownership of the carcass, but the person shall not sell or give away the same. However, the head and the antlers, if any, shall be turned over to a warden. In addition, any carcass not needed for home consumption in the household of the certificate-holder shall be turned over to a game warden.

(e) When a game warden finds that a deer has been wounded or killed contrary to the provisions of this section, he or she shall dispose of the deer under the direction of the Commissioner, and any monies received therefor shall be paid to the Commissioner.

(f)(1) "Person" includes all people who jointly own or lease the land.

(2) "Post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land, except for signs erected pursuant to section 4710 of this title.

(g) The Commissioner, ~~their designee or a warden~~ may ~~issue a permit to authorize~~ a person to take more than ~~six~~ four deer under this section if:

- (1) the land owned by the person is not posted against hunting;
- (2) the person can prove that the property is sustaining additional and ongoing damage; and
- (3) the person has taken reasonable measures to prevent the deer from continuing to damage the crop.

(h) The Commissioner is authorized to issue an order requiring any person to remove food or bait which has the effect of luring deer into the vicinity of the property sustaining damage. In this subsection, food does not include a crop or crop-bearing plant. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1967, No. 57, § 2, eff. March 30, 1967; 1973, No. 242 (Adj. Sess.), eff. April 8, 1974; 2005, No. 24, § 1; 2011, No. 54, § 11, eff. May 31, 2011.)

~~§ 4829. Person suffering damage by deer or black bear~~

~~(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage, and may apply to the Department of Fish and Wildlife within 72 hours~~

of the occurrence of the damage for reimbursement for the damage. As used in this section, “post” means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

(b) As used in this section, a person is “engaged in the business of farming” if he or she earns at least one-half of the farmer’s annual gross income from the business of farming, as that term is defined in the Internal Revenue Code, 26 C.F.R. § 1.175-3. (Added 1969, No. 195 (Adj. Sess.), § 1; amended 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1997, No. 99 (Adj. Sess.), § 10; 2011, No. 54, § 12, eff. May 31, 2011; 2013, No. 78, § 18.)

§ 4830. Regulations

The State Fish and Wildlife Board shall adopt rules and regulations relating to application for reimbursement, examination by State fish and wildlife wardens of damage, and reimbursement therefor. (Added 1969, No. 195 (Adj. Sess.), § 2; amended 1983, No. 158 (Adj. Sess.), eff. April 13, 1984.)

§ 4831. Reimbursement

Reimbursement under this subchapter shall be made by the State Treasurer, on the voucher of the Commissioner of Fish and Wildlife, from money received by the State Treasurer under the provisions of this part. (Added 1969, No. 195 (Adj. Sess.), § 3.)

§ 4832. Appeal

A person who is denied reimbursement under this subchapter or who is dissatisfied with the amount of the reimbursement granted may appeal to the Superior Court of the county in which he or she resides. (Added 1969, No. 195 (Adj. Sess.), § 4; amended 1971, No. 185 (Adj. Sess.), § 25, eff. March 29, 1972; 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974.)

Crop insurance is divided into two categories, the federally subsidized multiple-peril crop insurance and the state-regulated private crop insurance. In 2021, over \$14 million in premiums were written for multiple-peril crop insurance and over \$1.2 million in premiums were written for private crop insurance.