

Journal of the House

Thursday, February 12, 2009

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Gordon Tallman, Farmer/Poet from Hyde Park, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee as follows:

H. 204

By Reps. Ancel of Calais, Clarkson of Woodstock, Flory of Pittsford, Jewett of Ripton, Marek of Newfane, Scheuermann of Stowe and Westman of Cambridge,

An act relating to payment of diversion program fees;

To the committee on Judiciary.

H. 205

By Reps. Flory of Pittsford, Acinapura of Brandon, Andrews of Rutland City, Baker of West Rutland, Canfield of Fair Haven, Courcelle of Rutland City, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, Haas of Rochester, Helm of Castleton, Howard of Rutland City, Lewis of Derby, McNeil of Rutland Town, Morrissey of Bennington, Myers of Essex, Potter of Clarendon, Savage of Swanton and Smith of Mendon,

An act relating to reporting to the Vermont criminal justice training council;

To the committee on Government Operations.

H. 206

By Reps. Grad of Moretown, Donahue of Northfield, Krawczyk of Bennington, Moran of Wardsboro and Morrissey of Bennington,

An act relating to military pension income tax exemption;

To the committee on Ways and Means.

H. 207

By Reps. Howrigan of Fairfield, Clarkson of Woodstock, Branagan of Georgia, Courcelle of Rutland City, Evans of Essex, Frank of Underhill, Macaig of Williston, Martin of Springfield, McCullough of Williston, Miller of Shaftsbury, Mitchell of Barnard, O'Brien of Richmond, Potter of Clarendon, Smith of Mendon, Taylor of Barre City, Till of Jericho, Toll of Danville, Weston of Burlington and Young of St. Albans City,

An act relating to lyme disease treatment and education;

To the committee on Health Care.

H. 208

By Rep. Acinapura of Brandon,

An act relating to requiring law enforcement officers to have a college degree;

To the committee on Government Operations.

H. 209

By Rep. Lippert of Hinesburg,

An act relating to removing from the calculation of excess spending all interest paid on funds borrowed in anticipation of state school construction aid;

To the committee on Education.

H. 210

By Rep. Deen of Westminster,

An act relating to enforcement in the judicial bureau of environmental violations;

To the committee on Fish, Wildlife and Water Resources.

Bill Referred to Committee on Appropriations**H. 83**

House bill, entitled

An act relating to underground storage tanks and the petroleum cleanup fund

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

House Resolution Placed on Calendar**H.R. 9**

House resolution, entitled

House resolution urging congress to adopt a system of universal health care

Offered by: Representatives Martin of Springfield, Ancel of Calais, Andrews of Rutland City, Aswad of Burlington, Atkins of Winooski, Audette of S. Burlington, Bissonnette of Winooski, Bohi of Hartford, Botzow of Pownal, Bray of New Haven, Browning of Arlington, Burke of Brattleboro, Cheney of Norwich, Clarkson of Woodstock, Condon of Colchester, Conquest of Newbury, Consejo of Sheldon, Copeland-Hanzas of Bradford, Courcelle of Rutland City, Davis of Washington, Deen of Westminster, Devereux of Mount Holly, Donovan of Burlington, Edwards of Brattleboro, Emmons of Springfield, Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, French of Randolph, Geier of S. Burlington, Gilbert of Fairfax, Grad of Moretown, Haas of Rochester, Head of S. Burlington, Hooper of Montpelier, Howard of Rutland City, Jewett of Ripton, Johnson of S. Hero, Kitzmiller of Montpelier, Klein of East Montpelier, Lanpher of Vergennes, Larson of Burlington, Lenes of Shelburne, Leriche of Hardwick, Lippert of Hinesburg, Lorber of Burlington, Macaig of Williston, Malcolm of Pawlet, Manwaring of Wilmington, Marcotte of Coventry, Marek of Newfane, Martin of Wolcott, Masland of Thetford, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Milkey of Brattleboro, Miller of Shaftsbury, Minter of Waterbury, Mitchell of Barnard, Mook of Bennington, Moran of Wardsboro, Mrowicki of Putney, Nease of Johnson, Nuovo of Middlebury, O'Brien of Richmond, Obuchowski of Rockingham, O'Donnell of Vernon, Orr of Charlotte, Partridge of Windham, Pellett of Chester, Peltz of Woodbury, Potter of Clarendon, Poirier of Barre City, Pugh of S. Burlington, Ram of Burlington, Rodgers of Glover, Shand of Weathersfield, Sharpe of Bristol, Smith of Mendon, South of St. Johnsbury, Spengler of Colchester, Stevens of Waterbury, Stevens of Shoreham, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Toll of Danville, Townsend of Randolph, Waite-Simpson of Essex, Webb of Shelburne, Weston of Burlington, Wheeler of Derby, Wizowaty of Burlington, Young of St. Albans City, Zenie of Colchester and Zuckerman of Burlington

Whereas, the cost of health insurance has continued to skyrocket far above the inflation rates for most other goods and services, and

Whereas, millions of Americans cannot afford the cost of even a basic health insurance policy that provides minimal coverage in the event of a catastrophic emergency, and

Whereas, the recently rising unemployment rate means that persons who were fortunate enough to have health insurance through their employers will now be required to pay the market rate through the federal COBRA program which may be far beyond their reduced budgetary resources and, in any event, is only available for a limited period of time, and

Whereas, the default health insurance that now exists for persons who are without actual coverage is to visit a hospital emergency room when absolutely necessary, and the costs are then shifted to those persons who do have coverage, and

Whereas, this system is extremely inefficient and costly and places a huge strain on our nation's health care institutions and providers, and

Whereas, the United States is the only industrialized nation not to have a system of universal health insurance, and

Whereas, advocates for universal coverage have suggested different ways of reaching this goal, including expanding Medicare to all age groups, providing public access to the health insurance plan members of Congress enjoy (which is offered through private companies), or developing an alternative 50-state or unified federal system of single payer insurance, and

Whereas, while the pros and cons of the different options can be evaluated and debated in Congress, it is far past time that our nation commit itself to implementing, at the earliest possible moment, a comprehensive system of affordable universal health insurance that is available to every Vermonter and American, now therefore be it

Resolved by the House of Representatives:

That this legislative body urges Congress to adopt a system of universal health insurance for implementation no later than the beginning of federal fiscal year 2011, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to President Obama and to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Remarks Journalized

On motion of **Rep. Koch of Barre Town**, the following remarks by **Rep. Aswad of Burlington** were ordered printed in the Journal:

"Mr. Speaker:

Today is the 200th anniversary of the birth of Abraham Lincoln. Rep. Sarah Edwards introduced me to a book written by Doris Kearns Goodwin called “A Team of Rivals”. It covers the years of Lincoln’s presidency. It is, absolutely, a fascinating story. On this occasion, with the leave of the Speaker, I would like to read a couple of paragraphs from the book that speak to Lincoln’s personality and his renown throughout the world.

In 1908, in a wild and remote area of the North Caucasus, Leo Tolstoy, the greatest writer of the age, was the guest of a tribal chief “living far away from civilized life in the mountains.” Gathering his family and neighbors, the chief asked Tolstoy to tell stories about the famous men of history. Tolstoy told how he entertained the eager crowd for hours with tales of Alexander, Caesar, Frederick the Great, and Napoleon. When he was winding to a close, the chief stood and said, “But you have not told us a syllable about the greatest general and greatest ruler of the world. We want to know something about him. He was a hero. He spoke with a voice of thunder; he laughed like the sunrise and his deeds were strong as the rock... His name was Lincoln and the country in which he lived is called America, which is so far away that if a youth should journey to reach it he would be an old man when he arrived. Tell us of that man.”

“I looked at them,” Tolstoy recalled, “and saw their faces all aglow, while their eyes were burning. I saw that those rude barbarians were really interested in a man whose name and deeds had already become a legend.” He told them everything he knew about Lincoln’s “home life and youth... his habits, his influence upon the people and his physical strength.” When he finished, they were so grateful for the story that they presented him with “a wonderful Arabian horse.” The next morning, as Tolstoy prepared to leave, they asked if he could possibly acquire for them a picture of Lincoln. Thinking that he might find one at a friend’s house in the neighboring town, Tolstoy asked one of the riders to accompany him. “I was successful in getting a large photograph from my friend,” recalled Tolstoy. As he handed it to the rider, he noted that the man’s hand trembled as he took it. “He gazed for several minutes silently, like one in a reverent prayer, his eyes filled with tears.”

Tolstoy went on to observe, “This little incident proves how largely the name of Lincoln is worshipped throughout the world and how legendary his personality has become. Now, why was Lincoln so great that he over-shadows all other national heroes? He really was not a great general like Napoleon or Washington; he was not such a skillful statesman as Gladstone or Frederick the Great; but his supremacy expresses itself altogether in his peculiar moral power and in the greatness of his character.

“Washington was a typical American. Napoleon was a typical Frenchman, but Lincoln was a humanitarian as broad as the world. He was bigger than his country – bigger than all the Presidents together.

“We are still too near to his greatness,” Tolstoy concluded, “but after a few centuries more our posterity will find him considerably bigger than we do. His genius is still too strong and too powerful for the common understanding, just as the sun is too hot when its light beams directly on us.”

Mr. Speaker, Lincoln was never a purveyor of doom and gloom. He was an optimist. If he were alive today, confronted with the current economic situation, two wars and political challenges, I think Lincoln would say that this nation, under God, will have a new birth of peace and prosperity and that the government of the people, by the people and for the people will not perish from the earth.

I have left a copper image of Lincoln on each member's desk.

Thank you.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 202

Rep. Maier of Middlebury moved that the committee on Health Care be relieved of House bill, entitled

An act relating to the long-term care partnership program

And that the bill be committed to the committee on Human Services, which was agreed to.

Committee Appointed

The Speaker appointed as a member to the following committee:

Vermont State Advisory Committee

Rep. Edwards of Brattleboro

Bill Amended; Third Reading Ordered

H. 24

Rep. Till of Jericho, for the committee on Health Care, to which had been referred House bill, entitled

An act relating to insurance coverage for colorectal cancer screening

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

(a) Colorectal cancer is the third most common cancer affecting Vermonters. Approximately 130 Vermonters die each year from colorectal cancer and around 330 new cases are diagnosed in Vermont each year. All Americans have a five percent risk of developing colorectal cancer during their lifetime.

(b) Ninety percent of colorectal cancers are diagnosed in patients over the age of 50.

(c) If caught early, patients suffering from colorectal cancer have a 70 to 90 percent survival rate.

(d) Colorectal cancer screening prevents and diagnoses colorectal cancer.

(e) Raising the numbers of colorectal cancer screenings in Vermont is likely to produce minor increases in health care costs in early years, but is expected to save money over time as the need for expensive cancer treatments is reduced.

8 V.S.A. § 4100g is added to read:

§ 4100g. COLORECTAL CANCER SCREENING; COVERAGE
REQUIRED

(a) For purposes of this section:

(1) “Colonoscopy” means a procedure that enables a physician to examine visually the inside of a patient’s entire colon and includes the removal of polyps, biopsy, or both.

(2) “Insurer” means insurance companies that provide health insurance as defined in subdivision 3301(a)(2) of this title, nonprofit hospital and medical services corporations, and health maintenance organizations. The term does not apply to coverage for specified disease or other limited benefit coverage.

(b) Insurers shall provide coverage for colorectal cancer screening, including:

(1) Providing an insured 50 years of age or older with the option of:

(A) Annual fecal occult blood testing plus one flexible sigmoidoscopy every five years; or

(B) One colonoscopy every 10 years.

(2) For an insured who is at high risk for colorectal cancer, colorectal cancer screening examinations and laboratory tests as recommended by the treating physician.

(c) For the purposes of subdivision (b)(2) of this section, an individual is at high risk for colorectal cancer if the individual has:

(1) A family medical history of colorectal cancer or a genetic syndrome predisposing the individual to colorectal cancer;

(2) A prior occurrence of colorectal cancer or precursor polyps;

(3) A prior occurrence of a chronic digestive disease condition such as inflammatory bowel disease, Crohn's disease, or ulcerative colitis; or

(4) Other predisposing factors as determined by the individual's treating physician.

(d) Benefits provided shall cover the colorectal cancer screening subject to a co-payment no greater than the co-payment applicable to care or services provided by a primary care physician under the insured's policy, provided that no co-payment shall exceed \$25.00 for services performed under contract with the insurer. Colorectal cancer screening services performed under contract with the insurer also shall not be subject to deductible or coinsurance requirements.

Sec. 3. 18 V.S.A. § 9410(i) is amended to read:

(i)(1) On or before January 15, 2008 and every three years thereafter, the commissioner shall submit a recommendation to the general assembly for conducting a survey of the health insurance status of Vermont residents.

(2) No later than November 15, 2009, the commissioner shall make available on the department's website the prices charged by each Vermont hospital for the 10 most commonly performed preventive services in this state.

Sec. 4. PREVENTIVE SERVICES COST REVIEW

The department of banking, insurance, securities, and health care administration shall analyze the costs of the 10 preventive services most commonly performed in Vermont hospitals and recommend approaches for aligning the prices charged for such services with their actual costs. No later than November 15, 2009, the department shall report its findings and recommendations to the house committee on health care, the senate committee on health and welfare, and the commission on health care reform.

Sec. 5. 8 V.S.A. chapter 107, subchapter 10 is amended to read:

Subchapter 10. Prostate and Colorectal Cancer Screening; Coverage Required

 Sec. 6. APPLICABILITY AND EFFECTIVE DATE

(a) Section 2 of this act shall take effect on October 1, 2009 and shall apply to all health benefit plans on and after October 1, 2009 on such date as a health insurer offers, issues, or renews the health benefit plan, but in no event later than October 1, 2010.

(b) The remaining sections of this act shall take effect upon passage.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Rep. Jewett in Chair.

Pending the question, Shall the bill be amended as recommended by the Committee on Health Care? **Rep. Maier of Middlebury** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Pending the call of the roll, **Rep. O'Donnell of Vermont** moved that the bill be committed to the committee on Commerce and Economic Development, which was disagreed to.

The Clerk proceeded to call the roll and the question, Shall the bill be amended as recommended by the Committee on Health Care? was decided in the affirmative. Yeas, 105. Nays, 34.

Those who voted in the affirmative are:

Ancel of Calais	Head of S. Burlington	Mrowicki of Putney
Andrews of Rutland City	Heath of Westford	Myers of Essex
Atkins of Winooski	Helm of Castleton	Nuovo of Middlebury
Bissonnette of Winooski	Hooper of Montpelier	O'Brien of Richmond
Bohi of Hartford	Howard of Rutland City	Obuchowski of Rockingham
Botzow of Pownal	Howrigan of Fairfield	Orr of Charlotte
Bray of New Haven	Jerman of Essex	Partridge of Windham
Brennan of Colchester	Jewett of Ripton	Pellett of Chester
Browning of Arlington	Johnson of S. Hero	Peltz of Woodbury
Burke of Brattleboro	Keenan of St. Albans City	Poirier of Barre City
Canfield of Fair Haven	Kitzmiller of Montpelier	Potter of Clarendon
Cheney of Norwich	Klein of East Montpelier	Pugh of S. Burlington
Clarkson of Woodstock	Krawczyk of Bennington	Ram of Burlington
Condon of Colchester	Lanpher of Vergennes	Rodgers of Glover
Conquest of Newbury	Larson of Burlington	Shand of Weathersfield
Consejo of Sheldon	Lenes of Shelburne	Sharpe of Bristol
Copeland-Hanzas of Bradford	Leriche of Hardwick	Smith of Mendon
Corcoran of Bennington	Lewis of Derby	South of St. Johnsbury
Courcelle of Rutland City	Lorber of Burlington	Spengler of Colchester
Davis of Washington	Macaig of Williston	Stevens of Waterbury
Deen of Westminster	Maier of Middlebury	Sweaney of Windsor
Devereux of Mount Holly	Malcolm of Pawlet	Taylor of Barre City

Donovan of Burlington	Marcotte of Coventry	Till of Jericho
Edwards of Brattleboro	Marek of Newfane	Toll of Danville
Emmons of Springfield	Martin of Springfield	Trombley of Grand Isle
Evans of Essex	Masland of Thetford	Turner of Milton
Fisher of Lincoln	McCullough of Williston	Waite-Simpson of Essex
Frank of Underhill	McFaun of Barre Town	Webb of Shelburne
French of Shrewsbury	Milkey of Brattleboro	Weston of Burlington
French of Randolph	Miller of Shaftsbury	Wheeler of Derby
Geier of S. Burlington	Minter of Waterbury	Wilson of Manchester
Gilbert of Fairfax	Mitchell of Barnard	Wizowaty of Burlington
Grad of Moretown	Mook of Bennington	Young of St. Albans City
Greshin of Warren	Moran of Wardsboro	Zenie of Colchester
Haas of Rochester	Morrissey of Bennington	Zuckerman of Burlington

Those who voted in the negative are:

Acinapura of Brandon	Flory of Pittsford	McNeil of Rutland Town
Adams of Hartland	Higley of Lowell	O'Donnell of Vernon
Ainsworth of Royalton	Hube of Londonderry	Pearce of Richford
Baker of West Rutland	Hubert of Milton	Perley of Enosburg
Branagan of Georgia	Johnson of Canaan	Reis of St. Johnsbury
Clark of Vergennes	Kilmartin of Newport City	Savage of Swanton
Clerkin of Hartford	Komline of Dorset	Scheuermann of Stowe
Crawford of Burke	Larocque of Barnet	Townsend of Randolph
Dickinson of St. Albans Town	Lawrence of Lyndon	Westman of Cambridge
Donaghy of Poultney	Manwaring of Wilmington	Winters of Williamstown
Donahue of Northfield	McAllister of Highgate	
Fagan of Rutland City	McDonald of Berlin	

Those members absent with leave of the House and not voting are:

Aswad of Burlington	Martin of Wolcott	Stevens of Shoreham
Audette of S. Burlington	Morley of Barton	Wright of Burlington
Koch of Barre Town	Peaslee of Guildhall	
Lippert of Hinesburg	Smith of Morristown	

Rep. O'Donnell of Vernon explained her as follows:

“Mr. Speaker:

Until we control the cost of the services we receive we cannot call this Health Care Reform. Mandating insurance companies only puts the burden of cost on the employer and the employee in their premiums at a time when business is crumbling in Vermont. This is just one more increase in cost.”

Rep. Nease of Johnson in Chair.

Favorable Report; Third Reading Ordered

H. 31

Rep. Hubert of Milton, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the town of Williston;

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Third Reading; Bill Passed

H. 58

House bill, entitled

An act relating to standards for goat's milk production

Was taken up, read the third time and passed.

Bill Amended; Third Reading Ordered

H. 28

Rep. Spengler of Colchester, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to temporary wastewater system permits

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 1979 is amended to read:

§ 1979. HOLDING TANKS

(a) The secretary shall approve the use of sewage holding and pumpout tanks when he or she determines that:

(1) the existing or proposed buildings or structures to be served by the holding tank are publicly owned;

(2) the plan for construction and operation of the holding tank will not result in a public health hazard or environmental damage;

(3) a designer demonstrates that an economically feasible means of meeting current standards is significantly more costly than sewage holding and pumpout tanks, based on a projected 20-year life of the project; and

(4) the design flows do not exceed 600 gallons per day.

(b) A holding tank may also be used for a project that is eligible for a variance under section 1973 of this title, whether or not the project is publicly

owned, if the existing wastewater system has failed, or is expected to fail, and in either instance, if there is no other cost-feasible alternative.

(c) A holding tank may also be used when an emergency holding tank permit is issued.

(1) For the purposes of this subsection, “emergency” means unanticipated damage to or destruction of a dwelling unit, which makes the dwelling unit temporarily uninhabitable.

(2) The secretary may permit a temporary emergency holding tank for a temporary dwelling unit located on the same property as a building or structure that is under construction if:

(A) A professional engineer or a designer licensed pursuant to department rules determines that there is no feasible means of connecting the temporary dwelling unit to an existing wastewater system permitted under section 1937 of this title;

(B) The secretary determines that a temporary holding tank will not result in a public health hazard or environmental damage; and

(C) The building or structure that is under construction was made uninhabitable by an emergency.

(3) Unless extended by the secretary, an emergency holding tank permit issued under subsection (c) of this section shall be issued for no more than 180 days. The secretary may extend an emergency holding tank permit by 30-day intervals if the secretary determines that the building or structure which is under construction will not be completed within the time frame of the initial temporary permit.

(4) At the expiration of an emergency holding tank permit issued under this subsection or at the end of a permit extension pursuant to subsection (d) of this section, the temporary holding tank shall be removed or fully permitted pursuant to section 1937 of this title.

~~(e)~~(d) When a holding tank is proposed for use, a designer shall submit all information necessary to demonstrate that the holding tank will comply with the following requirements:

(1) the holding tank shall be capable of holding at least 14 days of the expected flow from the building or structure to which it is attached, whether permanent or temporary;

(2) the tank shall be constructed of durable materials that are appropriate for the site conditions and the nature of the sewage to be stored;

(3) the tank shall be watertight, including any piping connected to the tank and all access structures connected to the tank. The tank shall be leakage tested prior to being placed in service;

(4) the tank shall be designed to protect against floatation when the tank is empty, such as when it is pumped;

(5) the tank shall be equipped with audio and visual alarms that are triggered when the tank is filled to 75 percent of its design capacity;

(6) the tank shall be located so that it can be reached by tank pumping vehicles at all times when the building or structure to which it is attached is occupied; and

(7) with respect to tanks permitted under only subsections (a) and (b) of this section, the analysis supports a claim under subdivision (a)(3) of this section.

~~(d)~~(e) The permit application shall specify the method and expected frequency of pumping.

~~(e)~~(f) Any building or structure served by a holding tank shall have a water meter, or meters, installed that measures all water that will be discharged as wastewater from the building or structure.

~~(f)~~(g) Any permit issued for the use of a holding tank will require a designer to periodically inspect the tank, visible piping, and alarms. The designer shall submit a written report to the secretary detailing the results of the inspection and any repairs or changes in operation that are required. The report also shall detail the pumping history since the previous report, giving the dates of pumping and the volume of wastewater removed. The frequency of inspections and reports shall be stated in the permit issued for the use of the tank, but shall be no less frequent than once per year for permits issued under subsections (a) and (b) of this section and once every 180 days for permits issued under subsection (c) of this section. The designer also shall inspect the water meter or meters and verify that they are installed, calibrated, and measuring all water that is discharged as wastewater. The designer shall read the meters and compare the metered flow to the pumping records. Any significant deviation shall be noted in the report and explained to the extent possible.

~~(g)~~(h) The owner of a holding tank shall maintain a valid contract with a licensed wastewater hauler at all times. The contract shall require the licensed wastewater hauler to provide written notice of dates of pumping and volume of wastewater pumped. Copies of all such notices shall be submitted with the written inspection reports.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 64

Rep. Bohi of Hartford, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to eligibility for the state youth hunting programs

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 4742 is amended to read:

~~§ 4742. YOUTH HUNTING DAY~~

~~(a) The Sunday prior to opening day of regular deer season shall be youth hunting day.~~

~~(b) A person who is under 16 years of age, who has at least one parent or a guardian who is a legal resident of Vermont, and who has successfully completed a hunter safety course, may take one wild deer on youth hunting day in accordance with the rules of the board. In order to hunt under this section, a young person shall also hold a valid hunting license under section 4255 of this title and be accompanied by an unarmed adult who holds a valid hunting license and who is over 18 years of age. An adult accompanying a youth under this section shall accompany no more than two young people at one time.~~

~~(c) Each year the board shall determine whether antlerless deer may be taken under this section in any deer management unit or units. A determination under this subsection shall be made by rule, shall be based on the game management study conducted pursuant to section 4081 of this title and, notwithstanding subsection (g) of that section, may allow taking of antlerless deer.~~

~~(d) No person shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.~~

~~(e) Before the first youth hunting day and after each fall hunting season, the department shall collect information on youth hunting day during the regional public hearings held pursuant to subsection 4081(f) of this title. Information relative to the public's knowledge and concerns about the deer herd shall be gathered. The board shall administer youth hunting day, by deer management unit, based on public input and scientific information.~~

Sec. 2. 10 V.S.A. § 4742a is amended to read:

§ 4742a. YOUTH DEER HUNTING WEEKEND

(a) The Saturday and Sunday prior to opening day of regular deer season shall be youth deer hunting weekend.

(b) A person who is age 15 and under, ~~who has at least one parent or a guardian who is a legal resident of Vermont, and~~ who has successfully completed a hunter safety course, may take one wild deer during youth deer hunting weekend in accordance with the rules of the board. In order to hunt under this section, a young person shall also hold a valid hunting license under section 4255 of this title and be accompanied by an unarmed adult who holds a valid Vermont hunting license and who is over 18 years of age. An adult accompanying a youth under this section shall accompany no more than two young people at one time.

(c) Each year the board shall determine whether antlerless deer may be taken under this section in any deer management unit or units. A determination under this subsection shall be made by rule, shall be based on the game management study conducted pursuant to section 4081 of this title and, notwithstanding subsection (g) of that section, may allow taking of antlerless deer.

(d) No person shall hunt under this section on ~~privately-owned~~ privately owned land without first obtaining the permission of the owner or occupant.

(e) Before the first youth deer hunting weekend and after each fall hunting season, the department shall collect information on youth deer hunting weekend during the regional public hearings held pursuant to subsection 4081(f) of this title. Information relative to the public's knowledge and concerns about the deer herd shall be gathered. The board shall administer youth deer hunting weekend, by deer management unit, based on public input and scientific information.

Sec. 3. 10 V.S.A. § 4908 is amended to read:

§ 4908. YOUTH TURKEY HUNTING WEEKEND

(a) The Saturday and Sunday prior to opening day of spring turkey season shall be youth turkey hunting weekend.

(b) A person who is age 15 and under, ~~who has at least one parent or a guardian who is a legal resident of Vermont, and~~ who has successfully completed a hunter safety course, may take one wild turkey during youth turkey hunting weekend in accordance with the rules of the board. In order to hunt under this section, a young person shall also hold valid hunting and turkey

licenses under section 4255 of this title and be accompanied by an unarmed adult who holds a valid Vermont hunting license and is over 18 years of age. An adult accompanying a youth under this section shall accompany no more than two young people at one time.

(c) No person shall hunt under this section on ~~privately-owned~~ privately owned land without first obtaining the permission of the owner or occupant.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Fish, Wildlife & Water Resources agreed to and third reading ordered.

Rep. Jewett of Ripton in Chair.

Favorable Report; Third Reading Ordered

J.R.S. 14

Rep. Moran of Wardsboro, for the committee on General, Housing and Military Affairs, to which had been referred joint resolution, entitled

Joint Resolution concerning the protection of The Wilderness Civil War battlefield, an historic site important to the State of Vermont, the Commonwealth of Virginia, and all of the United States of America

Reported in favor of adoption in concurrence. The resolution, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Joint Resolution Adopted in Concurrence

J.R.S. 15

Joint resolution, entitled

Joint resolution relating to March recess;

Was taken up and adopted in concurrence.

Adjournment

At four o'clock and five minutes in the afternoon, on motion of **Rep. McDonald of Berlin**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.