

# Journal of the House

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Wednesday, March 16, 2011

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

## Devotional Exercises

Devotional exercises were conducted by The State House Quartet, Francis Brooks, Cathy Cameron, Shirley Adams and Catherine Russell.

## Message from the Senate No. 23

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bill of the following title:

**S. 58.** An act relating to jurisdiction of a crime committed when the defendant was under the age of 16.

In the passage of which the concurrence of the House is requested.

The Senate has on its part adopted joint resolution of the following title:

**J.R.S. 22.** Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

## Senate Bill Referred

**S. 58**

Senate bill, entitled

An act relating to jurisdiction of a crime committed when the defendant was under the age of 16

Was read and referred to the committee on Judiciary.

## Joint Resolution Adopted in Concurrence

**J.R.S. 22**

By Senators Carris and Mullin,

**J.R.S. 22.** Joint resolution relating to weekend adjournment.

***Resolved by the Senate and House of Representatives:***

That when the two Houses adjourn on Friday, March 18, 2011, it be to meet again no later than Tuesday, March 22, 2011.

Was taken up read and adopted in concurrence.

**Third Reading; Bill Passed****H. 172**

House bill, entitled

An act relating to repealing the sale or lease of the John F. Boylan airport

Was taken up, read the third time and passed.

**Bill Read Second Time; Third Reading Ordered****H. 431**

**Rep. Grad of Moretown** spoke for the committee on Judiciary.

House bill entitled

An act relating to extending the implementation date of certain employment-related disclosure requirements

Having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Bill Amended; Third Reading Ordered****H. 11**

**Rep. Degree of St. Albans City**, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to the discharge of pharmaceutical waste to state waters

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

Sec. 1. 18 V.S.A. § 4201 is amended to read:

§ 4201. DEFINITIONS

\* \* \*

(41) "Prescription drug" means any human drug required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503(b) of the federal Food, Drug and Cosmetic Act.

(42) "Ultimate user" means a patient who uses a prescription drug.

Sec. 2. 18 V.S.A. § 4206 is amended to read:

§ 4206. LICENSES

\* \* \*

(c) The ultimate user of a prescription drug who has lawfully obtained such prescription drug or other persons authorized by federal law may deliver, without being registered pursuant to 26 V.S.A. § 2061, the prescription drug to another person for the purpose of disposal of the prescription drug if the person receiving the prescription drug for purposes of disposal is authorized under a state or federal law or regulation to engage in such activity.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

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.

#### **Action on Bill Postponed**

#### **H. 41**

House bill, entitled

An act relating to requiring employment breaks

Was taken up and pending the reading of the report of the committee on General, Housing and Military Affairs, on motion of **Rep. Moran of Wardsboro**, action on the bill was postponed until the next legislative day.

#### **Bill Amended; Third Reading Ordered**

#### **H. 66**

**Rep. Munger of South Burlington**, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to the illegal taking of trophy big game animals

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. § 4514 is amended to read:

§ 4514. POSSESSION OF FLESH OF GAME

(a) When legally taken, the flesh of a fish or wild animal may be possessed for food for a reasonable time thereafter and such flesh may be transported and

stored in a public cold storage plant. Nothing in this section shall authorize the possession of game birds or carcasses or parts thereof contrary to regulations made pursuant to the migratory bird treaty act.

(b) Any person convicted of illegally taking, destroying or possessing wild animals shall, in addition to other penalties provided under this chapter, pay into the fish and wildlife fund for each animal taken, destroyed or possessed, no more than the following amounts:

(1) Big game	<del>\$1,000.00</del> <u>\$2,000.00</u> each
(2) Endangered or threatened species as defined in section 5401 of this title	<del>1,000.00</del> <u>\$2,000.00</u> each
(3) Small game	<del>250.00</del> <u>\$500.00</u> each
(4) Fish	<del>25.00</del> <u>\$25.00</u> each

Sec. 2. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS

Whoever violates a provision of this part or orders or rules of the board relating to taking, possessing, transporting, buying, or selling of big game shall be fined not more than ~~\$500.00~~ \$1,000.00 nor less than ~~\$200.00~~ \$400.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions, the violator shall be fined not more than ~~\$1,000.00~~ \$2,000.00 nor less than ~~\$500.00~~ \$1,000.00 or imprisoned for not more than ~~60~~ 120 days, or both.

Sec. 3. 10 V.S.A. § 4258 is amended to read:

§ 4258. LICENSE; ARMED FORCES

A license to hunt or fish shall be issued, upon payment of the resident license fee, to any member of the armed forces of the United States of America who is on active duty and stationed at some military, air or naval post, station or base within the state. Said member of the armed forces, desiring a hunting or fishing license, ~~must present a certificate from the commander of said post, station or base, or his designated agent, that the person mentioned in the certification is stationed at or attached to said post, station or base~~ shall certify that he or she is eligible for such a license under this section. Holders of such licenses shall be subject to all the laws of the state and the rules and regulations of the board regulating hunting and fishing; and for violations of said laws or rules and regulations, shall be subject to the penalties prescribed therefore, and such licenses shall be revoked in the same manner as provided in section 4502 of this title.

Sec. 4. 10 V.S.A. § 4259 is amended to read:

§ 4259. VERMONT RESIDENTS; ARMED FORCES

Any resident of the state of Vermont who is serving in the armed forces of the United States or is performing or under orders to perform any homeland defense or state-side contingency operation, or both, for a period of 120 consecutive days or more, ~~as certified by the Adjutant General for the Vermont National Guard is eligible~~ shall certify that he or she is eligible under this section to obtain at no cost a hunting or fishing license or a combination hunting and fishing license. This provision will apply only during the period he or she is serving in the armed forces of the United States, or as certified pursuant to this section. A person who obtains a license under this section may keep the license until it expires, whether or not the person continues to serve in the armed forces until the expiration date.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

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.

**Action on Bill Postponed**

**H. 91**

House bill, entitled

An act relating to the management of fish and wildlife

Was taken up and pending the reading of the report of the committee on Fish, Wildlife & Water Resources, on motion of **Rep. Webb of Shelburne**, action on the bill was postponed until Tuesday, March 22, 2011.

**Action on Bill Postponed**

**H. 264**

House bill, entitled

An act relating to driving while intoxicated and to forfeiture and registration of motor vehicles

Was taken up and pending the reading of the report of the committee on Judiciary, on motion of **Rep. Lippert of Hinesburg**, action on the bill was postponed until the next legislative day.

**Action on Bill Postponed****H. 101**

House bill, entitled

An act relating to voting requirements in common ownership communities

Was taken up and pending third reading of the bill, on motion of **Rep. Bouchard of Colchester**, action on the bill was postponed until the next legislative day.

**Adjournment**

At ten o'clock and thirty-five minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.