

1 H.102

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife; hunting; licenses

6 Statement of purpose of bill as introduced: This bill proposes to amend  
7 multiple provisions related to the hunting of game. The bill would set a  
8 minimum limit for the auction of a moose permit. The bill authorizes the  
9 Commissioner of Fish and Wildlife to issue up to two additional no-cost moose  
10 licenses each calendar year to an adult 22 years of age or older who has a  
11 life-threatening illness. The bill would prohibit the importation or possession  
12 of wild boar and its offspring or variants. The bill would also authorize the  
13 Department of Fish and Wildlife to hold raffles or dispose of property by  
14 games of chance, provided that the proceeds of games of chance shall be used  
15 solely to fund actions consistent with the purposes of the Department. The bill  
16 amends the requirements for a falconry license, and repeals the prohibition on  
17 the snaring of animals. In addition, the bill would amend the authority of the  
18 Fish and Wildlife Board to adopt rules, including granting the Board the  
19 authority to designate the number of deer or moose that can be harvested in  
20 each wildlife management unit and whether hunters would be required to wear  
21 blaze orange clothing while hunting.

1 An act relating to hunting

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 Sec. 1. 10 V.S.A. § 4254(i)(1) is amended to read:

4 (i)(1) If the ~~board~~ Board establishes a moose hunting season, up to five  
5 moose permits shall be set aside to be auctioned. The moose permits set aside  
6 for auction shall be in addition to the number of annual moose permits  
7 authorized by the Board. The ~~board~~ Board shall adopt rules necessary for the  
8 ~~department~~ Department to establish, implement, and run the auction process.  
9 The Commissioner annually may establish a minimum dollar amount of not  
10 less than \$1,500.00 for any winning bid for a moose permit auctioned under  
11 this subdivision. Proceeds from the auction shall be deposited in the ~~fish and~~  
12 ~~wildlife fund~~ Fish and Wildlife Fund and used for conservation education  
13 programs run by the ~~department~~ Department. Successful bidders must have a  
14 Vermont hunting or combination license in order to purchase a moose permit.  
15 ~~Beginning with the 2006 hunting season, the five moose permits set aside for~~  
16 ~~auction shall be in addition to the number of annual moose permits authorized~~  
17 ~~by the board.~~

18 Sec. 2. 10 V.S.A. § 4255(j) is amended to read:

19 (j) If the ~~board~~ Board determines that a moose season will be held in  
20 accordance with the rules adopted under sections 4082 and 4084 of this title,  
21 the ~~commissioner~~ Commissioner annually may issue three no-cost moose

1 licenses to a child or ~~young~~ adult age 21 years or under who has a ~~life~~  
2 ~~threatening~~ life-threatening disease or illness and who is sponsored by a  
3 qualified charitable organization. The child or ~~young~~ adult ~~must~~ shall comply  
4 with all other requirements of this chapter and the rules of the ~~board~~ Board.  
5 The Commissioner may issue up to two additional no-cost moose licenses each  
6 calendar year to an adult 22 years of age or older who is diagnosed with a  
7 life-threatening disease or illness. Under this subsection, a person may receive  
8 only one no-cost moose license in his or her lifetime. The ~~commissioner~~  
9 Commissioner shall adopt rules in accordance with 3 V.S.A. chapter 25 of  
10 ~~Title 3~~ to implement this subsection. The rules shall define the child or ~~young~~  
11 adult qualified to receive the no-cost license, shall define a qualified  
12 sponsoring charitable organization, and shall provide the application process  
13 and criteria for issuing the no-cost moose license.

14 Sec. 3. 10 V.S.A. § 4709 is amended to read:

15 § 4709. IMPORTATION, STOCKING WILD ANIMALS; POSSESSION OF  
16 WILD BOAR

17 (a) A person shall not bring into the ~~state~~ State or possess any live wild bird  
18 or animal of any kind, unless, upon application in writing therefor, the person  
19 obtains from the ~~commissioner~~ Commissioner a permit to do so. The  
20 importation permit may be granted under such regulations therefor as the ~~board~~  
21 Board shall prescribe and only after the ~~commissioner~~ Commissioner has made

1 such investigation and inspection of the birds or animals as she or he may  
2 deem necessary. The ~~department~~ Department may dispose of unlawfully  
3 imported wildlife as it may judge best, and the ~~state~~ State may collect treble  
4 damages from the violator of this subsection for all expenses incurred.

5 (b) Nothing in this section shall prohibit the ~~commissioner~~ Commissioner  
6 or duly authorized agents of the ~~fish and wildlife department~~ Department of  
7 Fish and Wildlife from bringing into the ~~state~~ State for the purpose of planting,  
8 introducing, or stocking, or from planting, introducing, or stocking in the ~~state~~  
9 State, any wild bird or animal.

10 (c) Applicants shall pay a permit fee of \$100.00.

11 (d) The Commissioner shall not issue a permit under this section for the  
12 importation or possession of the following live species, a hybrid or genetic  
13 variant of the following species, offspring of the following species, or  
14 offspring or a hybrid of a genetically engineered variant of the following  
15 species: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old  
16 world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofo  
17 Linnaeus). This subsection shall not apply to the domestic pig (Sus  
18 domesticus) involved in domestic hog production.

1 Sec. 4. 10 V.S.A. § 4047a is added to read:

2 § 4047a. RAFFLES AND GAMES OF CHANCE; DEPARTMENT

3 AUTHORITY

4 Notwithstanding the provisions of 13 V.S.A. chapter 51, the Department  
5 may organize and execute raffles or dispose of property by games of chance,  
6 and a person may participate in games of chance executed by the Department,  
7 provided that the proceeds of games of chance executed under this section  
8 shall be used solely to fund actions fulfilling or consistent with the purposes of  
9 the Department.

10 Sec. 5. 10 V.S.A. § 4278 is amended to read:

11 § 4278. FALCONRY LICENSE

12 (a) In this section, “raptor” means species of the orders ~~strigiformes and~~  
13 ~~falconiformes~~ Strigiformes, Falconiformes, and Accipitriformes.

14 (b)(1) A Vermont resident may obtain, sell, transport, possess, and train  
15 raptor species allowable under state and federal laws and regulations for  
16 hunting, provided the person has first obtained a state falconry license from the  
17 ~~commissioner~~ Commissioner. ~~Possession of a federal license is required to~~  
18 ~~validate a state license.~~ Applicants for The Commissioner may issue a state  
19 falconry license ~~shall receive a license,~~ provided that the applicant:

1           ~~(1)~~(A) pays an initial licensing fee of \$250.00 for a license valid for  
2 three years, or a renewal fee of \$50.00 for a license valid for each year  
3 thereafter, as appropriate, to the ~~department~~ Department;

4           ~~(2)~~(B) meets the minimum age and experience requirements for each of  
5 apprentice, general, or master falconry licenses;

6           ~~(3)~~(C) has completed a supervised examination relating to basic biology,  
7 care, and handling of raptors, has correctly answered a minimum of ~~80~~  
8 85 percent of the questions; and

9           ~~(4)~~(D) possesses raptor housing facilities and falconry equipment that  
10 meet state and federal standards.

11           (2) The ~~commissioner~~ Commissioner shall adopt rules pursuant to  
12 3 V.S.A. chapter 25 that will establish requirements for ensuring that holders  
13 of falconry licenses will be properly qualified and that the birds will be legally  
14 acquired and appropriately cared for. Such rules shall further define required  
15 raptor housing facilities and falconry equipment, legal means of taking, lawful  
16 species, ages, and numbers of raptors to be taken and possessed, banding  
17 requirements, and any other further restrictions on taking and possession.

18   \* \* \*

1 Sec. 6. 10 V.S.A. § 4082 is amended to read:

2 § 4082. VERMONT FISH AND WILDLIFE REGULATIONS

3 (a) The ~~board~~ Board may adopt rules, under 3 V.S.A. chapter 25 ~~of Title 3~~,  
4 to be known as the “Vermont fish and wildlife regulations” for the regulation  
5 of fish and wild game and the taking thereof except as otherwise specifically  
6 provided by law. The rules shall be designed to maintain the best health,  
7 population, and utilization levels of the regulated species and of other  
8 necessary or desirable species which are ecologically related to the regulated  
9 species. The rules shall be supported by investigation and research conducted  
10 by the ~~department~~ Department on behalf of the ~~board~~ Board.

11 (b) The ~~board~~ Board annually may ~~annually~~ adopt ~~temporary~~ rules relating  
12 to the management of migrating game birds, the number of antlerless deer that  
13 can be harvested in each wildlife management unit, and the number of moose  
14 that can be harvested in each wildlife management unit, and shall follow the  
15 procedures for rulemaking contained in 3 V.S.A. chapter 25 ~~of Title 3~~ to the  
16 extent reasonably possible. For each such rule, the ~~board~~ Board shall conduct  
17 a hearing but, when necessary, may schedule the hearing for a day before the  
18 terms of the rule are expected to be determined.

19 Sec. 7. 10 V.S.A. § 4084 is amended to read:

20 § 4084. GAME

21 (a) Rules concerning wild game may:

1           (1) ~~Establish~~ establish open seasons; however, rules regarding taking of  
2 deer adopted under this subdivision shall make provision for a regular rifle  
3 hunting season pursuant to section 4741 of this title and for an archery season  
4 and a muzzle loader season unless there is a scientific reason not to do so;

5           (2) ~~Establish~~ establish daily, season, and possession limits;

6           (3) ~~Establish~~ establish territorial limits for any rule under this  
7 subchapter;

8           (4) ~~Prescribe~~ prescribe the manner and means of taking any species or  
9 variety, ~~and~~ including reporting and tagging of game;

10          (5) ~~Establish~~ establish restrictions on taking based upon sex, maturity, or  
11 other physical distinction of the species or variety pursued;

12          (6) ~~Designate~~ designate wildlife management districts units for various  
13 species or varieties; and

14          (7) provide for persons to wear blaze orange clothing while in the act of  
15 hunting.

16          (b)(1) On or before July 1 of each year, the ~~commissioner~~ Commissioner  
17 shall publish a report showing all the wildlife management districts units and  
18 proposed deer seasons. The reports shall include supporting data for the  
19 proposed actions.

20          (2) Each January, the ~~commissioner~~ Commissioner shall publish an  
21 annual deer report ~~showing the specific programs, plans, and operational goals~~



1 of the department and shall include a progress report of each deer management  
2 district.

3 (c) ~~After management districts have been established by the board under~~  
4 ~~the authority of this section, the districts shall not thereafter be altered~~ The  
5 Board may alter wildlife management units no more frequently than every ten  
6 years without approval of the ~~general assembly~~ General Assembly; however,  
7 ~~the board~~ Board shall have authority to subdivide established ~~districts~~ wildlife  
8 units. ~~This subsection shall not apply to special management zones created~~  
9 ~~under section 4086 of this title.~~

10 Sec. 8. 10 V.S.A. § 4701 is amended to read:

11 § 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL  
12 DAY; DOGS

13 (a) ~~A~~ Unless otherwise provided by statute or by the rules of the Board, a  
14 person shall not take game except with:

15 (1) a gun fired at arm's length ~~or with~~;

16 (2) a bow and arrow ~~unless otherwise provided~~; or

17 (3) a crossbow as authorized under section 4711 of this title or as  
18 authorized by the rules of the Board.

19 (b) A person shall not take game between one-half hour after sunset and  
20 one-half hour before sunrise unless otherwise provided by statute or by the  
21 rules of the Board.

1           (c) A person may take game and fur-bearing animals during the open  
2 season therefor, with the aid of a dog, unless otherwise prohibited by statute or  
3 by the rules of the Board.

4           Sec. 9. 10 V.S.A. § 4706 is amended to read:

5           § 4706. ~~SNARING ANIMALS~~

6           ~~A person shall not take an animal by snaring nor shall he possess a snare~~  
7 ~~with intent to use the same. [Repealed.]~~

8           Sec. 10. EFFECTIVE DATE

9           This act shall take effect on July 1, 2013.