

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife and Water Resources to which was
3 referred House Bill No. 589 entitled “An act relating to hunting, fishing, and
4 trapping” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking all after the enacting clause and inserting
6 in lieu thereof the following:

7 * * * Transport, Possession, or Fencing of Nonnative or
8 Native Species * * *

9 Sec. 1. 10 V.S.A. § 4001 is amended to read:

10 § 4001. DEFINITIONS

11 Words and phrases used in this part, unless otherwise provided, shall be
12 construed to mean as follows:

13 * * *

14 (38) Captive hunt facility: any enclosure created by the use of fences,
15 man-made structures, or natural barriers where animals are confined for the
16 purpose of taking or attempting to take an animal by hunting. Captive hunt
17 facility shall not mean activities covered by the Commissioner of Fish and
18 Wildlife’s rules for the training of dogs or for the regulation of regulated
19 shooting grounds.

20 (39) Enclosure: means a structure designed to restrict the free
21 movement of animals and the area within that structure.

1 Sec. 2. 10 V.S.A. § 4253 is amended to read:

2 § 4253. LANDOWNER; FAMILY; EXCEPTION

3 (a) A resident owner of lands, his or her spouse, and their minor children
4 may, without procuring a license under this chapter, take fish from the waters
5 therein, shoot pickerel, and take wild animals or wild birds therein subject to
6 the provisions of this part.

7 (b) A nonresident owner of lands, his or her spouse, and their minor
8 children, may without procuring a license under this chapter, take fish from the
9 waters therein, shoot pickerel, and take wild animals or wild birds thereon
10 subject to the provisions of this part, except if the lands are posted under
11 provisions other than section 4710 of this title.

12 (c) As used in this section, “post” means any signage that would lead a
13 reasonable person to believe that hunting is prohibited on the land.

14 (d) Nothing in this section shall be construed to:

15 (1) exempt a captive hunt facility from the permitting requirements

16 adopted under the rules of the Fish and Wildlife Board; or

17 (2) without a permit from the Commissioner of Fish and Wildlife, allow

18 any person, including a hunt club, hunting association, or multiple landowners,

19 to transport, possess, or fence any animal for the purpose of taking or

20 attempting to take the animal by hunting.

1 wild game and the taking thereof except as otherwise specifically provided by
2 law. The rules shall be designed to maintain the best health, population, and
3 utilization levels of the regulated species and of other necessary or desirable
4 species which are ecologically related to the regulated species. The rules shall
5 be supported by investigation and research conducted by the Department on
6 behalf of the Board.

7 (b)(1) The Except as provided for under subdivision (2) of this subsection,
8 the Board annually may adopt rules relating to the management of migrating
9 migratory game birds, and shall follow the procedures for rulemaking
10 contained in 3 V.S.A. chapter 25. For each such rule, the Board shall conduct
11 a hearing but, when necessary, may schedule the hearing for a day before the
12 terms of the rule are expected to be determined.

13 (2) Beginning with the 2015 hunting season, the Board may set by
14 procedure the daily bag and possession limits of migratory game birds that
15 may be harvested in each Waterfowl Hunting Zone annually without following
16 the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual
17 daily bag and possession limits of migratory game birds shall be consistent
18 with federal requirements. Prior to setting the migratory game bird daily bag
19 and possession limits, the Board shall provide a period of not less than 30 days
20 of public notice and shall conduct at least two public informational hearings.
21 The final migratory game bird daily bag and possession limits shall be

1 enforceable by the Department under its enforcement authority in part 4 of this
2 title. Annually, on or before January 15, the Department shall submit the final
3 migratory game bird daily bag and possession limits to the House Committee
4 on Fish, Wildlife and Water Resources and the Senate Committee on Natural
5 Resources and Energy.

6 (c) The Board may set by procedure the annual number of antlerless deer
7 that can be harvested in each wildlife management unit and the annual number
8 of moose that can be harvested in each wildlife management unit without
9 following the procedures for rulemaking contained in 3 V.S.A. chapter 25.
10 The annual numbers of antlerless deer and moose that can be harvested shall be
11 supported by investigation and research conducted by the Department on
12 behalf of the Board. Prior to setting the antlerless deer and moose permit
13 numbers, the Board shall provide a period of not less than 30 days of public
14 notice and shall conduct at least three public informational hearings. The
15 public informational hearings may be conducted simultaneously with the
16 regional antlerless deer meetings required by 10 V.S.A. App. § 2b. The final
17 annual antlerless deer and moose harvest permit numbers shall be enforceable
18 by the Department under its enforcement authority in part 4 of this title. The
19 final annual antlerless deer and moose harvest permit numbers shall be
20 reported to the House Committee on Fish, Wildlife and Water Resources and

1 the Senate Committee on Natural Resources and Energy as part of the annual
2 deer report required under section 4084 of this title.

3 * * * Fish and Wildlife Board Rules; Deer Season * * *

4 Sec. 5. 10 V.S.A. § 4084 is amended to read:

5 § 4084. GAME

6 (a) Rules concerning wild game may:

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

11 (2) establish daily, season, and possession limits;

12 (3) establish territorial limits for any rule under this subchapter;

13 (4) prescribe the manner and means of taking any species or variety, and
14 including reporting and tagging of game;

15 (5) establish restrictions on taking based upon sex, maturity, or other
16 physical distinction of the species or variety pursued; and

17 (6) designate wildlife management units for various species or varieties.

18 (b)(1) On or before July 1 of each year, the Commissioner shall publish a
19 report showing all the wildlife management units and proposed deer seasons.

20 The reports shall include supporting data for the proposed actions.

21 (2) Each January, the Commissioner shall publish an annual deer report.

1 (c) The Board may alter the outer boundary of a wildlife management unit
2 no more frequently than every ten years without approval of the General
3 Assembly; however, the Board shall have authority to subdivide established
4 wildlife management units.

5 (d), (e) [Repealed.]

6 Sec. 6. 10 V.S.A. § 4741 is amended to read:

7 § 4741. ~~REGULAR DEER SEASON~~

8 ~~For the 16 consecutive calendar days commencing 12 days prior to~~
9 ~~Thanksgiving day, a person may take by lawful means one wild deer as~~
10 ~~prescribed by the Vermont fish and wildlife regulations. [Repealed.]~~

11 Sec. 7. 10 V.S.A. § 4742a is amended to read:

12 § 4742a. YOUTH DEER HUNTING WEEKEND

13 (a) The Saturday and Sunday prior to opening day of the regular deer
14 season established by Board rule shall be youth deer hunting weekend.

15 (b) A person who is age 15 and years of age or under on the weekend of the
16 hunt, who has successfully completed a hunter safety course, may take one
17 wild deer during youth deer hunting weekend in accordance with the rules of
18 the ~~board~~ Board. In order to hunt under this section, a young person shall also
19 hold a valid hunting license under section 4255 of this title, hold a youth deer
20 hunting tag, and be accompanied by an unarmed adult who holds a valid
21 Vermont hunting license and who is over 18 years of age. An adult

1 accompanying a youth under this section shall accompany no more than two
2 young people at one time.

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

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

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

18 (f) The scheduled amount of a fine under section 4555 of this title shall be
19 doubled for a violation of this section, and the fine shall be assessed against the
20 licensed adult who is accompanying the youth pursuant to subsection (b) of
21 this section and who has the youth hunter in his or her charge.

1 (g) ~~For the purposes of~~ As used in this section, “accompany,”
2 “accompanied,” or “accompanying” means direct control and supervision,
3 including the ability to see and communicate with the youth hunter without the
4 aid of artificial devices such as radios or binoculars, except for medically
5 necessary devices such as hearing aids or eyeglasses. While hunting, an
6 individual who holds a valid hunting license under subsection 4254(b) of this
7 title shall accompany no more than two youth hunters at a time.

8 * * * Shooting From or Across Highway * * *

9 Sec. 8. 10 V.S.A. § 4705 is amended to read:

10 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

11 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

12 (a) A person shall not take, or attempt to take, a wild animal by shooting
13 from a motor vehicle, motorboat, airplane, snowmobile, or other motor
14 propelled craft or any vehicle drawn by a motor propelled vehicle except as
15 permitted under subsection (e) of this section.

16 (b) A person shall not carry or possess while in or on a vehicle propelled by
17 mechanical power or drawn by a vehicle propelled by mechanical power
18 within the right of way of a public highway a rifle or shotgun containing a
19 loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip
20 within a rifle or shotgun, or a muzzle-loading rifle or shotgun that has been
21 charged with powder and projectile and the ignition system of which has been

1 enabled by having an affixed or attached percussion cap, primer, battery, or
2 priming powder, except as permitted under subsections (d) and (e) of this
3 section. A person who possesses a rifle or shotgun in or on a vehicle propelled
4 by mechanical power, or drawn by a vehicle propelled by mechanical power
5 within a right of way of a public highway shall upon demand of an
6 enforcement officer exhibit the firearm for examination to determine
7 compliance with this section.

8 (c) A person while on or within 25 feet of the traveled portion of a public
9 highway, except for public highways designated Class 4 on a town highway
10 map, shall not take or attempt to take any wild animal by shooting a firearm, a
11 muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a
12 firearm, muzzle loader, a bow and arrow, or a crossbow over or across the
13 traveled portion of a public highway.

14 (d) This section shall not restrict the possession or use of a loaded firearm
15 by an enforcement officer in performance of his or her duty.

16 (e) ~~Subsection (a)~~ Subsections (a) and (c) of this section shall not apply to a
17 licensed hunter who is a paraplegic or is certified by a physician to be unable
18 to pursue game because of permanent severe physical disability, if he or she
19 obtains a permit as provided in this subsection. The Commissioner on receipt
20 of satisfactory proof of the disability of an applicant may issue a permit under
21 this subsection. This permit shall be attached to the license, and shall remain

1 in effect until the death of the holder, unless the Commissioner has reason to
2 believe the permit is misused. The holder of the permit shall carry it at all
3 times while hunting, and shall produce it on demand for inspection by any
4 game warden or other law enforcement officer authorized to make arrests. The
5 holder of the permit may take game from a vehicle or boat but only if it is
6 stationary and ~~off~~ is not within 10 feet of the traveled portion of a public
7 highway. In no event shall the holder of a permit shoot across the traveled
8 portion of a public highway.

9 (f) The phrase “public highway,” as used in this section, means roads
10 shown on the highway maps of the respective towns, made by the ~~agency of~~
11 ~~transportation~~ Agency of Transportation, but does not include foot trails or
12 private roads.

13 * * * Conservation Motor Vehicle Registration Plates * * *

14 Sec. 9. 23 V.S.A. § 304b is amended to read:

15 § 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

16 (a) The Commissioner shall, upon application, issue conservation
17 registration plates for use only on vehicles registered at the pleasure car rate,
18 on trucks registered for less than 26,001 pounds, and on vehicles registered to
19 State agencies under section 376 of this title, but excluding vehicles registered
20 under the International Registration Plan. Plates so acquired shall be mounted
21 on the front and rear of the vehicle. The Commissioner of Motor Vehicles and

1 the Commissioner of Fish and Wildlife shall determine the graphic design of
2 the special plates in a manner which serves to enhance the public awareness of
3 the State’s interest in restoring and protecting its wildlife and major watershed
4 areas. The Commissioner of Motor Vehicles and the Commissioner of Fish
5 and Wildlife may alter the graphic design of these special plates provided that
6 plates in use at the time of a design alteration shall remain valid subject to the
7 operator’s payment of the annual registration fee. Applicants shall apply on
8 forms prescribed by the Commissioner and shall pay an initial fee of \$23.00 in
9 addition to the annual fee for registration. In following years, in addition to the
10 annual registration fee, the holder of a conservation plate shall pay a renewal
11 fee of \$23.00. The Commissioner may adopt rules under 3 V.S.A. chapter 25
12 to implement the provisions of this subsection.

13 (b) Initial fees collected under subsection (a) of this section shall be
14 allocated as follows:

15 (1) \$11.00 to the Transportation Fund.

16 (2) \$6.00 to the Department of Fish and Wildlife for deposit into the
17 Nongame Wildlife Account created in 10 V.S.A. § 4048.

18 (3) \$6.00 to the Department of Fish and Wildlife for deposit into the
19 Watershed Management Account created in 10 V.S.A. § 4050.

20 (c) Renewal fees collected under subsection (a) of this section shall be
21 allocated as follows:

1 (a) ~~The commissioner~~ Commissioner may issue permits to a properly
2 accredited person or educational institution permitting the holder thereof to
3 collect birds, their nests and eggs, and fish and wild animals or parts thereof,
4 for public scientific research or educational purposes of the institution.

5 (b) ~~In addition, the commissioner~~ The Commissioner may issue a permit to
6 an individual ~~which~~ that allows the holder to collect fish and wild animals for
7 the purpose of using them as subjects of art or photography.

8 (c) The Commissioner may issue a permit to a person that allows the holder
9 to collect and possess a dead salvage bird or bird feathers for noncommercial
10 cultural or ceremonial purposes provided that the bird was legally acquired,
11 transferred from an individual who acquired it legally, or found dead and the
12 permittee had no part in the intentional killing of the bird. A permit issued
13 under this section shall comply with federal requirements regarding collection
14 and possession of migratory birds.

15 Sec. 12. 10 V.S.A. § 5408 is amended to read:

16 § 5408. LIMITATIONS

17 (a) Notwithstanding any provision of this chapter, after obtaining the
18 advice of the Endangered Species Committee, the Secretary may permit, under
19 such terms and conditions as the Secretary may prescribe by rule, any act
20 otherwise prohibited by this chapter if done for any of the following purposes:
21 scientific purposes; to enhance the propagation or survival of a species;

1 economic hardship; zoological exhibition; educational purposes;
2 noncommercial cultural or ceremonial purposes; or special purposes consistent
3 with the purposes of the federal Endangered Species Act.

4 * * *

5 Sec. 13. 10 V.S.A. App. § 10 is amended to read:

6 § 10. VERMONT ENDANGERED AND THREATENED SPECIES RULE

7 * * *

8 4.0 Procedures

9 * * *

10 4.2 Permits per 10 V.S.A. § 5408(a) may be granted by the Secretary only
11 if the taking of an endangered or threatened species is:

12 4.2.1 For scientific purposes, or

13 4.2.2 To enhance the propagation of species, or

14 4.2.3 To prevent or mitigate economic hardship, or

15 4.2.4 For zoological exhibition, or

16 4.2.5 For educational purposes, or

17 4.2.6 For noncommercial cultural or ceremonial purposes to a person

18 for the collection and possession of a dead salvage bird or parts thereof,

19 including bird feathers, provided that the permit issued complies with federal

20 requirements regarding collection and possession of migratory birds and the

21 bird was legally acquired, transferred from an individual who acquired it

1 legally, or found dead and the permittee had no part in the intentional killing of
2 the bird, or

3 4.2.7 For special purpose consistent with the purpose of the Federal
4 Endangered Species Act (see 16 ~~USCA~~ U.S.C.A. § 1531(b)).

5 * * *

6 * * * State Fly-Fishing Fly * * *

7 Sec. 14. 1 V.S.A. § 517 is added to read:

8 § 517. STATE FLY-FISHING FLY

9 The State Fly-Fishing Fly shall be the Governor Aiken bucktail streamer.

10 * * * Effective Dates * * *

11 Sec. 15. EFFECTIVE DATES

12 (a) This section and Secs. 1–2 (landowner exception; captive hunt;
13 definitions), 3 (license for disabled veteran), and 8 (shooting from or across
14 highway) shall take effect on passage.

15 (b) Secs. 4 (migrating game bird harvest numbers), 10 (conservation
16 registration plates report), 11–13(cultural and ceremonial use of bird feathers),
17 and 14 (State Fly-Fishing Fly) shall take effect on July 1, 2014.

18 (c) Secs. 5–7 (deer season rules) and 9 (conservation plates; proceeds) shall
19 take effect on January 1, 2015.

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3 (Committee vote: _____)

4

5

Representative [surname]

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FOR THE COMMITTEE