

1
2
3
4
5
6
7

8
9
10
11
12
13
14
15
16
17
18

H.5

Introduced by Representative Deen of Westminster

Referred to Committee on

Date:

Subject: Fish and wildlife; hunting; fishing; trapping

Statement of purpose of bill as introduced: This bill proposes to amend various requirements relating to hunting, fishing, or trapping.

An act relating to hunting, fishing, and trapping

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

* * * Definition of Bow and Arrow * * *

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

§ 4001. DEFINITIONS

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

* * *

(29) Bow in the phrase “bow and arrow”: hand-held bow, including a long bow, recurve bow, or compound bow ~~but does not include a crossbow.~~

* * *

1 (1) For \$50.00, a Vermont resident ~~aged 65~~ years of age or older may
2 purchase one or all of the following licenses:

3 (A) A permanent fishing license.

4 (B) If the person qualifies for a hunting license, a combination
5 fishing and hunting license, which shall include all big game licenses, except
6 for a moose license.

7 (C) If the person qualifies for a trapping license, a trapping license.

8 * * *

9 (3) A ~~person~~ Vermont resident with paraplegia as defined in subdivision
10 4001(30) of this title ~~who is a Vermont resident or a permanent, severe,~~
11 physical mobility disability certified by a physician may receive a free
12 permanent fishing license or, if the person qualifies for a hunting license, a free
13 combination hunting and fishing license. A person with paraplegia or a person
14 certified by a physician to have permanent, severe, physical mobility disability
15 who is a resident of a state which provides a reciprocal privilege for Vermont
16 residents may receive a free one-year fishing license, or if the person qualifies
17 for a hunting license, a free one-year combination fishing and hunting license.

18 * * *

19 (6) A permanent license holder shall renew his or her license each year
20 prior to the time he or she exercises hunting, fishing, and trapping privileges

1 during that year. The Commissioner shall not charge a fee for renewal of a
2 permanent license.

3 * * * Mentored Hunting License * * *

4 Sec. 4. 10 V.S.A. § 4256(d) is amended to read:

5 (d) ~~For the purposes of~~ As used in this section, “accompany,”
6 “accompanied,” or “accompanying” means that the mentored hunter is in the
7 direct control and supervision of the licensed hunter and is within 15 feet of the
8 licensed hunter. While hunting, an individual who holds a valid hunting
9 license under subsection 4254(b) of this title shall accompany only one
10 mentored hunter at a time. ~~The individual accompanying the mentored hunter~~
11 ~~while hunting shall sign and date the license of the mentored hunter.~~

12 * * * Migratory Waterfowl Advisory Committee * * *

13 Sec. 5. 10 V.S.A. § 4277(f) is amended to read:

14 (f) Advisory committee. There is hereby created a ~~migratory waterfowl~~
15 ~~advisory committee~~ Migratory Waterfowl Advisory Committee which shall
16 consist of five persons and up to three alternates appointed by and serving at
17 the pleasure of the ~~commissioner of the department of fish and wildlife~~
18 Commissioner of Fish and Wildlife. The ~~commissioner~~ Commissioner shall
19 designate a chairperson. The ~~committee~~ Committee shall be consulted with
20 and may make recommendations to the ~~commissioner~~ Commissioner in regard
21 to all projects and activities supported with the funds derived from the

1 implementation of this section. The ~~commissioner~~ Commissioner shall make
2 an annual financial and progress report to the ~~committee~~ Committee with
3 regard to all activities authorized by this section.

4 * * * Lifetime Licenses * * *

5 Sec. 6. 10 V.S.A. § 4279 is amended to read:

6 § 4279. LIFETIME LICENSES

7 (a) A resident or nonresident lifetime fishing, hunting, or combination
8 fishing and hunting license may be obtained upon application to the
9 Department.

10 * * *

11 (g) A lifetime license holder shall renew his or her license each year prior
12 to the time that he or she exercises hunting, trapping, and fishing privileges
13 during that year. The Commissioner shall not charge a fee for renewal of a
14 lifetime license.

15 * * * Repeal of Prohibition on Felt-Soled Waders * * *

16 Sec. 7. 10 V.S.A. § 4616 is amended to read:

17 § 4616. ~~FELT-SOLED BOOTS AND WADERS; USE PROHIBITED~~

18 ~~It is unlawful to use external felt-soled boots or external felt-soled waders in~~
19 ~~the waters of Vermont, except that a state or federal employee or emergency~~
20 ~~personnel, including fire, law enforcement, and EMT personnel, may use~~

1 ~~external felt soled boots or external felt soled waders in the discharge of~~
2 ~~official duties. [Repealed.]~~

3 * * * Endangered and Threatened Species * * *

4 Sec. 8. 10 V.S.A. § 5403 is amended to read:

5 § 5403. PROTECTION OF ENDANGERED AND THREATENED SPECIES

6 (a) Except as authorized under this chapter, a person shall not take, possess,
7 or transport wildlife or plants that are members of an endangered or threatened
8 species.

9 (b) The ~~secretary~~ Secretary may, with advice of the ~~endangered species~~
10 ~~committee~~ Endangered Species Committee, adopt rules for the protection and
11 conservation of endangered and threatened species.

12 (c) ~~A~~ The Secretary may bring a civil enforcement action against any
13 ~~person who violates subsection (a) of this section with regard to an endangered~~
14 ~~species shall be fined not more than \$1,000.00 on the first offense. For a~~
15 ~~subsequent conviction the person shall be fined not less than \$500.00 nor more~~
16 ~~than \$1,000.00~~ or rules adopted under this chapter in accordance with chapters
17 201 and 211 of this title.

18 (d) ~~A person who violates subsection (a) of this section with regard to a~~
19 ~~threatened species shall be fined not more than \$500.00 on the first offense.~~
20 ~~For a subsequent conviction the person shall be fined not less than \$250.00 nor~~
21 ~~more than \$500.00~~ Instead of bringing a civil enforcement action for a

1 violation of this chapter or rules adopted under this chapter, the Secretary may
2 refer violations of this chapter to the Commissioner of Fish and Wildlife for
3 enforcement.

4 (e) A person who violates a rule of the ~~secretary~~ Secretary adopted under
5 subsection (b) of this section shall be fined not more than \$500.00.

6 (f) ~~A~~ Any person who violates subsection (a) of this section by knowingly
7 injuring a member of a threatened or endangered species may be required by
8 the court to pay restitution ~~of no more than \$500.00~~ for:

9 (1) ~~veterinarian~~ actual costs and related expenses incurred in treating
10 and caring for the injured ~~bird~~ plant or animal to the person incurring these
11 expenses, including the costs of veterinarian services and Agency of Natural
12 Resources staff time; or

13 (2) reasonable mitigation and restoration costs such as: species
14 restoration plans; habitat protection; and enhancement, transplanting,
15 cultivation, and propagation for plants.

16 Sec. 9. 10 V.S.A. § 8003 is amended to read:

17 § 8003. APPLICABILITY

18 (a) The Secretary may take action under this chapter to enforce the
19 following statutes and rules, permits, assurances, or orders implementing the
20 following statutes, and the Board may take such action with respect to
21 subdivision (10) of this subsection:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(27) 10 V.S.A. chapter 123, relating to threatened and endangered species.

(b) The Secretary's administrative enforcement authority established by this chapter shall supplement any authority of the Secretary established by the chapters set forth in subsection (a) of this section to initiate criminal proceedings, or civil proceedings under chapters 47, 56, 59, 123, and 159 of this title.

(c) The Authority established by this chapter shall not be construed as negating any constitutional, common law, or statutory rights of persons.

Sec. 10. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

* * *

(V) chapter 123 (threatened and endangered species).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

* * * Aquatic Nuisance Enforcement * * *

Sec. 11. 10 V.S.A. § 1454(c) is amended to read:

(c) A violation of this section may be brought by any law enforcement officer, as that term is defined in 23 V.S.A. § ~~4(14)~~ 3302(2), in the Environmental Division of the Superior Court. When a violation is brought by an enforcement officer other than an environmental enforcement officer employed by the Agency of Natural Resources, the enforcement officer shall submit to the Secretary a copy of the citation for purposes of compliance with the public participation requirements of section 8020 of this title.

Sec. 12. 23 V.S.A. § 3317(b) is amended to read:

(b) A person who violates a requirement under 10 V.S.A. § ~~1266~~ chapter 50 shall be subject to enforcement under 10 V.S.A. chapter 201, provided that the person shall be assessed a penalty of not more than \$1,000.00 for each violation. A person who violates a rule ~~promulgated~~ adopted under 10 V.S.A. § 1424 ~~or~~ shall be subject to enforcement under 10 V.S.A. chapter 201, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

§ 3306(e) marine toilet

§ 3312a operation of personal watercraft

1 Sec. 13. 23 V.S.A. § 3318(c) is amended to read:

2 (c) The provisions of this subchapter and the rules adopted pursuant to this
3 subchapter shall be enforced by law enforcement officers as defined in section
4 3302 of this title in accordance with the provisions of 12 V.S.A. chapter 193;
5 ~~and they.~~ Law enforcement officers as defined in section 3302 of this title may
6 also enforce the provisions of 10 V.S.A. § ~~1266~~ chapter 50 and the rules
7 adopted pursuant to 10 V.S.A. § 1424 in accordance with the requirements of
8 10 V.S.A. chapter 50. ~~With respect to the provisions of 10 V.S.A. § 1266 and~~
9 ~~the rules adopted pursuant to 10 V.S.A. § 1424, whenever a penalty for a~~
10 ~~violation of such a rule is not otherwise established, three Superior judges~~
11 ~~appointed by the Court Administrator shall establish a schedule, within the~~
12 ~~limits prescribed by law, of the penalty to be imposed. Any law enforcement~~
13 ~~officer who issues a complaint shall advise the defendant of the schedule of~~
14 ~~penalties and show the defendant a copy of the schedule.~~

15 * * * Repeal of Agency of Agriculture, Food and Markets Authority Over

16 Domestic Fur-Bearing Animals * * *

17 Sec. 14. REPEAL OF AGENCY OF AGRICULTURE, FOOD AND

18 MARKETS REGULATION OF FUR-BEARING ANIMALS

19 6 V.S.A. chapter 173 (Agency of Agriculture, Food and Markets regulation
20 of domestic fur-bearing animals) is repealed.

1

* * * Effective Date * * *

2

Sec. 15. EFFECTIVE DATE

3

This act shall take effect on January 1, 2016.