

H.570

An act relating to hunting, fishing, and trapping

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

Sec. 1. 10 V.S.A. § 4083 is amended to read:

§ 4083. FISH

Any regulation or amendment thereto adopted pursuant to this subchapter ~~which~~ that relates to fish may apply to all or any portion of the State and may ~~do~~ address any or all of the following as to any species or varieties of fish:

- (1) ~~Establish~~ establish, extend, shorten, or abolish open seasons, and closed seasons;
- (2) ~~Establish~~ establish, change, or abolish daily limits, season limits, possession limits, and size limits;
- (3) ~~Establish~~ establish and change territorial limits for the pursuit, taking, or killing of any species or varieties, and close or open lakes, streams, or parts thereof;
- (4) ~~Prescribe~~ prescribe the manner and the means of pursuing, taking, or killing any species or variety, including the prescribing of type or kinds of bait, lures, tackle, equipment, traps, or any other means or devices for taking such fish;
- (5) ~~Prescribe~~ prescribe such rules relating to transportation and exportation of fish as may be necessary for the enforcement of this part;

(6) establish rules regarding the purchase and sale of fish caught in Vermont, including: prohibiting the sale of specified fish; seasons; limits; reporting requirements; and the manner and means of pursuing or taking fish, in accordance with the requirements of part 4 of this title.

Sec. 2. 10 V.S.A. § 4611 is amended to read:

§ 4611. SALE OF SALMON, TROUT, AND BLACK BASS

(a) A person shall not buy or sell a salmon, trout, lake trout, walleye, northern pike, muskellunge, ~~or~~ black bass, or any other fish specified by rule by the Board taken in this State, or imported from another state or country where sale of such fish is prohibited, except such fish reared in licensed propagation farms within the State.

(b) A person shall not buy or sell fish caught in Vermont without a permit issued by the Commissioner, as required under the rules of the Board and the requirements of part 4 of this title. A propagation farm with a valid permit issued under 10 App. V.S.A. § 117 shall not be required to obtain a permit under this section.

Sec. 3. 10 V.S.A. § 4605 is amended to read:

§ 4605. PLACING FISH IN WATERS; FISH IMPORTATION PERMITS

(a) A person shall not introduce or attempt to introduce:

~~(1) pickerel or northern pike into any waters; or~~

~~(2)~~ any fish, ~~except trout or salmon~~, into any waters except private ponds lacking access to other waters of the State without a permit issued by the Commissioner under this section or rules adopted by the Commissioner under subsection (c) of this section.

(b) A person shall not bring into the State for the purpose of planting or introducing, or to plant or introduce, into any of the inland or outlying waters of the State any live fish or the live spawn thereof, unless, upon application in writing therefor, the person obtains from the Commissioner a permit so to do. ~~The permit may include conditions which the Commissioner finds necessary to guard the health of Vermont's fish population.~~

(c) The Commissioner may, by rule,:

(1) Require a permit to introduce or attempt to introduce specific fish species into a specific water of the State based on management purposes.

(2) Prohibit the introduction or attempt at introduction of fish to specific waters of the State based on management purposes, ecosystem considerations, or the health and safety of Vermont's fish population.

(3) adopt Adopt a list of fish which, if introduced into Vermont waters, have the potential to cause harm to the fish population of the State. A person shall not possess or bring into the State any fish on the list unless the person has received a permit issued pursuant to this subsection. The Commissioner may issue a permit allowing importation and possession of a fish on the list,

provided the fish is to be kept in a controlled situation and used for a public purpose such as research or education. ~~A permit issued under this subsection shall include conditions that ensure the health and safety of Vermont's fish population.~~

(d) Applicants shall pay a permit fee of \$50.00. The Commissioner or duly authorized agents, shall make such investigation and inspection of the fish as they may deem necessary and then the importation permit may be granted pursuant to regulations which the Board shall prescribe. The Commissioner may waive the permit fee required under this subsection for organizations cooperating or partnering with the Department. The Commissioner or duly authorized agents shall make a determination on the permit within 10 days of receiving the application. The Department may dispose of unlawfully imported fish as it may judge best, and the State may collect damages from the violator of this subsection for all expenses incurred.

(e) Nothing in this section shall prohibit the Board, the Commissioner, or their duly authorized agents from bringing into the State for the purpose of planting, introducing, or stocking, or from planting, introducing, or stocking any fish in the State.

(f) In any permit issued under this section, the Commissioner may include conditions that ensure the health and safety of Vermont's fish population.

Sec. 4. 10 V.S.A. § 4501 is amended to read:

§ 4501. AIDING IN VIOLATIONS; SHARING IN PROCEEDS

A person who drives, transports, scouts, counsels, or otherwise aids another person in a violation of a provision of this part, or who knowingly possesses, consumes, or otherwise shares in the proceeds of such a violation by receiving or possessing fish or wild animals, or any parts thereof, shall be punished as a principal.

Sec. 5. 10 V.S.A. § 4502 is amended to read:

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

\* \* \*

(b) A person violating provisions of this part shall receive points for convictions in accordance with the following schedule (all sections are in this title of the Vermont Statutes Annotated):

(1) ~~Five~~ Except for biological collection violations determined to be nonpoint violations under the rules of the Board, five points shall be assessed for any violation of statutes or rules adopted under this part except those listed in subdivisions (2) and (3) of this subsection.

(2) Ten points shall be assessed for:

(Y) Appendix § 2; Appendix § 33, section 14.3. Reporting of ~~deer,~~  
~~bear~~ big game

\* \* \*

(GG) Appendix § 44. Trapping, except for violations of Appendix § 44, sections 4.3, 4.4, 4.6, 4.9, 4.10, 4.11, 4.12, 4.14(c), and 4.14(e)

(HH) § 4827. A Taking black bear doing damage

\* \* \*

(NN) § 4826. Taking deer doing damage

(OO) § 22a. Taking turkey doing damage

(PP) § 35. Taking moose doing damage

(QQ) Appendix § 22, section 6.7; Appendix § 33, section 13.1(g); Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle

(RR) Appendix § 7, section 6.3(b). Hunting bear with any dog not listed on the permit

(SS) Appendix § 37, section 9.0. Feeding deer.

(3) Twenty points shall be assessed for:

\* \* \*

(O) Appendix § 7, sections 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3(d), 6.3(e), 6.4, 6.5(c), 6.5(d), 7.1, and 7.2. Bear, unauthorized taking with aid of dogs

(P) Appendix § 22. Turkey season, excluding: requirements for youth turkey hunting season; section 6.2, size of shot used or possessed; and section 6.7, transport of cocked crossbow

\* \* \*

(U) Appendix § 37, excluding ~~violations of annual deer limits;~~  
requirements for youth deer hunting weekend, ~~and;~~ limitations on feeding of  
deer; section 7.7, transport of cocked crossbow; and section 11.0, ban of urine  
and other natural lures

(V) § 4454. Interstate Wildlife Violator Compact-

(W) § 4711. Crossbow hunting

(X) Appendix § 4. Hunting with a crossbow without a permit  
or license

(Y) Appendix § 20. Aerial hunting

(Z) Appendix § 44, section 4.6. Use of tooth jawed traps

(AA) Appendix § 44, section 4.11. Taking furbearers with poison

(BB) Appendix § 44, section 4.12. Taking furbearers from a den.

\* \* \*

(e) ~~The Commissioner shall revoke a hunting license issued under this part~~  
~~when the holder thereof~~ When a person holding a license issued under this part  
has been convicted of a violation of 13 V.S.A. § 1023(a)(2) or has been  
convicted of manslaughter by the careless and negligent use of firearms, the  
Commissioner shall revoke the person's hunting license, 20 points shall  
accumulate on the person's license, and another license shall not be issued to  
~~such~~ the person within five years from the date of ~~such~~ the revocation or within

five years from the date of ~~such~~ the conviction if ~~such~~ the person had no license. The court before which such person is convicted shall certify ~~such~~ the conviction to the Commissioner. A revocation shall be deemed effective when notice is given, when made in person, or three days after the deposit of ~~such~~ the notice in the U.S. mail, if made in writing.

\* \* \*

Sec. 6. 10 V.S.A. § 4503 is amended to read:

§ 4503. UNLAWFUL EQUIPMENT, VEHICLE, FORFEITURE

A person convicted of violating the provisions of section 4745, 4781, 4783, 4784, 4705(a), 4280, 4747, or 4606 of this title relating to taking big game ~~by illegal means,~~ shall forfeit to the State Department of Fish and Wildlife the firearms, jacks, artificial lights, motor vehicle, or any other device used in ~~the taking or transporting of big game~~ committing the violation. Forfeiture of a motor vehicle shall not apply to the illegal taking, possessing, or transporting of wild turkey, ~~or~~ anadromous Atlantic salmon, section 4606, or to the person's first conviction of the provisions of section 4745, 4781, 4783, and 4784 under this section. Proceeds from the sale of items or equipment forfeited under this section shall be deposited in the Fish and Wildlife Fund.



Sec. 7. 10 V.S.A. § 4514 is amended to read:

§ 4514. POSSESSION OF FLESH OF GAME; RESTITUTION

(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 or threatened or endangered species shall, in addition to other penalties provided under this chapter, pay restitution in the following amounts into the Fish and Wildlife Fund for each animal taken, destroyed, or possessed, ~~no more than the following amounts:~~

- |   |  |
|---|--|
| (1) Big game  | <u>no more than \$2,000.00</u><br><u>and no less than \$500.00</u><br>each                           |
| (2) Endangered or threatened species<br>as defined in section 5401 of this<br>title | <del>\$2,000</del> <u>no more than</u><br><u>\$2,000.00 and no less than</u><br><u>\$500.00</u> each |
| (3) Small game  | <u>no more than \$500.00 and</u><br><u>no less than \$50.00</u> each                                 |

(4) Fish no more than \$50.00  
and no less than \$25.00  
each

(c) A person who damages or destroys a wildlife facsimile owned by the Department of Fish and Wildlife in violation of the requirements of part 4 of this title shall pay restitution for the replacement or repair of the decoy into the Fish and Wildlife Fund.

Sec. 8. 10 V.S.A. § 4517 is amended to read:

§ 4517. DESTRUCTION OF STATE PROPERTY

(a) Whoever ~~wilfully or carelessly~~ intentionally or recklessly damages, injures, interferes with, or destroys any property, real or personal, belonging to or controlled by the State for fish, game, or wildlife purposes shall be fined not more than \$2,500.00.

(b) A person convicted of intentionally or recklessly damaging, injuring, interfering with, or destroying property belonging to or controlled by the State for fish, game, or wildlife purposes shall, in addition to other penalties provided under this chapter, pay restitution into the Fish and Wildlife Fund to repair or replace the damaged property.

Sec. 9. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED SPECIES; SUSPENSION; 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 or relating to threatened or endangered species shall be fined not more than \$1,000.00 nor less than \$400.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than ~~\$2,000.00~~ \$4,000.00 nor less than ~~\$1,000.00~~ \$2,000.00 or imprisoned for not more than 60 days, or both.

Sec. 10. 10 V.S.A. § 4572 is amended to read:

§ 4572. DEFINITIONS

(a) As used in this subchapter, a minor fish and wildlife violation means:

(1) a violation of 10 V.S.A. § 4145 (violation of access and landing area rules);

(2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish without a license);

(3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person or failure to exhibit license);

(4) a violation of 10 V.S.A. § 4267 (false statements in license application; altering license; transferring license to another person; using another person's license; or guiding an unlicensed person);

(5) a violation of 10 V.S.A. § 4713 (tree or ground stands or blinds); or

(6) ~~a violation of 10 V.S.A. § 4616 (use of external felt-soled boots or external felt-soled waders)~~ [Repealed.]

(7) a violation of a biological collection rule adopted by the Board under part 4 of this title.

(b) "Bureau" means the Judicial Bureau as created in 4 V.S.A. § 1102.

Sec. 11. 10 V.S.A. § 4616 is amended to read:

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

~~It is unlawful to use external felt-soled boots or external felt-soled waders in the waters of Vermont, except that a state or federal employee or emergency personnel, including fire, law enforcement, and EMT personnel, may use external felt-soled boots or external felt-soled waders in the discharge of official duties.~~ [Repealed.]

Sec. 12. 10 V.S.A. § 4708 is amended to read:

§ 4708. INTERFERENCE WITH HUNTING, FISHING, OR TRAPPING

(a) A person shall not intentionally interfere with the lawful taking of fish or wild animals by ~~another nor intentionally harass, drive, or disturb fish or any wild animal for the purpose of disrupting the lawful taking of the same.~~

~~Nothing in this subsection shall be construed to prohibit any incidental interference arising from lawful activity by land users including farmers and recreationists.~~

~~(b) A person shall not take, injure, destroy, or wilfully interfere with:~~

~~(1) a trap, when lawfully set for the purpose of taking wild animals; or~~

~~(2) wilfully interfere with a person in the act of trapping animals;~~

(1) tampering with traps, nets, bait, firearms, or any other thing used for hunting, trapping, or fishing;

(2) placing himself or herself in a position, for the purpose of interfering, that hinders or prevents hunting, trapping, or fishing; or

(3) engaging in an activity, for the purpose of interfering, that drives, harasses, disturbs, or is likely to disturb wildlife or fish.

(b) Nothing in this subsection shall be construed to prohibit an incidental interference arising from lawful activity by landowners or users of land, including farmers and recreationists.

Sec. 13. 10 V.S.A. § 4745 is amended to read:

§ 4745. TAKING ~~DEER~~ BIG GAME OUT OF SEASON PROHIBITED;

TIME

A person shall not take ~~a wild deer except specified wild deer~~ big game except during the seasons provided by law under part 4 of this title or the rules of the Board, and then only between one-half hour before sunrise and one-half

hour after sunset. However, this section shall not be construed to prohibit the taking of ~~deer~~big game under sections 4826, and 4827 of this title and provisions in the rules of the Board relating to wildlife doing damage.

Sec. 14. 10 V.S.A. § 4781 is amended to read:

§ 4781. BIG GAME; POSSESSION

A person shall not possess big game ~~except during the open season and for a reasonable time thereafter unless otherwise provided, and then only such as can be legally taken. A person shall not possess big game taken by any illegal devices, nor any big game taken in closed season~~ taken by unlawful means or methods or taken in a closed season in violation of any provision of part 4 of this title or rules of the Board. Unless otherwise prohibited, a person may possess lawfully taken game during the open season and for a reasonable time thereafter.

Sec. 15. 10 V.S.A. § 4784 is amended to read:

§ 4784. TRANSPORTATION OF BIG GAME

A person shall not transport big game ~~taken by any illegal devices, or taken in closed season. A person shall not transport a wild deer with antlers less than three inches in length except deer taken under the provisions of this title~~ by unlawful means or methods or taken in a closed season in violation of any provision of part 4 of this title or rules of the Board.

Sec. 16. 10 V.S.A. § 5201 is amended to read:

§ 5201. NOTICES; POSTING

(a)(1) An owner, or a person having the exclusive right to take ~~fish or wild animals~~ game upon land or the waters thereon, who desires to protect his or her land or ~~waters~~ private pond or propagation farm over which he or she has exclusive control, may maintain notices stating that:

(A) the shooting, trapping, or taking of game or wild animals is prohibited or is by permission only;

(B) fishing or the taking of fish is prohibited or is by permission only;

(C) fishing, hunting, trapping, ~~and~~ or taking of ~~wild animals and fish~~ are game is prohibited or ~~are~~ is by permission only.

(2) "Permission only signs" authorized under this section shall contain the owner's name and a method by which to contact the property owner or a person authorized to provide permission to hunt, fish, or trap on the property.

(b) Notices prohibiting the taking of ~~wild animals~~ game shall be erected upon or near the boundaries of lands to be affected with notices at each corner and not over 400 feet apart along the boundaries thereof. ~~Notices prohibiting the taking of fish shall show the date that the waters were last stocked and shall be maintained upon or near the shores of the waters not over 400 feet apart.~~  
Legible signs must be maintained at all times and shall be dated each year.

These signs shall be of a standard size and design as the Commissioner shall specify.

(c) The owner or person posting the lands shall record this posting annually in the town clerk's office of the town in which the land is located. The recording form shall be furnished by the Commissioner and shall be filled out in triplicate, one copy to be retained by the town clerk, one copy to the Commissioner, and one copy to be retained by the person having the right to post the lands. The forms shall contain the information as to the approximate number of acres posted, location in town, date of posting, and signature of person so posting the lands. The town clerk shall file the record and it shall be open to public inspection. The town clerk shall retain a fee of \$5.00 for this recording.

(d) Land posted as provided in subsection (b) of this section shall be enclosed land for the purposes herein.

Sec. 17. 10 V.S.A. § 5202 is amended to read:

§ 5202. PRIVATE PRESERVES PONDS, STOCKING, ~~AFFIDAVIT~~

~~(a) To post a stream as a private preserve under section 5201 of this title, a person annually shall:~~

~~(1) Stock the waters of each half mile of stream with at least 1,000 fry, 600 advanced fry, 300 fingerlings, or 150 fish, each not less than six inches in length.~~



~~(2) File with the Commissioner and the town clerk of the town in which the waters lie, immediately after stocking the waters, a sworn affidavit declaring that the provisions of this section have been complied with. The affidavit shall identify the number and kind of fish placed in the waters, the date they were purchased, and the person from whom they were purchased.~~

~~(b) When land or waters are stocked by the State with fish, wild animals, or game, with the knowledge and consent of the owner, the owner may not prohibit the taking of fish, wild animals, or game under section 5201 of this title. However, the The Commissioner may, at his or her discretion, stock a private fishing preserve which pond that allows some charitable or nonprofit organizations to use the area at no charge. In that case, the owner may prohibit the taking of fish or game by the general public under section 5201 of this title.~~

Sec. 18. REPEAL

2015 Acts and Resolves No. 61, Sec. 18 (repeal of authorized use of gun suppressors at sport shooting ranges) is repealed.

Sec. 19. EFFECTIVE DATES

This act shall take effect on July 1, 2016, except that Secs. 1 (regulation of fish), 2 (commercial sale of fish), and 3 (importation and stocking of fish) shall take effect on January 1, 2017.