

Journal of the House

Friday, March 11, 2016

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

Devotional Exercises

Devotional exercises were conducted by poet, Julia Shipley from Craftsbury, Vt.

Memorial Service

The Speaker placed before the House the following name of member of past sessions of the Vermont General Assembly who had passed away recently:

Alan H. Weiss of Northfield	Member of the House in Sessions 1997-1998 and 1999-2000
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Thereupon, the members of the House rose for a moment of prayer in memory of the deceased member. The Clerk was thereupon directed to send a copy of the House Journal to the bereaved family

Message from the Senate No. 25

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. 154. An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening.

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

House Committee Bills Introduced

House committee bills of the following titles were severally introduced, read the first time and placed on the Calendar as follows:

H. 859

Rep. Sharpe of Bristol, for the committee on Education, introduced a bill, entitled

An act relating to special education;

H. 860

Rep. Partridge of Windham, for the committee on Agriculture & Forest Products, introduced a bill, entitled

An act relating to on-farm livestock slaughter;

H. 861

Rep. Partridge of Windham, for the committee on Agriculture & Forest Products, introduced a bill, entitled

An act relating to regulation of treated article pesticides;

H. 862

Rep. Botzow of Pownal, for the committee on Commerce & Economic Development, introduced a bill, entitled

An act relating to insurance laws.

Senate Bill Referred

S. 154

Senate bill, entitled

An act relating to enhanced penalties for assaulting an employee of the Family Services Division of the Department for Children and Families and to criminal threatening

Was read and referred to the committee on Human Services.

Bill Referred to Committee on Appropriations

H. 859

House bill, entitled

An act relating to special education

Carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

Third Reading; Bills Passed

House bills of the following titles were severally taken up, read the third time and passed:

H. 857

House bill, entitled

An act relating to timber harvesting;

H. 858

House bill, entitled

An act relating to miscellaneous criminal procedure amendments;

Bill Amended; Third Reading Ordered**H. 308**

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to limiting the liability of VAST arising from snowmobile operation outside the Statewide Snowmobile Trail System

Reported in favor of its passage when amended as follows:

in Sec. 2, by striking “2015” and inserting in lieu thereof “2016”

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Judiciary agreed to and third reading ordered.

Bill Amended; Third Reading Ordered**H. 529**

Rep. Shaw of Pittsford, for the committee on Corrections & Institutions, to which had been referred House bill, entitled

An act relating to State aid for school construction repayment obligations

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

Sec. 1. 16 V.S.A. § 3448 is amended to read:

§ 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
PROJECTS; RENEWABLE ENERGY

(a) Construction aid.

(1) Preliminary application for construction aid. A district or independent school eligible for assistance under section 3447 of this title, that intends to construct or purchase a new school, or make extensive additions or alterations to its existing school, and desires to avail itself of State school construction aid, shall submit a written preliminary application to the Secretary. A preliminary application shall include information required by the State Board by rule and shall specify the need for and purpose of the project.

* * *

~~(b) Refund upon sale. Upon the sale by a district of any item, building, or unit that may be relocated, for which State construction aid was awarded under this title, the district shall refund to the State a percentage of the sale price equal to the percentage of construction aid received. In no event shall the sum refunded be in excess of the amount of the original State aid received for the purchase of the item, building, or unit. All refunds shall be deposited with the State Treasurer and used for school construction aid awards. [Repealed.]~~

~~(c) Repayment as a condition of general aid. No school district shall receive any State general aid unless the school district complies with subsection (b) of this section. [Repealed.]~~

* * *

Sec. 2. 2015 Acts and Resolves No. 46, Sec. 13 is amended to read:

~~Sec. 13. REFUND UPON SALE OF SCHOOL BUILDINGS
REQUIREMENT; NEW SCHOOL DISTRICTS; JOINT
CONTRACT SCHOOLS~~

~~(a) Notwithstanding 16 V.S.A. § 3448(b), the refund upon sale requirement shall not apply to:~~

~~(1) a union school district created under 16 V.S.A. chapter 11 that becomes operational on or after July 1, 2015; and~~

~~(2) two or more districts that, on or after July 1, 2015, enter into a contract pursuant to 16 V.S.A. chapter 11, subchapter 1 to operate a school jointly.~~

~~(b) As used in subsection (a) of this section, a union school district established under 16 V.S.A. chapter 11 includes a school district voluntarily created pursuant to the provisions of this act, or a regional education district or any other district eligible to receive incentives pursuant to 2010 Acts and Resolves No. 153, as amended by 2012 Acts and Resolves No. 156 and 2013 Acts and Resolves No. 56.~~

~~(c) This section is repealed on July 1, 2017. [Repealed.]~~

Sec. 3. 16 V.S.A. § 3448 is amended to read:

~~§ 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION
PROJECTS; RENEWABLE ENERGY~~

~~(a) Construction aid.~~

(1) Preliminary application for construction aid. A district or independent school eligible for assistance under section 3447 of this title, that intends to construct or purchase a new school, or make extensive additions or alterations to its existing school, and desires to avail itself of State school construction aid, shall submit a written preliminary application to the Secretary. A preliminary application shall include information required by the State Board by rule and shall specify the need for and purpose of the project.

* * *

(b) Refund upon sale. Upon the sale by a district of any item, building, or unit that may be relocated, for which State construction aid was awarded under this title, the district shall refund to the State a percentage of the sale price equal to the percentage of construction aid received. In no event shall the sum refunded be in excess of the amount of the original State aid received for the purchase of the item, building, or unit. All refunds shall be deposited with the State Treasurer and used for school construction aid awards.

(c) Repayment as a condition of general aid. No school district shall receive any State general aid unless the school district complies with subsection (b) of this section.

* * *

Sec. 4. EFFECTIVE DATES

(a) This section and Secs. 1–2 of this act shall take effect on July 1, 2016.

(b) Sec. 3 of this act shall take effect on July 1, 2020.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Corrections & Institutions agreed to and third reading ordered.

Bill Amended; Third Reading Ordered

H. 570

Rep. Willhoit of St. Johnsbury, for the committee on Fish, Wildlife & Water Resources, to which had been referred House bill, entitled

An act relating to hunting, fishing, and trapping

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. § 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 ~~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>
<u>and no less than \$500.00</u>
each |
| (2) Endangered or threatened species
as defined in section 5401 of this | \$2,000 <u>no more than</u>
<u>\$2,000.00 and no less than</u> |

title	<u>\$500.00</u> each
(3) Small game	<u>no more than \$500.00</u> and <u>no less than \$50.00</u> each
(4) Fish	<u>no more than \$50.00</u> <u>and no less than \$25.00</u> 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.

Rep. Branagan of Georgia, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Fish, Wildlife and Water Resources.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Fish, Wildlife & Water Resources and Ways and Means agreed to and third reading ordered.

Bill Read Second Time; Amended and Third Reading Ordered

H. 852

Rep. Chesnut-Tangerman of Middletown Springs spoke for the committee on Natural Resources & Energy.

House bill entitled

An act relating to State lands

Rep. Clarkson of Woodstock for the committee on Ways and Means moved to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 2606b, by striking out subsection (f) in its entirety and inserting in lieu thereof the following:

(f) ~~There shall be an annual license fee~~ A per tap license charge shall be imposed based on the number of taps installed in the license area. The per tap fee for a license issued under this section shall be one quarter of the average of the per pound price of Vermont fancy grade syrup and the per pound price of Vermont commercial grade syrup as those prices are set on May 1 of each year. The fee set each May 1 shall apply to licenses issued by the department for the succeeding period beginning June 1 and ending May 31. The Commissioner shall establish this per tap license charge at a reasonable rate that reflects current market rates. Fees collected under this section shall be deposited in the ~~forest parks revolving fund~~ Lands and Facilities Trust Fund established under ~~section 2609 of this title and shall be used by the department to implement the license program established by this section~~ 3 V.S.A. § 2807.

Second: By striking out Sec. 3 (Forestland Intergenerational Transfer Study Committee) in its entirety and inserting in lieu thereof the following:

Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

WORKING GROUP ON INTERGENERATIONAL TRANSFER OF
FORESTLAND

(a) On or before August 1, 2016, the Commissioner of Forests, Parks and Recreation shall establish a working group of interested parties to develop recommendations for a statewide program to improve the capacity of providing successional planning technical assistance to forestland owners in Vermont. The working group shall:

(1) develop recommended priorities for succession planning for forestland owners;

(2) develop strategies for improving conservation investments or incentives that facilitate the intergenerational transfers of intact forestland;

(3) develop other strategies for lessening the impact of estate taxes or other pressures that could lead to the breaking up and subdivision of intact forest parcels;

(4) develop recommended legislative changes that may be needed to implement its recommendations and strategies; and

(5) identify fiscal issues related to its recommendations.

(b) On or before February 1, 2017, the Commissioner shall submit a report to the House Committees on Natural Resources and Energy and on Ways and Means and the Senate Committees on Natural Resources and Energy and Finance that shall include the working group's findings and any recommendations for legislative action.

Having appeared on the Calendar one day for notice, was taken up, read the second time and the report of the committee on Ways and Means agreed to and third reading ordered.

Joint Resolution Adopted

J.R.H. 23

Joint resolution, entitled

Joint resolution authorizing Green Mountain Boys State educational program to use the State House;

Was taken up and adopted on the part of the House.

Adjournment

At ten o'clock and thirty-eight minutes in the forenoon, on motion of **Rep. Savage of Swanton**, the House adjourned until Tuesday, March 15, 2016, at ten o'clock in the forenoon, pursuant to the provisions of J.R.S. 44.

Concurrent Resolutions Adopted

The following concurrent resolutions, having been placed on the Consent Calendar on the preceding legislative day, and no member having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, are hereby adopted in concurrence.

H.C.R. 262

House concurrent resolution honoring St. Lawrence University Director of Athletic Media Relations Walter H. Johnson;

H.C.R. 263

House concurrent resolution honoring Poultney Selectboard Chair Edward Lewis for his exemplary community leadership in the Town of Poultney and in Addison and Rutland counties;

H.C.R. 264

House concurrent resolution honoring Vermont State employees for their exemplary public service;

H.C.R. 265

House concurrent resolution honoring Essex Municipal Manager Patrick C. Scheidel for his quarter-century of dedicated public service;

H.C.R. 266

House concurrent resolution in memory of North Bennington civic leader Robert James McWaters;

H.C.R. 267

House concurrent resolution honoring David Michael Green for his community service in Massachusetts and Vermont and, especially, in the towns of Barnard and Woodstock;

H.C.R. 268

House concurrent resolution honoring Barnard Selectboard Chair Thomas R. Morse for his civic leadership;

H.C.R. 269

House concurrent resolution honoring Tinmouth's civic-minded citizen, Hollis G. Squier;

H.C.R. 270

House concurrent resolution in memory of West Rutland Selectboard member Peter Bianchi;

H.C.R. 271

House concurrent resolution congratulating the 2016 St. Johnsbury Academy State championship girls' indoor track team;

H.C.R. 272

House concurrent resolution congratulating Brian Kasten on winning the 2016 International Bowhunting Organization 3D Indoor World Championship;

H.C.R. 273

House concurrent resolution designating March 10, 2016 as Multiple Sclerosis Awareness Day in Vermont;

H.C.R. 274

House concurrent resolution honoring Stephen Stearns for his artistic and community contributions at the New England Youth Theatre;

H.C.R. 275

House concurrent resolution congratulating Agron and Irena Gerdhuqi on the tenth anniversary of Olympic Pizza in Rutland City;

H.C.R. 276

House concurrent resolution commemorating the 70th anniversary of the Vermont Air National Guard;

H.C.R. 277

House concurrent resolution congratulating the 2015 Proctor High School Phantoms Division IV championship boys' soccer team;

H.C.R. 278

House concurrent resolution congratulating the Proctor High School Division IV 2015 championship girls' soccer team;

S.C.R. 39

Senate concurrent resolution congratulating the Rutland Garden Club on its centennial anniversary;

[The full text of the concurrent resolutions appeared in the House Calendar Addendum on the preceding legislative day and will appear in the Public Acts and Resolves of the 2016, seventy-third Biennial session.]