

## **H.570: An Act Relating to Hunting, Fishing, and Trapping**

### Section by Section Summary

#### **Overview**

H.570 amends multiple provisions related to hunting, fishing and trapping. The changes include:

- Authorizing the Fish and Wildlife Board to regulate the sale of fish caught in Vermont;
- Clarifying the requirements for stocking fish in State waters;
- Clarifying what constitutes aiding in the commission of a fish and wildlife violation;
- Amending the points assessed against fishing, hunting, and trapping licenses to be specific with regard to which violations are 10 or 20 point violations;
- Clarifying what fish and game violations are subject to forfeiture of equipment used in the commission of a fish and wildlife violation;
- Clarifying restitution requirements for fish and game violations;
- Repealing the ban on felt soled waders;
- Clarifying what constitutes interference with hunting, fishing, or trapping;
- Clarifying what constitutes certain big game violations; and
- Amending the provisions for posting State waters as property where an adjoining landowner has the exclusive right to fish.

#### **Sec. 1: 10 V.S.A. § 4083. Sale of Fish**

- Authorizes the Fish and Wildlife Board to adopt rules for the sale of fish caught in Vermont.

#### **Sec. 2. 10 V.S.A. § 4611. Permit for the Sale of Fish**

- Provides that a person shall not sell fish caught in Vermont without a permit, as required under the rule of the Fish and Wildlife Board.

#### **Sec. 3. 10 V.S.A. § 4605. Placing Fish in Waters**

- Requires a permit from the Commissioner of Fish and Wildlife for the importation or stocking of fish in State waters, but excluding private ponds.
- The Commissioner of Fish and Wildlife may, by rule, prohibit the introduction of fish to specific waters.

#### **Sec. 4. 10 V.S.A. § 4501. Aiding in Violations**

- Amends statute to clarify what constitutes aiding in a fish and wildlife violation. Would now include a person:
  - Who drives, transports, scouts, counsels, or otherwise aids another person in a fish and wildlife violation; or
  - Who knowingly possesses, consumes, or otherwise shares in proceeds of a violation by receiving or possessing fish or wildlife or parts thereof.
- The section treats anyone who commits an act of aiding in a violation as if he/she committed the principal violation themselves.

### **Sec. 5. 10 V.S.A. § 4502. Uniform Point System**

- Amends the points a person receives on a license when they commit a fish and game violation.<sup>1</sup>
  - See document from Department regarding the changes to points for specific violations.
- Provides that all biological information collection violations, such as the requirement to submit a bear tooth, are non-point violations.
- Provides that a person who is convicted of reckless endangerment and assault during hunting is assessed 20 points on their license.
  - This will require the violator to complete a remedial hunting course prior to license reinstatement, which is currently not required.

### **Sec. 6. 10 V.S.A. § 4503. Unlawful Equipment; Forfeiture**

- Current law provides for forfeiture of firearms, equipment, and motor vehicles when used by a person in the taking or transport of big game.
- Sec. 6 amends current law to specify the big game violations for which forfeiture shall apply: § 4745 (taking game out of season); § 4781 (big game possession); § 4783 (purchase/sale of big game); § 4784 (big game transport); § 4705a (shooting from motor vehicle); § 4280 (taking wildlife during license suspension); § 4606 (fishing with illegal means)
- Motor vehicle forfeiture would not be authorized for § 4609 (illegal fishing) or first violations of § 4781 (big game possession); § 4783 (purchase/sale of big game); § 4784 (big game transport);
- Proceeds from the sale of forfeited items are deposited in the Fish and Wildlife Fund.

### **Sec. 7. 10 V.S.A. § 4514. Restitution; Big Game Violation**

- Current law provides that a person illegally taking wild animals shall pay restitution in specific amounts. Current law does not provide the minimum amount.
- Sec. 7 clarifies that restitution is required for taking a threatened and endangered (T&E) species
- Sec. 7 sets the minimum restitution for: big game and T&E-\$500; small game-\$50; and fish-\$25.
- Requires a person who damages a wildlife decoy to pay restitution for replacement or repair to the Fish and Wildlife Fund.

### **Sec. 8. 10 V.S.A. § 4517. Destruction of State Property**

- Requires a person convicted of intentionally or recklessly damaging Fish and Wildlife property to pay restitution to the Fish and Wildlife Fund for repair or replacement.

### **Sec. 9. 10 V.S.A. § 4518. Big Game Violations; Threatened and Endangered Species Violations**

- Adds T&E species to the list of big game violations.
- Adds second and subsequent offenses committed under license suspension as subject to fine.
- Increases the fine for big game and T&E to \$4,000 and no less than \$2,000.

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<sup>1</sup> Licenses shall be suspended as follows: (1) For 10 to 14 points accumulated in five years-a one-year suspension. (2) For 15 to 19 points accumulated in five years-a two-year suspension. (3) For 20 or more points accumulated in five years-a three-year suspension.

**Sec. 10. 10 V.S.A. § 4572. Minor Fish and Wildlife Violations; Judicial Bureau**

- Strikes felt soled wader ban as minor, Judicial Bureau violation (ban repealed under Sec. 11).
- Adds violation of biological collection rule as a minor violation.

**Sec. 11. 10 V.S.A. § 4616. Felt Soled Waders**

- Repeals the ban on felt soled waders.

**Sec. 12. 10 V.S.A. § 4708. Interference with Hunting, Fishing, Trapping**

- Clarifies what constitutes interfering with hunting, fishing, and trapping
- Now includes intentional: (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 wildlife or fish.

**Sec. 13. 10 V.S.A. § 4745. Taking Big Game out of Season**

- Amends the existing prohibition against taking deer out of season so that it applies to taking big game out of season.
  - “Big game” means deer, bear, moose, wild turkey, caribou, elk, and anadromous Atlantic salmon in the Connecticut River. See 10 V.S.A. § 4001 (definition not changed by H.570).
- The violation does not apply to deer, bear, or other wildlife doing damage.

**Sec. 14. 10 V.S.A. § 4781. Big Game Possession**

- Clarifies the violation for big game possession—to include the transport of any big game taken by unlawful means or taken during a closed season.
- Also clarifies when a person may lawfully possess big game—during open season and a reasonable time thereafter.

**Sec. 15. 10 V.S.A. § 4784. Transportation of Big Game**

- Clarifies the violation of transport of big game as applying to any big game taken by unlawful means or in violation of statute or rules.

**Secs. 16 and 17. 10 V.S.A. § 5201-5201. Posting Waters**

- Repeals authority to post State waters as lands where property owner has exclusive right to fish.
- Current law allows a person to post State waters if they stock the waters with fish. Stocking would now be prohibited unless permitted by the Commissioner (See Sec. 3).

**Sec. 18. Repeal of Repeal of Use of Gun Suppressors at Sport Shooting Ranges**

- In 2015, the General Assembly authorized the use of gun suppressors at sport shooting ranges subject to sunset in July of 2017. Sec. 18 repeals the sunset.

**Sec. 19. Effective Dates.** The bill takes effect July 1, 2016, except for Secs. 1-3 relating to sale and stocking of fish, which takes effect January 1, 2017.