

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 \* \* \* Definition of Bow and Arrow \* \* \*

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

9 § 4001. DEFINITIONS

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

12 \* \* \*

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

15 \* \* \*

16 \* \* \* License Agent Fees \* \* \*

17 Sec. 2. 10 V.S.A. § 4254(f) and (g) are amended to read:

18 (f) All persons or businesses who wish to serve as agents shall apply on  
19 forms provided by the Department. ~~All applicants who become agents, except~~  
20 ~~town clerks or other municipal or State employees who sell licenses as part of~~  
21 ~~their official duties, shall pay an agency origination fee of \$100.00 upon~~

1 ~~establishment of the agency.~~ Except for the fee collected under subdivision  
2 (e)(9) of this section, all license fees collected by an agent are the property of  
3 the State of Vermont and shall be promptly paid to the State following the  
4 procedures established under subdivision (e)(6) of this section.

5 ~~(g) All operating license agents, including those in their first year of~~  
6 ~~operation, but not including town clerks, other municipal or State employees~~  
7 ~~who sell licenses as part of their official duties, and point of sale agents, shall~~  
8 ~~pay an annual agency operation fee of \$35.00. This fee shall be used for the~~  
9 ~~administration of this section and to offset any losses incurred from sales of~~  
10 ~~licenses, in lieu of individual bonding. [Repealed.]~~

11 \* \* \* Permanent Licenses; Persons with Disabilities \* \* \*

12 Sec. 3. 10 V.S.A. § 4255(c) is amended to read:

13 (c) A permanent or free license may be secured on application to the  
14 Department by a person qualifying as follows:

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

17 (A) A permanent fishing license.

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

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

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\* \* \*

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

\* \* \*

\* \* \* Reports \* \* \*

Sec. 4. DEPARTMENT OF FISH AND WILDLIFE REPORT ON  
PERMANENT LICENSE FOR PERSONS WITH DISABILITIES

On or before January 15, 2017, the Commissioner of Fish and Wildlife shall report to the House Committee on Fish, Wildlife and Water Resources and the Senate Committee on Natural Resources and Energy regarding any free permanent fishing, hunting, or combination licenses issued to persons with a permanent, severe, physical mobility disability. This report shall include the number of applicants and the number of free permanent licenses issued.

1       Sec. 5. DEPARTMENT OF FISH AND WILDLIFE REPORT ON  
2                   PERMANENT AND LIFETIME FISHING, HUNTING, AND  
3                   COMBINATION LICENSES.

4           On or before February 15, 2017, the Commissioner of Fish and Wildlife  
5           shall report to the House Committee on Fish, Wildlife and Water Resources  
6           and the Senate Committee on Natural Resources and Energy regarding the  
7           continued use of permanent and lifetime licenses. In conducting this report,  
8           the Commissioner may request that residents holding a permanent or lifetime  
9           fishing, hunting, or combination license communicate their intent prior to the  
10          time he or she exercises fishing, hunting, or trapping privileges each year.

11                                   \* \* \* Mentored Hunting License \* \* \*

12       Sec. 6. 10 V.S.A. § 4256(d) is amended to read:

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

1                   \* \* \* Migratory Waterfowl Advisory Committee \* \* \*

2           Sec. 7. 10 V.S.A. § 4277(f) is amended to read:

3           (f) Advisory committee. There is hereby created a ~~migratory waterfowl~~  
4 ~~advisory committee~~ Migratory Waterfowl Advisory Committee which shall  
5 consist of five persons and up to three alternates appointed by and serving at  
6 the pleasure of the ~~commissioner of the department of fish and wildlife~~  
7 Commissioner of Fish and Wildlife. The ~~commissioner~~ Commissioner shall  
8 designate a chairperson. The ~~committee~~ Committee shall be consulted with  
9 and may make recommendations to the ~~commissioner~~ Commissioner in regard  
10 to all projects and activities supported with the funds derived from the  
11 implementation of this section. The ~~commissioner~~ Commissioner shall make  
12 an annual financial and progress report to the ~~committee~~ Committee with  
13 regard to all activities authorized by this section.

14                   \* \* \* Endangered and Threatened Species \* \* \*

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

16           § 5403. PROTECTION OF ENDANGERED AND THREATENED SPECIES

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

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

4 (c) ~~A~~ The Secretary may bring a civil enforcement action against any  
5 person who violates subsection (a) of this section with regard to an endangered  
6 species shall be fined not more than \$1,000.00 on the first offense. For a  
7 subsequent conviction the person shall be fined not less than \$500.00 nor more  
8 than \$1,000.00 or rules adopted under this chapter in accordance with chapters  
9 201 and 211 of this title.

10 (d) ~~A person who violates subsection (a) of this section with regard to a~~  
11 ~~threatened species shall be fined not more than \$500.00 on the first offense.~~  
12 ~~For a subsequent conviction the person shall be fined not less than \$250.00 nor~~  
13 ~~more than \$500.00~~ Instead of bringing a civil enforcement action for a  
14 violation of this chapter or rules adopted under this chapter, the Secretary may  
15 refer violations of this chapter to the Commissioner of Fish and Wildlife for  
16 enforcement.

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

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



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

3 \* \* \* Aquatic Nuisance Enforcement \* \* \*

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

5 (c) A violation of this section may be brought by any law enforcement  
6 officer, as that term is defined in 23 V.S.A. § 4(11) 3302(2), in the  
7 Environmental Division of the Superior Court. When a violation is brought by  
8 an enforcement officer other than an environmental enforcement officer  
9 employed by the Agency of Natural Resources, the enforcement officer shall  
10 submit to the Secretary a copy of the citation for purposes of compliance with  
11 the public participation requirements of section 8020 of this title.

12 Sec. 11. 23 V.S.A. § 3317(b) is amended to read:

13 (b) A person who violates a requirement under 10 V.S.A. § ~~1266~~ 1454 shall  
14 be subject to enforcement under 10 V.S.A. chapter 201, provided that the  
15 person shall be assessed a penalty of not more than \$1,000.00 for each  
16 violation. A person who violates a rule ~~promulgated~~ adopted under 10 V.S.A.  
17 § 1424 ~~or~~ shall be subject to enforcement under 10 V.S.A. chapter 201,  
18 provided that the person shall be assessed a penalty of not more than \$300.00  
19 for each violation. A person who violates any of the following sections of this  
20 title shall be subject to a penalty of not more than \$300.00 for each violation:

21 § 3306(e) marine toilet



1           § 3312a                   operation of personal watercraft

2       Sec. 12. 23 V.S.A. § 3318(c) is amended to read:

3           (c) The provisions of this subchapter and the rules adopted pursuant to this  
4       subchapter shall be enforced by law enforcement officers as defined in section  
5       3302 of this title in accordance with the provisions of 12 V.S.A. chapter 193;  
6       ~~and they.~~ Law enforcement officers as defined in section 3302 of this title may  
7       also enforce the provisions of 10 V.S.A. § ~~1266~~ 1454 and the rules adopted  
8       pursuant to 10 V.S.A. § 1424 in accordance with the requirements of 10 V.S.A.  
9       chapter 50. ~~With respect to the provisions of 10 V.S.A. § 1266 and the rules~~  
10      ~~adopted pursuant to 10 V.S.A. § 1424, whenever a penalty for a violation of~~  
11      ~~such a rule is not otherwise established, three Superior judges appointed by the~~  
12      ~~Court Administrator shall establish a schedule, within the limits prescribed by~~  
13      ~~law, of the penalty to be imposed. Any law enforcement officer who issues a~~  
14      ~~complaint shall advise the defendant of the schedule of penalties and show the~~  
15      ~~defendant a copy of the schedule.~~

16           \* \* \* Repeal of Agency of Agriculture, Food and Markets Authority Over

17                                   Domestic Fur-Bearing Animals \* \* \*

18       Sec. 13. REPEAL OF AGENCY OF AGRICULTURE, FOOD AND

19                                   MARKETS REGULATION OF FUR-BEARING ANIMALS

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

1                                       \* \* \* Moose Permits for Veterans \* \* \*

2       Sec. 14. 10 V.S.A. § 4254 is amended to read:

3       § 4254. FISHING AND HUNTING LICENSES; ELIGIBILITY, DESIGN,  
4                                       DISTRIBUTION, SALE, AND ISSUE

5   \* \* \*

6               (i)(1) If the Board establishes a moose hunting season, up to five moose  
7       permits shall be set aside to be auctioned. The moose permits set aside for  
8       auction shall be in addition to the number of annual moose permits authorized  
9       by the Board. The Board shall adopt rules necessary for the Department to  
10      establish, implement, and run the auction process. The Commissioner annually  
11      may establish a minimum dollar amount of not less than \$1,500.00 for any  
12      winning bid for a moose permit auctioned under this subdivision. Proceeds  
13      from the auction shall be deposited in the Fish and Wildlife Fund and used for  
14      conservation education programs run by the Department. Successful bidders  
15      must have a Vermont hunting or combination license in order to purchase a  
16      moose permit.

17              (2) If the Board establishes a moose hunting season, there shall be  
18      established a program to set aside five moose permits for Vermont residents  
19      who have served on active duty in any branch of the U.S. Armed Forces of the  
20      United States and who have been awarded or are eligible to receive a campaign  
21      ribbon for Operation Iraqi Freedom or Operation Enduring Freedom provided

1 that he or she has not received a dishonorable discharge. The Department of  
2 Fish and Wildlife shall adopt a procedure to implement the set-aside program  
3 for veterans ~~who have been awarded or are eligible to receive a campaign~~  
4 ~~ribbon for Operation Iraqi Freedom or Operation Enduring Freedom,~~ including  
5 a method to award applicants preference points and a method by which  
6 veterans who applied for but failed to receive a permit in one hunting season  
7 are awarded priority in the subsequent moose hunting season. The procedure  
8 adopted under this subdivision shall be consistent with the preference system  
9 for the permit auction authorized under subdivision (1) of this subsection.  
10 Veterans awarded a moose permit under this subsection must possess a valid  
11 Vermont hunting or combination license in order to purchase a moose permit.  
12 The Department of Fish and Wildlife shall coordinate with the ~~Department of~~  
13 ~~Veterans Affairs~~ Office of Veterans Affairs to provide notice to eligible  
14 veterans of the moose permits set-aside under this subsection.

15 \* \* \* Effective Dates \* \* \*

16 Sec. 15. EFFECTIVE DATES

17 This act shall take effect on passage, except that Secs. 3 (permanent license  
18 for persons with disability), 4 (report on permanent license for persons with  
19 disability), 6 (mentored hunting license), and 14 (moose permits for veterans)  
20 shall take effect on January 1, 2016.