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H.570

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 in Vermont.

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;

1           (3) ~~Establish~~ establish and change territorial limits for the pursuit,  
2 taking, or killing of any species or varieties, and close or open lakes, streams,  
3 or parts thereof;

4           (4) ~~Prescribe~~ prescribe the manner and the means of pursuing, taking, or  
5 killing any species or variety, including the prescribing of type or kinds of bait,  
6 lures, tackle, equipment, traps, or any other means or devices for taking such  
7 fish;

8           (5) ~~Prescribe~~ prescribe such rules relating to transportation and  
9 exportation of fish as may be necessary for the enforcement of this part;

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

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

15           § 4611. SALE OF SALMON, TROUT, AND BLACK BASS

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

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

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

7       § 4605. PLACING FISH IN WATERS; FISH IMPORTATION PERMITS

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

9           (1) ~~pickereel or northern pike into any waters; or~~

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

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

20       (c) The Commissioner may, by rule,;

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

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

6           (3) adopt Adopt a list of fish which, if introduced into Vermont waters,  
7           have the potential to cause harm to the fish population of the State. A person  
8           shall not possess or bring into the State any fish on the list unless the person  
9           has received a permit issued pursuant to this subsection. The Commissioner  
10          may issue a permit allowing importation and possession of a fish on the list,  
11          provided the fish is to be kept in a controlled situation and used for a public  
12          purpose such as research or education. ~~A permit issued under this subsection~~  
13          ~~shall include conditions that ensure the health and safety of Vermont's fish~~  
14          ~~population.~~

15          (d) Applicants shall pay a permit fee of \$50.00. The Commissioner or duly  
16          authorized agents, shall make such investigation and inspection of the fish as  
17          they may deem necessary and then the importation permit may be granted  
18          pursuant to regulations which the Board shall prescribe. The Commissioner  
19          may waive the permit fee required under this subsection for organizations  
20          cooperating or partnering with the Department. The Commissioner or duly  
21          authorized agents shall make a determination on the permit within 10 days of

1 receiving the application. The Department may dispose of unlawfully  
2 imported fish as it may judge best, and the State may collect damages from the  
3 violator of this subsection for all expenses incurred.

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

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

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

11 § 4501. AIDING IN VIOLATIONS; SHARING IN PROCEEDS

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

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

18 § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

19 \* \* \*

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

4 (1) ~~F~~Except for biological collection violations determined to be non-  
5 point violations under Board rule, five points shall be assessed for any  
6 violation of statutes or rules adopted under this part except those listed in  
7 subdivisions (2) and (3) of this subsection.

8 (2) Ten points shall be assessed for:

9 \* \* \*

10 (Y) Appendix § 2. Reporting of ~~deer, bear big game;~~ (QQ) Appendix §  
11 33, section 14.3.

12 \* \* \*

13 (GG) Appendix § 44. Trapping except for sections 4.3, 4.4., 4.6, 4.9,  
14 4.10, 4.11, 4.12, 4.14 (c), and 4.14 (e).

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

16 \* \* \*

17 (NN) § 4826. Taking deer doing damage

18 (OO) § 22a. Taking turkey doing damage

19 (PP) § 35. Taking moose doing damage

20 (QQ) Appendix § 22, section 6.7; Appendix § 33, section 13.1(g);

21 Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or

1 on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled  
2 vehicle; and section 9.0 feeding deer.

3 (RR) Appendix § 37, section 6.3(b). Hunting bear with any  
4 unspecified dog not listed on the permit.

5 (3) Twenty points shall be assessed for:

6 \* \* \*

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

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

13 \* \* \*

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

18 (V) § 4454. Interstate Wildlife Violator Compact.

19 (W) Appendix § 33. Moose management rule

20 (X) § 4711. Crossbow hunting

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

3 (Y) Appendix § 20. Aerial hunting

4 (Z) Appendix § 44. Trapping sections 4.6 use of tooth-jawed traps;  
5 4.11 taking furbearers with poison; and 4.12 taking furbearers from a den.

6 \* \* \*

7 ~~(f) The Commissioner shall not reinstate a license suspended pursuant to~~  
8 ~~subdivisions (e)(2) and, (3), and (4) of this section until the licensee has~~  
9 ~~successfully completed a remedial course designed to teach hunters, trappers,~~  
10 ~~and anglers correct legal and ethical behavior while hunting, trapping, and~~  
11 ~~fishing in Vermont. The remedial course shall be approved by the~~  
12 ~~Commissioner and conducted by the Department. The fee for the remedial~~  
13 ~~course shall be \$100.00. Funds collected for the course shall be deposited in~~  
14 ~~the Fish and Wildlife Fund.~~

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

16 § 4503. UNLAWFUL EQUIPMENT, VEHICLE, FORFEITURE

17 A person convicted of violating the provisions of section 4518, 4747 or  
18 4606, 4521, 4705(a), or 4280 of this title relating to taking big game by illegal  
19 means, shall forfeit to the State Department of Fish and Wildlife the firearms,  
20 jacks, artificial lights, motor vehicle, or any other device used in the taking or  
21 transporting of big game committing the violation. Forfeiture of a motor



1 vehicle under this section shall not apply to the illegal taking, possessing, or  
2 transporting of wild turkey or anadromous Atlantic salmon ~~under this section~~  
3 or to violations of section 4606 and subsection 4705(a) of this title. Proceeds  
4 from the sale of items or equipment forfeited under this section shall be  
5 deposited in the Fish and Wildlife Fund.

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

7 § 4514. POSSESSION OF FLESH OF GAME; RESTITUTION

8 (a) When legally taken, the flesh of a fish or wild animal may be possessed  
9 for food for a reasonable time thereafter and such flesh may be transported and  
10 stored in a public cold storage plant. Nothing in this section shall authorize the  
11 possession of game birds or carcasses or parts thereof contrary to regulations  
12 made pursuant to the Migratory Bird Treaty Act.

13 (b) Any person convicted of illegally taking, destroying, or possessing wild  
14 animals or threatened or endangered species shall, in addition to other penalties  
15 provided under this chapter, pay restitution in the following amounts into the  
16 Fish and Wildlife Fund for each animal taken, destroyed, or possessed, ~~no~~  
17 ~~more than the following amounts:~~

18 (1) Big game	<u>no more than \$2,000.00</u>
19	<u>and no less than \$500.00</u>
20	each
21 (2) Endangered or threatened species	<del>\$2,000</del> <u>no more than</u>

1 as defined in section 5401 of this \$2,000.00 and no less than  
2 title \$500.00 each  
3 (3) Small game no more than \$500.00 and  
4 no less than \$50.00 each  
5 (4) Fish no more than \$50.00  
6 and no less than \$25.00  
7 each

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

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

13 § 4517. DESTRUCTION OF STATE PROPERTY

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

18 (b) A person convicted of intentionally or recklessly damaging, injuring,  
19 interfering with, or destroying property belonging to or controlled by the State  
20 for fish, game, or wildlife purposes shall, in addition to other penalties

1 provided under this chapter, pay restitution into the Fish and Wildlife Fund to  
2 repair or replace the damaged property.

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

4 § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED  
5 SPECIES; SUSPENSION; VIOLATIONS

6 Whoever violates a provision of this part or orders or rules of the Board  
7 relating to taking, possessing, transporting, buying, or selling of big game or  
8 relating to threatened or endangered species shall be fined not more than  
9 \$1,000.00 nor less than \$400.00 or imprisoned for not more than 60 days, or  
10 both. Upon a second and all subsequent convictions or any conviction while  
11 under license suspension related to the requirements of part 4 of this title, the  
12 violator shall be fined not more than ~~\$2,000.00~~ \$4,000.00 nor less than  
13 ~~\$1,000.00~~ \$2,000.00 or imprisoned for not less than five days but not more  
14 than 60 days, or both.

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

16 **§ 4572. Definitions**

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

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

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

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

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

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

7 (6) a violation of 10 V.S.A. § 4616 (use of external felt-soled boots or external  
8 felt-soled waders); or

9 (7) a violation of a biological collection rule adopted by the Board under this

10 Part 4.

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

12 § 4616. ~~FELT-SOLED BOOTS AND WADERS; USE PROHIBITED~~

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

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

19 § 4708. INTERFERENCE WITH HUNTING, FISHING, OR TRAPPING

20 (a) A person shall not **intentionally** interfere with the lawful taking of fish  
21 or wild animals by ~~another nor intentionally harass, drive, or disturb fish or any~~

1 ~~wild animal for the purpose of disrupting the lawful taking of the same.~~

2 ~~Nothing in this subsection shall be construed to prohibit any incidental~~

3 ~~interference arising from lawful activity by land users including farmers and~~

4 ~~recreationists.~~

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

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

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

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

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

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

14 (b) Nothing in this subsection shall be construed to prohibit any incidental  
15 interference arising from lawful activity by land users including farmers and  
16 recreationists.

17 Sec. 13. 10 V.S.A. § 4781 is amended to read:

18 § 4781. Big game; possession

19 A person shall not possess big game, taken by unlawful means or methods, or

20 taken in a closed, in violation of any provision of this Part 4 or rules of the

21 Board. Unless otherwise prohibited, a person may possess lawfully taken

1 ~~game during the open season and for a reasonable time thereafter. except~~  
2 ~~during the open season and for a reasonable time thereafter unless otherwise~~  
3 ~~provided, and then only such as can be legally taken. A person shall not~~  
4 ~~possess big game taken by any illegal devices, nor any big game taken in~~  
5 ~~closed season.~~

6 Section 14. 10 V.S.A. § 4784 is amended to read:

7 § 4784. Transportation of big game

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

13 Section 15. 10 V.S.A. § 5201 is amended to read:

14 § 5201. NOTICES; POSTING

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

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

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

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

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

8 (b) Notices prohibiting the taking of ~~wild animals~~ game shall be erected  
9 upon or near the boundaries of lands to be affected with notices at each corner  
10 and not over 400 feet apart along the boundaries thereof. ~~Notices prohibiting~~  
11 ~~the taking of fish shall show the date that the waters were last stocked and shall~~  
12 ~~be maintained upon or near the shores of the waters not over 400 feet apart.~~

13 Legible signs must be maintained at all times and shall be dated each year.  
14 These signs shall be of a standard size and design as the Commissioner shall  
15 specify.

16 (c) The owner or person posting the lands shall record this posting annually  
17 in the town clerk's office of the town in which the land is located. The  
18 recording form shall be furnished by the Commissioner and shall be filled out  
19 in triplicate, one copy to be retained by the town clerk, one copy to the  
20 Commissioner, and one copy to be retained by the person having the right to  
21 post the lands. The forms shall contain the information as to the approximate

1 number of acres posted, location in town, date of posting, and signature of  
2 person so posting the lands. The town clerk shall file the record and it shall be  
3 open to public inspection. The town clerk shall retain a fee of \$5.00 for this  
4 recording.

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

7 Sec. 16. 10 V.S.A. § 5202 is amended to read:

8 § 5202. PRIVATE PRESERVES PONDS, STOCKING, **AFFIDAVIT**

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

11 ~~(1) Stock the waters of each half mile of stream with at least 1,000 fry,~~  
12 ~~600 advanced fry, 300 fingerlings, or 150 fish, each not less than six inches in~~  
13 ~~length.~~

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

19 ~~(b) When land or waters are stocked by the State with fish, wild animals, or~~  
20 ~~game, with the knowledge and consent of the owner, the owner may not~~  
21 ~~prohibit the taking of fish, wild animals, or game under section 5201 of this~~



1 ~~title. However, the~~ The Commissioner may, at his or her discretion, stock a  
2 private ~~fishing preserve which~~ pond that allows some charitable or nonprofit  
3 organizations to use the area at no charge. In that case, the owner may prohibit  
4 the taking of fish or game by the general public under section 5201 of this title.

5 Sec.17. EFFECTIVE DATES

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