

1 H.854

2 Representative LaLonde moves that the bill be amended as follows:

3 First: In Sec. 1, 13 V.S.A. chapter 77, by striking out 13 V.S.A. § 3604 in
4 its entirety and inserting in lieu thereof the following:

5 § 3604. EXEMPTIONS

6 The cutting, felling, or destruction of a tree or the harvest of timber by the
7 following ~~is exempt from the requirements of sections 3602, 3603, and 3606~~
8 shall not be subject to a civil action under section 3606 of this title or a
9 criminal penalty under section 3606a of this title:

10 (1) The Agency of Transportation, or its representatives, conducting
11 ~~brush removal on State highways or Agency maintained trails~~ vegetation
12 management.

13 (2) A municipality conducting brush removal subject to the
14 requirements of 19 V.S.A. § 904.

15 (3) A utility conducting vegetation maintenance within the boundaries
16 of the utility's established right-of-way.

17 (4) ~~A harvester harvesting timber that a landowner has authorized for~~
18 ~~harvest within a harvest unit that has been marked by a landowner under~~
19 ~~section 3603 of this title. A landowner who harvests timber on his or her own~~
20 ~~property shall not be a "harvester" for the purposes of this subdivision.~~

21 [Repealed.]

1 (5) A railroad conducting vegetation ~~maintenance or brush removal in~~
2 ~~the railroad right-of-way~~ management.

3 (6) A licensed surveyor establishing boundaries between abutting
4 parcels under 27 V.S.A. § 4.

5 Second: In Sec. 1, 13 V.S.A. § 3606, in subsection (a), in the first sentence
6 after “the land or improvements thereon as a result of such action” and before
7 the period by striking out “, together with reasonable costs of litigation,
8 including investigation costs and attorney’s fees”
9 and in subsection (b), after “this section establishes” and before “that he or
10 she” by striking out “by clear and convincing evidence that” and inserting in
11 lieu thereof “by a preponderance of the evidence”

12 Third: In Sec. 1, 13 V.S.A. § 3606a, by striking out subsection (b) in its
13 entirety and inserting in lieu thereof the following:

14 (b) Any person who violates subsection (a) of this section shall:

15 (1) be imprisoned not more than one year or fined not more than
16 \$5,000.00, or both, if the value of the timber or forest product is less than
17 \$1,000.00; or

18 (2) be imprisoned not more than two years or fined not more than
19 \$10,000.00, or both, if the value of the timber or forest product is \$1,000.00 or
20 greater.

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