

H.5: An act relating to hunting, fishing, and trapping
Section by Section Summary

Sec. 1 – DEFINITION OF BOW AND ARROW

- In 2013, the General Assembly amended 10 V.S.A. § 4701 to grant the Fish and Wildlife Board the authority to adopt rules allowing a person to take game with a crossbow.
- However, the current definition of “bow and arrow” in 10 V.S.A. § 4001 explicitly excludes “cross bows”.
- Sec. 1 amends the definition of “bow and arrow” in 10 V.S.A. § 4001 to strike the exclusion of crossbows.
- Currently, persons with disabilities can get permits from the Department to use crossbows.
- With this change and the amendment to 10 V.S.A. § 4701, the Fish and Wildlife Board could adopt rules allowing any person to use of crossbows during the annual bow and arrow season.
- Rules adopted by the Board are required to go through the administrative rule-making process

Sec. 2 – LICENSE AGENT FEES

- Sec. 2 strikes the requirement that the Department charge fees to licensing agents
- Licensing agents are the stores and other persons who sell fishing and hunting licenses.
 - Currently, the Department DOES NOT charge these fees
 - Therefore, this DOES NOT decrease the Department’s funding
- Striking the fees may incentivize more locations to become licensing agents

Sec. 3 & 4 – LICENSES FOR PERSONS WITH DISABILITIES

- Currently, Vermont residents with paraplegia may receive a free permanent fishing, hunting, or combination license.
- Sec. 3 would allow Vermont residents with a permanent, severe, physical mobility disability to also obtain a free permanent fishing, hunting or combination license
- In order to receive the license, a physician must certify that the person has the disability
 - What constitutes a permanent, severe, physical mobility disability is not defined and will depend on the Commissioner’s acceptance of physician certifications.
- Sec. 4 requires the Commissioner to report to the General Assembly on the number of persons with a permanent, severe, physical mobility disability that received a license

Sec. 5 – REPORT ON PERMANENT AND LIFETIME LICENSES

House Proposal

- Sec. 5 requires Commissioner of Fish and Wildlife to report to the General Assembly by Feb. 15, 2017 regarding how many individuals with permanent or lifetime licenses actually exercise their fishing, hunting, or trapping privileges each year.
- Sec. 5 allows the Commissioner in conducting the report to request that individuals holding permanent or lifetime licenses report to the Department before exercising those privileges.

Senate Amendment

- Senate proposes to amend the requirements for permanent and lifetime licenses under 10 V.S.A. 4255(c) to require a permanent or lifetime license holder to notify the Department of Fish and Wildlife in those years they intend to hunt, fish, or trap.
- This will allow the Department to more accurately track the number of persons actually using their lifetime or permanent licenses to hunt fish or trap in the state.
- If a lifetime or permanent license holder fails to notify the Department, there will not be points assessed the person's license.

Sec. 6 – MENTORED HUNTING LICENSE

- Sec. 6 strikes the requirement that an individual accompanying a mentored hunter sign and date the license of the mentored hunter. This allows for easier administration of electronic licensing.

Sec. 7 – MIGRATORY WATERFOWL ADVISORY COMMITTEE

- Sec. 7 allows for three alternates to be appointed by the Commissioner of Fish and Wildlife to the Migratory Waterfowl Advisory Committee.
 - The alternates could stand in for any member that could not make a specific meeting.
- Persons must buy a migratory waterfowl stamp in order to take migratory waterfowl.
- The proceeds from the sale of stamps go into a special fund. The Migratory Waterfowl Advisory Committee advises the Commissioner on the use of monies from the fund.

Secs. 8 & 9 – CIVIL ENFORCEMENT OF ENDANGERED & THREATENED SPECIES

- Currently, criminal prosecution is the primary tool for enforcement of threatened and endangered species violations.
 - Because the potential criminal penalties are often lower than the cost of compliance, there is arguably a reward for non-compliance
- Secs. 8 and 9 allow ANR to pursue civil enforcement actions for violations of threatened and endangered species violations.

- ANR would use its default civil enforcement authority under 10 V.S.A. ch. 201 and 211. The maximum fine under chapter 201 is \$42,500. The maximum fine under chapter 211 is \$82,500.
- Also allows a court to order restitution for the actual costs in treatment and care as well as reasonable mitigation and restoration costs.

Secs. 10, 11, & 12 – AQUATIC NUISANCE ENFORCEMENT

- Makes technical corrections to cross references to aquatic nuisance law.
- Aquatic nuisance law once was codified in 10 V.S.A. § 1266, but it was moved to 10 V.S.A. chapter 50. However, cross references to 10 V.S.A. § 1266 regarding law enforcement of motorboat laws was never amended.

Sec. 13 – REPEAL OF AUTHORITY OVER DOMESTIC FUR-BEARING ANIMALS

- Sec. 13 repeals the authority of the Agency of Agriculture, Food and Markets to regulate domestic fur-bearing animal facilities. Agriculture once regulated the raising of wild animals such as mink.
- Currently there are no domestic fur bearing facilities in the State. Repealing the Agency of Agriculture authority clarifies the Department of Fish and Wildlife authority over wild animals.

Sec. 14 – MOOSE PERMITS FOR VETERANS

- Currently, the Fish and Wildlife Board sets aside 5 moose permits for veterans who have been awarded or are eligible to receive a campaign ribbon for Operation Iraqi Freedom or Operation Enduring Freedom
- Sec. 14 removes the restrictions that a veteran must be from the Iraq or Afghanistan wars and allows all veterans to apply
 - Provided he or she has not been dishonorably discharged

Senate Amendment--Sec. 14a. REPORT ON FOREST FRAGMENTATION

- On or before January 15, 2016, the Commissioner of Forests and shall report to the General Assembly with recommendations for implementing the policy options to promote forest integrity contained within the Department of Forests, Parks and Recreation's 2015 Vermont Forest Fragmentation Report.
- The report shall include proposed legislative changes to implement the recommendations of the Commissioner.
- Prior to submitting the report required by this section, the Commissioner of Forests, Parks and Recreation shall consult with interested stakeholders.

Sec. 15 – EFFECTIVE DATES

- Most of the bill is effective on passage EXCEPT, the following which are effective January 1, 2016:
 - Sec. 3 (permanent license for persons with disability)
 - Sec. 4 (report on permanent license for persons with disability)
 - Sec. 6 (mentored hunting license)
 - Sec. 14 (moose permits)
- These sections go into effect in 2016 BECAUSE they relate to permits which are already being issued or processed for the 2015 hunting season.