

Journal of the House

Wednesday, February 21, 2018

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Rev. Leon Dunkley, North Universalist Chapel Society, Woodstock, VT.

Committee Bill Introduced

H. 895

By the committee on Government Operations,

An act relating to legislative review of certain report requirements;

Pursuant to House rule 48, bill placed on the Calendar for notice.

Senate Bill Referred

S. 40

Senate bill, entitled

An act relating to increasing the minimum wage

Was read and referred to the committee on General, Housing and Military Affairs.

Bill Referred to Committee on Ways and Means

H. 684

House bill, entitled

An act relating to professions and occupations regulated by the Office of Professional Regulation

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Bill Referred to Committee on Ways and Means

H. 894

House bill, entitled

An act relating to pensions, retirement, and setting the contribution rates for municipal employees

Appearing on the Calendar, affecting the revenue of the state, under rule 35(a), was referred to the committee on Ways and Means.

Joint Resolution Adopted in Concurrence

J.R.S. 49

By Senator Ashe,

J.R.S. 49. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 23, 2018, it be to meet again no later than Tuesday, February 27, 2018.

Was taken up, read and adopted in concurrence.

Bill Amended; Read Third Time; Bill Passed

H. 571

House bill, entitled

An act relating to creating the Department of Liquor and Lottery and the Board of Liquor and Lottery

Was taken up and pending third reading of the bill, **Rep. LaClair of Barre Town** moved to amend the bill as follows:

First: In Sec. 90, 31 V.S.A. § 654a, multijurisdictional lottery games, by striking out the section in its entirety and inserting in lieu thereof a new Sec. 90 to read:

Sec. 90. 31 V.S.A. § 654a is redesignated and amended to read:

§ ~~654a~~ 652. MULTIJURISDICTIONAL LOTTERY GAME GAMES

(a)(1) In addition to the Tri-State Lotto Compact provided for in subchapter 2 of this chapter, and the other authority to operate lotteries contained in this chapter, the ~~Commission~~ Board of Liquor and Lottery is authorized to negotiate and contract with ~~up to~~ not more than four multijurisdictional lotteries to offer and provide multijurisdictional lottery games. The ~~Commission~~ Board may join any multijurisdictional lottery that provides indemnification for its standing committee members, officers, directors, employees, and agents.

(2)(A) The ~~Commission~~ Board shall adopt ~~rules under 3 V.S.A. chapter 25~~ procedures pursuant to 3 V.S.A. § 835 to govern the establishment and operation of any multijurisdictional lottery game authorized by this section. For each procedure proposed to be adopted or amended pursuant to this section, the Board shall publish the proposal on the Department of Liquor

and Lottery's website, provide notice of the proposal to all persons licensed to sell lottery tickets, provide not less than 30 days for public comment on the proposal, and hold not less than two public hearings at which members of the public may seek additional information or submit oral or written comments on the proposal.

(B) The Board of Liquor and Lottery shall not be required to initiate rulemaking pursuant to 3 V.S.A. § 831(c) in relation to a procedure adopted pursuant to this section.

(C) A procedure adopted pursuant to this section shall be binding on all persons who play or sell the multijurisdictional lottery game.

* * *

(c) The provisions of subdivisions 674L.1.1A through 674L.1.1I of this title shall apply to the payment of prizes to a person other than a winner for prizes awarded under any multijurisdictional lottery authorized by this section, except that the ~~Vermont Lottery Commission~~ Board of Liquor and Lottery shall be responsible for implementing such the provisions under this section, rather than the Tri-State Lotto Commission.

Second: After Sec. 90, 31 V.S.A. § 654a, by inserting a Sec. 90a to read:

Sec. 90a. ADOPTION OF PROCEDURES; REPEAL OF RULES

On or before September 15, 2018, the Board of Liquor and Lottery shall adopt procedures governing the operation of all multijurisdictional lottery games offered pursuant to 31 V.S.A. § 654a. Upon the adoption of procedures governing the operation of a multijurisdictional lottery game, any rules adopted pursuant to 3 V.S.A. chapter 25 in relation to that game shall be deemed to be repealed.

Which was agreed to. Thereupon, the bill was read the third time and passed.

Third Reading; Bill Passed

H. 576

House bill, entitled

An act relating to stormwater management

Was taken up and read the third time.

Pending the question, Shall the bill pass? **Rep. Deen of Westminster** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the bill pass? was decided in the affirmative. Yeas, 125. Nays, 12.

 Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Norris of Shoreham
Bartholomew of Hartland	Gardner of Richmond	Noyes of Wolcott
Baser of Bristol	Giambatista of Essex	Ode of Burlington
Batchelor of Derby	Gonzalez of Winooski	Pajala of Londonderry
Beck of St. Johnsbury	Grad of Moretown	Parent of St. Albans Town
Belaski of Windsor	Haas of Rochester	Partridge of Windham
Bissonnette of Winooski	Harrison of Chittenden	Pearce of Richford
Bock of Chester	Head of South Burlington	Potter of Clarendon
Botzow of Pownal	Hebert of Vernon	Pugh of South Burlington
Brennan of Colchester	Helm of Fair Haven	Rachelson of Burlington
Briglin of Thetford	Hill of Wolcott	Read of Fayston
Browning of Arlington	Hooper of Montpelier	Savage of Swanton
Brumsted of Shelburne	Hooper of Randolph	Scheu of Middlebury
Buckholz of Hartford	Houghton of Essex	Scheuermann of Stowe
Burditt of West Rutland	Howard of Rutland City	Sharpe of Bristol
Burke of Brattleboro	Jessup of Middlesex	Shaw of Pittsford
Canfield of Fair Haven	Jickling of Randolph	Sheldon of Middlebury
Carr of Brandon	Joseph of North Hero	Sibilia of Dover
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Smith of Derby
Christensen of Weathersfield	Keefe of Manchester	Squirrell of Underhill
Christie of Hartford	Kimbell of Woodstock	Stevens of Waterbury
Cina of Burlington	Kitzmiller of Montpelier	Strong of Albany
Conlon of Cornwall	Krowinski of Burlington	Stuart of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Sullivan of Dorset
Conquest of Newbury	Lanpher of Vergennes	Sullivan of Burlington
Copeland-Hanzas of Bradford	Lefebvre of Newark	Taylor of Colchester
Corcoran of Bennington	Lewis of Berlin	Till of Jericho
Cupoli of Rutland City	Lippert of Hinesburg	Toleno of Brattleboro
Deen of Westminster	Long of Newfane	Toll of Danville
Devereux of Mount Holly	Lucke of Hartford	Townsend of South Burlington
Dickinson of St. Albans Town	Macaig of Williston	Trieber of Rockingham
Donahue of Northfield	Marcotte of Coventry	Troiano of Stannard
Dunn of Essex	Masland of Thetford	Van Wyck of Ferrisburgh
Emmons of Springfield	McCormack of Burlington	Viens of Newport City
Fagan of Rutland City	McCoy of Poultney	Walz of Barre City
Feltus of Lyndon	McCullough of Williston	Webb of Shelburne
Fields of Bennington	Miller of Shaftsbury	Weed of Enosburgh
Forguites of Springfield	Morris of Bennington	Willhoit of St. Johnsbury
Frenier of Chelsea	Morrissey of Bennington	Wood of Waterbury
Gamache of Swanton	Mrowicki of Putney	Wright of Burlington
	Murphy of Fairfax	Yantachka of Charlotte
	Myers of Essex	Young of Glover
	Nolan of Morristown	

Those who voted in the negative are:

Beyor of Highgate	LaClair of Barre Town	McFaun of Barre Town
Condon of Colchester	Lawrence of Lyndon	Quimby of Concord
Gage of Rutland City	Martel of Waterford	Smith of New Haven

Higley of Lowell

Mattos of Milton

Terenzini of Rutland Town

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton

Donovan of Burlington

Poirier of Barre City

Bancroft of Westford

Graham of Williamstown

Rosenquist of Georgia

Colburn of Burlington

Keenan of St. Albans City

Turner of Milton

Dakin of Colchester

O'Sullivan of Burlington

Yacovone of Morristown

Third Reading; Bill Passed

H. 693

House bill, entitled

An act relating to designating the Honor and Remember Flag as the State Veterans Flag

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 779

House bill, entitled

An act relating to the legislative directory prepared by the Secretary of State

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 892

House bill, entitled

An act relating to regulation of short-term, limited-duration health insurance coverage and association health plans

Was taken up, read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 636

Rep. Squirrell of Underhill, for the committee on Natural Resources, Fish and Wildlife, to which had been referred House bill, entitled

An act relating to miscellaneous fish and wildlife subjects

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Information Collection * * *

Sec. 1. 10 V.S.A. § 4132 is amended to read:

§ 4132. GENERAL DUTIES OF COMMISSIONER

(a) The Commissioner shall have charge of the enforcement of the provisions of this part.

* * *

(f) The Commissioner may collect data, conduct scientific research, and contract with qualified consultants for the purposes of managing fish and wildlife in the State and achieving the requirements and policies of this part. The Commissioner may designate as confidential any records produced or acquired by Department staff or contractors in the conduct of a study of or research related to fish, wildlife, wild plants, or the habitat or fish, wildlife, or wild plants, if release of the records would present a threat of harm to a species or the habitat of a species. Records designated as confidential under this subsection shall be exempt from inspection and copying under the Public Records Act. Records of Department staff or contractors that are not designated as confidential under this subsection shall be available for inspection and copying under the Public Records Act.

* * * Acquisition of Property; Grants * * *

Sec. 2. 10 V.S.A. § 4144(a) is amended to read:

(a) ~~The secretary~~ Secretary with approval of the Governor may acquire for the use of the ~~State~~ Department of Fish and Wildlife by gift, purchase, or lease ~~in the name of the State, any and all rights and interests in~~ lands, ponds, or streams, and hunting and fishing rights and privileges in any lands or waters in the State, ~~with~~ and the necessary rights of ingress or egress to and from such lands and waters. The Secretary's authority to acquire property interests under this section shall include all of the interests that may be acquired under subsection 6303(a) of this title.

Sec. 3. 10 V.S.A. § 4147 is amended to read:

§ 4147. FISH AND WILDLIFE LANDS

(a) Notwithstanding the provisions of 29 V.S.A. § 166, the Secretary with the approval of the Governor, may convey, exchange, sell, or lease lands under the Secretary's jurisdiction of the Department of Fish and Wildlife for one or more of the following purposes:

(1) resolving trespass issues and implementing boundary line adjustments and right-of-way and deed corrections, provided that the transfers are advantageous to the State;

(2) implementing the acquisition of new lands for conservation and

public recreation when, in his or her judgment, it is advantageous to the State to do so in the highest orderly development of such lands and management of game thereon.

~~(b) Provided, however, such~~ The lease, sale, or exchange of lands under this section shall not include oil and gas leases and shall not be contrary to the terms of any contract which that has been entered into by the State.

* * *

* * * Licensing; Lottery Applications * * *

Sec. 4. 10 V.S.A. § 4254(e) is amended to read:

(e) The Commissioner shall establish:

(1) license agencies, for the sale and distribution of licenses or lottery applications for licenses, including any town clerk who desires to sell licenses or process lottery applications for licenses;

(2) the number, type, and location of license agencies, other than town clerk agencies;

(3) the qualifications of all agencies and agents except town clerks;

(4) controls for the inventory, safeguarding, issue, and recall of all licensing materials;

(5) the times and methods for reporting the sale and issuance of all licenses;

(6) procedures for accounting for and return of all monies and negotiable documents due the Department from agencies in accordance with the provisions of this title and Title 32 of the Vermont Statutes Annotated;

(7) procedures for the audit of all license programs and license agency transactions and the proper retention and inspection of all accounting and inventory records related to the sale or issuance of licenses;

(8) procedures for the suspension of any license agent or agency, including a town clerk agent, for noncompliance with the provisions of this title, any written agreement between the agent and the Department, or any licensing rule established by the Department;

(9) that for each license or lottery application, \$1.50 of the fee is a filing fee that may be retained by the agent, except for the super sport license for which \$5.00 of the fee is a filing fee that may be retained by the agent; and

(10) that for licenses, lottery applications, and tags issued where the Department does not receive any part of the fee, \$1.50 may be charged as a filing fee and retained by the agent.

* * * Migratory Waterfowl Stamp Program * * *

Sec. 5. 10 V.S.A. § 4277 is amended to read:

§ 4277. MIGRATORY WATERFOWL STAMP PROGRAM

(a) Definitions. As used in this section:

(1) “Migratory waterfowl” means all waterfowl species in the family anatidae, including wild ducks, geese, brant, and swans.

(2) “Stamp” means the State migratory waterfowl hunting stamp furnished by the Department of Fish and Wildlife as provided for in this section and the federal migratory waterfowl stamp furnished by the U.S. Department of the Interior.

(b) Waterfowl stamp required. No person 16 years of age or older shall attempt to take or take any migratory waterfowl in this State without first obtaining a State and federal migratory waterfowl stamp for the current year in addition to a regular hunting license as provided by section 4251 of this title. A stamp shall not be transferable. The State stamp year shall run from January 1 to December 31.

(c) Waterfowl stamp design, production, and distribution. The Commissioner of Fish and Wildlife shall be responsible for the design, production, procurement, distribution, and sale of all stamps the State stamp and all marketable stamp ~~byproducts~~ by-products such as posters, artwork, calendars, and other items.

(d) Fee. ~~Stamps~~ State stamps shall be sold at the direction of the Commissioner for a fee of \$7.50. The issuing agent may retain a fee of \$1.00 for each stamp and shall remit \$6.50 of each fee to the Department of Fish and Wildlife. The Commissioner shall establish a uniform sale price for all categories of ~~byproducts~~ by-products.

(e) Disposition of waterfowl receipts. All State waterfowl stamp receipts and all receipts from the sale of State stamp ~~byproducts~~ by-products shall be deposited in the Fish and Wildlife Fund. All State stamp and ~~byproducts~~ by-products receipts shall be expended through the appropriation process for waterfowl acquisition and improvement projects.

(f) Advisory ~~committee~~ Committee. There is hereby created a the Migratory Waterfowl Advisory Committee which shall consist of five persons and up to three alternates appointed by and serving at the pleasure of the Commissioner of Fish and Wildlife. The Commissioner shall designate a the Chair. The Committee shall be consulted with and may make recommendations to the Commissioner in regard to all projects and activities supported with the funds derived from the implementation of this section. The

Commissioner shall make an annual financial and progress report to the Committee with regard to all activities authorized by this section.

* * * Forfeiture * * *

Sec. 6. 10 V.S.A. § 4505 is amended to read:

§ 4505. HEARING; FORFEITURE

The game warden or other officer shall retain possession of firearms, jacks, lights, motor vehicles, and devices taken until final disposition of the charge against the owner, possessor, or person using the same in violation of the provisions of section 4745, 4781, 4783, 4784, 4705(a), 4280, 4747₂, or 4606 of this title, in accordance with the provisions of section 4503 of this title. When the owner, possessor₂, or person using firearms, jacks, lights, motor vehicles, and devices in violation of the section is convicted of the offense, the court where the conviction is had shall cause the owner, if known, and possessor₂, and all persons having the custody of or exercising any control over the firearms, jacks, lights, motor vehicles, and devices seized, either as principal, clerk, servant, or agent and the respondent to appear and show cause, if any they have, why a forfeiture or condemnation order should not issue. The hearings may be held as a collateral proceeding to the trial of the respondent in the discretion of the court.

* * * Enforcement; Violations * * *

Sec. 7. 10 V.S.A. § 4551 is amended to read:

§ 4551. FISH AND WILDLIFE VIOLATION DEFINED

A violation of any provision of this part, other than a violation for which a term of imprisonment may be imposed₇, or a minor violation as defined in section 4572 of this title, ~~or a violation of a rule adopted under this part~~ shall be ~~known~~ as a fish and wildlife violation.

Sec. 8. 10 V.S.A. § 4705 is amended to read:

§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;
SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

(a) A person shall not take₇, or attempt to take₇, a wild animal by shooting from a motor vehicle, motorboat, airplane, snowmobile, or other ~~motor propelled~~ motor-propelled craft or any vehicle drawn by a ~~motor-propelled~~ motor-propelled vehicle except as permitted under subsection (e) of this section.

(b) A person shall not carry or possess while in or on a vehicle propelled by mechanical power or drawn by a vehicle propelled by mechanical power

within the ~~right-of-way~~ right-of-way of a public highway a rifle or shotgun containing a loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, or a muzzle-loading rifle or muzzle-loading shotgun that has been charged with powder and projectile and the ignition system of which has been enabled by having an affixed or attached percussion cap, primer, battery, or priming powder, except as permitted under subsections (d) and (e) of this section. A person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a ~~right-of-way~~ right-of-way of a public highway shall upon demand of an enforcement officer exhibit the firearm for examination to determine compliance with this section.

(c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of a public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a public highway from a sport shooting range, as that term is defined in section 5227 of this title, provided that:

(1) the sport shooting range was established before January 1, 2014; and

(2) the operators of the sport shooting range post signage warning users of the public highway of the potential danger from the sport shooting range.

(d) This section shall not restrict the possession or use of a loaded firearm by an enforcement officer in performance of his or her duty.

* * *

Sec. 9. 10 V.S.A. § 4709 is amended to read:

§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
OF WILD ANIMALS; POSSESSION OF WILD BOAR

(a) A person shall not bring into ~~the State~~, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, ~~unless, upon application in writing therefor, the person obtains~~ without authorization from the Commissioner ~~a permit to do so or his or her designee.~~ The importation permit may be granted under such regulations therefor as the ~~Board~~ Commissioner shall prescribe and only after the Commissioner has

made such investigation and inspection of the birds or animals as she or he may deem necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) No person shall bring into the State from another country, state, or province wildlife illegally taken, transported, or possessed contrary to the laws governing the country, state, or province from which the wildlife originated.

(c) No person shall place a Vermont-issued tag on wildlife taken outside the State. No person shall report big game in Vermont when the wildlife is taken outside the State.

(d) Nothing in this section shall prohibit the Commissioner or duly authorized agents of the Department of Fish and Wildlife from bringing into the State for the purpose of planting, introducing, or stocking, or from planting, introducing, or stocking in the State, any wild bird or animal.

~~(e)~~(e) Applicants shall pay a permit fee of \$100.00.

~~(d)~~(f)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus scrofa* Linnaeus).

(2) This subsection shall not apply to the domestic pig (*Sus domesticus*) involved in domestic hog production and shall not restrict or limit the authority of the Secretary of Agriculture, Food and Markets to regulate the importation or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated.

* * * Trapping * * *

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

§ 4254c. NOTICE OF TRAPPING; DOMESTIC PET

A person who incidentally traps a domestic pet found to be injured or killed shall notify a fish and wildlife warden if the contact identification for the owner of the domestic pet is readily available.

Sec. 11. 10 V.S.A. § 4828 is amended to read:

§ 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY

LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY

(a)(1) The provisions of law or ~~regulations~~ rules of the Board relating to the taking of rabbits or fur-bearing animals shall not apply to:

(A) an owner, the owner's employee, tenant, or caretaker of property protecting the property from damage by rabbits or fur-bearing animals; or

(B) ~~to~~ a member of the selectboard of a town protecting public highways or bridges from such damage or submersion with the permission of the owner of lands affected.

(2) A person who for compensation sets a trap for rabbits or furbearing animals on the property of another in defense of that property shall possess a valid trapping license.

(3)(A) ~~However, if~~ If required by rule of the ~~board~~ Board, an owner; ~~the owner's employee, tenant, or caretaker, or the members;~~ a member of the selectboard; or a person who sets a trap for compensation who desire ~~desires~~ to possess during the closed season the skins of any fur-bearing animals taken in defense of property, highways, or bridges shall notify the Commissioner or the Commissioner's representative within 84 hours after taking ~~such~~ the animal, and shall hold ~~such~~ the pelts for inspection by such authorized representatives.

(b) Before disposing of ~~such~~ pelts taken under this section, if required by rule of the Board, the property owner; ~~the owner's employee, tenant, or caretaker, or;~~ a member of the selectboard; or a person who sets a trap for compensation shall secure from the Commissioner or a designee a certificate describing the pelts, and showing that the pelts were legally taken during a closed season and in defense of property, highways, or bridges. In the event of storage, sale, or transfer, ~~such~~ the certificates shall accompany the pelts ~~described therein.~~

Sec. 12. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

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

* * *

(9) Game: game birds or game quadrupeds, or both.

(10) Game birds: quail, partridge, woodcock, pheasant, plover of any kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild geese, and wild turkey.

* * *

(13) Rabbit: to include wild hare.

(14) Fur-bearing animals: beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat.

(15) Wild animals or wildlife: all animals, including birds, fish, amphibians, and reptiles, other than domestic animals, domestic fowl, or domestic pets.

* * *

(23) Take and taking: pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts, such as disturbing, harrying, worrying, or wounding or placing, setting, drawing, or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in a lawful manner.

* * *

(27) Commissioner: Commissioner of Fish and Wildlife.

* * *

(31) Big game: deer, bear, moose, wild turkey, caribou, elk, and anadromous Atlantic salmon taken in the Connecticut River Basin.

* * *

(40) Domestic pet: domesticated dogs, domesticated cats, domesticated ferrets, psittacine birds, or any domesticated animal that is kept for pleasure rather than utility.

Sec. 13. FISH AND WILDLIFE BOARD RULES; TRAPPING

On or before January 1, 2019, the Fish and Wildlife Board shall adopt by rule those requirements of Fish and Wildlife Board Rule 44 regarding the trapping of fur-bearing animals that shall apply to persons trapping for compensation under 10 V.S.A. § 4828.

* * * Antlerless Deer; Posting with Permission * * *

Sec. 14. 10 V.S.A. § 4081(g) is amended to read:

(g) If the Board finds that an antlerless season is necessary to maintain the health and size of the herd, the Department shall administer an antlerless deer program. Annually, the Board shall determine how many antlerless permits to issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for residents and \$25.00 for nonresidents, a person may apply for a permit. Each

person may submit only one application for a permit. The Department shall allocate the permits in the following manner:

(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by more than one individual, corporation, or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except with permission-only signs under section 5201 of this title or as a safety zone under the provisions of section 4710 of this title. As used in this section, “post” means any signage, other than permission-only signs authorized under section 5201 of this title, that would lead a reasonable person to believe that hunting is restricted on the land. If the number of landowners who apply exceeds the number of permits for that district, the Department shall award all permits in that district to landowners by lottery.

(2) Permits remaining after allocation pursuant to subdivision (1) of this subsection shall be issued by lottery.

(3) Any permits remaining after permits have been allocated pursuant to subdivisions (1) and (2) of this subsection shall be issued by the Department for a \$10.00 fee for residents. Ten percent of the remaining permits may be issued to nonresident applicants for a \$25.00 fee.

* * * Coyote Hunting * * *

Sec. 15. 10 V.S.A. § 4716 is added to read:

§ 4716. COYOTE-HUNTING COMPETITIONS; PROHIBITION

(a) As used in this section, “coyote-hunting competition” means a contest in which people compete in the capturing or taking of coyotes for a prize or recognition.

(b) A person shall not hold or conduct a coyote-hunting competition in the State.

(c) A person shall not participate in a coyote-hunting competition in the State.

Sec. 16. 10 V.S.A. § 4502(b) is amended to read:

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

* * *

(2) Ten points shall be assessed for:

* * *

(TT) § 4716. Participating in a coyote-hunting competition.

(3) Twenty points shall be assessed for:

* * *

(CC) § 4716. Holding or conducting a coyote-hunting competition.

Sec. 17. 10 V.S.A. § 4518 is amended to read:

§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED SPECIES; COYOTE-HUNTING COMPETITION VIOLATIONS; SUSPENSION; VIOLATIONS

Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game; relating to holding or participating in a coyote-hunting competition; or relating to threatened or endangered species shall be fined not more than \$1,000.00 nor less than \$400.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than \$4,000.00 nor less than \$2,000.00 or imprisoned for not more than 60 days, or both.

* * * Fish and Wildlife Violations; Criminal or Civil * * *

Sec. 18. DEPARTMENT OF FISH AND WILDLIFE; REVIEW OF CRIMINAL OR CIVIL NATURE OF VIOLATIONS

The Department of Fish and Wildlife shall conduct a review of the potential criminal and civil charges for all fish and wildlife violations. On or before January 15, 2019, the Department shall submit to the House Committees on Natural Resources, Fish, and Wildlife and on Judiciary and the Senate Committees on Natural Resources and Energy and on Judiciary a report recommending changes to the criminal and civil charges for fish and wildlife violations. The report shall summarize the process the Department used to review the charges for fish and wildlife violations and shall explain the basis for the Department's recommendations. Prior to preparing the report required by this section, the Department shall consult with interested stakeholders, the Judiciary, State's Attorneys, criminal defense lawyers, and fish and game groups.

* * * Effective Dates * * *

Sec. 19. EFFECTIVE DATES

(a) This section and Secs. 10 (incidental trapping), 12 (definitions), 13 (trapping rules amendment), and 15-17 (coyote-hunting competitions) shall take effect on January 1, 2019.

(b) Sec. 11 (trapping for compensation) shall take effect on January 1, 2020.

(c) All other sections shall take effect on July 1, 2018.

Rep. Lucke of Hartford, for the committee on Ways and Means reported in favor of its passage when amended by the committee on Natural Resources, Fish and Wildlife

Having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the bill be amended as recommended by the committee on Natural Resources, Fish, and Wildlife? **Rep. Willhoit of St. Johnsbury** moved to amend the report of the committee as follows:

In Sec. 15, 10 V.S.A. § 4716, in subsection (a), after “for a prize or” and before “recognition.” by inserting the word “public”

Which was agreed to.

Pending the question, Shall the bill be amended as recommended by the committee on Natural Resources, Fish and Wildlife? **Reps. Smith of Derby and Helm of Fair Haven** moved to amend the report of the committee as follows:

By striking out Secs. 15–17 (coyote hunting competitions; penalties) in their entirety and inserting in lieu thereof the following:

Sec. 15. [Deleted.]

Sec. 16. [Deleted.]

Sec. 17. [Deleted.]

Thereupon, **Rep. Harrison of Chittenden** asked that the question be divided and that sections fifteen and sixteen be taken first and section seventeen be taken second.

Pending the question, Shall the recommendation of amendment of the Committee on Natural Resources, Fish, and Wildlife be amended as offered by Reps. Smith of Derby and Helm of Fair Haven in the first instance only (Sections 15 & 16)? **Rep. Smith of Derby** demanded the Yeas and Nays,

which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the recommendation of amendment of the Committee on Natural Resources, Fish, and Wildlife be amended as offered by Reps. Smith of Derby and Helm of Fair Haven in the first instance only (Sections 15 & 16)? was decided in the negative. Yeas, 38. Nays, 100.

Those who voted in the affirmative are:

Batchelor of Derby	Hebert of Vernon	Murphy of Fairfax
Beyor of Highgate	Helm of Fair Haven	Nolan of Morristown
Brennan of Colchester	Higley of Lowell	Norris of Shoreham
Burditt of West Rutland	Juskiewicz of Cambridge	Parent of St. Albans Town
Canfield of Fair Haven	Keefe of Manchester	Quimby of Concord
Cupoli of Rutland City	LaClair of Barre Town	Savage of Swanton
Dickinson of St. Albans Town	Lawrence of Lyndon	Shaw of Pittsford
Donahue of Northfield	Lewis of Berlin	Smith of Derby
Fagan of Rutland City	Marcotte of Coventry	Smith of New Haven
Frenier of Chelsea	Mattos of Milton	Terenzini of Rutland Town
Gage of Rutland City	McCoy of Poultney	Turner of Milton
Gamache of Swanton	McFaun of Barre Town	Van Wyck of Ferrisburgh
	Morrissey of Bennington	Viens of Newport City

Those who voted in the negative are:

Ancel of Calais	Gardner of Richmond	Partridge of Windham
Bartholomew of Hartland	Giambatista of Essex	Pearce of Richford
Baser of Bristol	Gonzalez of Winooski	Potter of Clarendon
Beck of St. Johnsbury	Grad of Moretown	Pugh of South Burlington
Belaski of Windsor	Haas of Rochester	Rachelson of Burlington
Bissonnette of Winooski	Harrison of Chittenden	Read of Fayston
Bock of Chester	Head of South Burlington	Scheu of Middlebury
Botzow of Pownal	Hill of Wolcott	Scheuermann of Stowe
Briglin of Thetford	Hooper of Montpelier	Sharpe of Bristol
Browning of Arlington	Hooper of Randolph	Sheldon of Middlebury
Brumsted of Shelburne	Houghton of Essex	Sibilia of Dover
Buckholz of Hartford	Howard of Rutland City	Squirrell of Underhill
Burke of Brattleboro	Jessup of Middlesex	Stevens of Waterbury
Carr of Brandon	Jickling of Randolph	Strong of Albany
Chesnut-Tangerman of Middletown Springs	Joseph of North Hero	Stuart of Brattleboro
Christensen of Weathersfield	Kimbell of Woodstock	Sullivan of Dorset
Christie of Hartford	Kitzmiller of Montpelier	Sullivan of Burlington
Cina of Burlington	Krowinski of Burlington	Taylor of Colchester
Condon of Colchester	Lalonde of South Burlington	Till of Jericho
Conlon of Cornwall	Lanpher of Vergennes	Toleno of Brattleboro
Connor of Fairfield	Lefebvre of Newark	Toll of Danville
Conquest of Newbury	Lippert of Hinesburg	Townsend of South Burlington
Copeland-Hanzas of Bradford	Long of Newfane	Trieber of Rockingham
Corcoran of Bennington	Lucke of Hartford	Troiano of Stannard
	Macaig of Williston	Walz of Barre City
	Masland of Thetford	

Dakin of Colchester	McCormack of Burlington	Webb of Shelburne
Deen of Westminster	McCullough of Williston	Weed of Enosburgh
Devereux of Mount Holly	Miller of Shaftsbury	Willhoit of St. Johnsbury
Dunn of Essex	Morris of Bennington	Wood of Waterbury
Emmons of Springfield	Mrowicki of Putney	Wright of Burlington
Feltus of Lyndon	Myers of Essex	Yantachka of Charlotte
Fields of Bennington	Noyes of Wolcott	Young of Glover
Forguites of Springfield	Ode of Burlington	
Gannon of Wilmington	Pajala of Londonderry	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Graham of Williamstown	Poirier of Barre City
Bancroft of Westford	Keenan of St. Albans City	Rosenquist of Georgia
Colburn of Burlington	Martel of Waterford	Yacovone of Morristown
Donovan of Burlington	O'Sullivan of Burlington	

Pending the question, Shall the recommendation of amendment of the Committee on Natural Resources, Fish, and Wildlife be amended as offered by Reps. Smith of Derby and Helm of Fair Haven in the second instance only (Section 17)? **Rep. Viens of Newport City** demanded the Yeas and Nays, which demand was sustained by the Constitutional number.

Thereupon, pending the call of the roll, **Rep. Turner of Milton** moved to commit the bill to Judiciary, which was disagreed to on a division of Yeas, 45 and Nays, 79.

Thereupon, the Clerk proceeded to call the roll and the question, Shall the recommendation of amendment of the Committee on Natural Resources, Fish, and Wildlife be amended as offered by Reps. Smith of Derby and Helm of Fair Haven in the second instance (Section 17)? was decided in the negative. Yeas, 63. Nays, 74.

Those who voted in the affirmative are:

Baser of Bristol	Helm of Fair Haven	Pearce of Richford
Batchelor of Derby	Higley of Lowell	Potter of Clarendon
Beck of St. Johnsbury	Hooper of Randolph	Quimby of Concord
Beyor of Highgate	Jickling of Randolph	Rachelson of Burlington *
Brennan of Colchester	Juskiewicz of Cambridge	Read of Fayston
Buckholz of Hartford	Keefe of Manchester	Savage of Swanton
Burditt of West Rutland	Kimbell of Woodstock	Scheuermann of Stowe
Canfield of Fair Haven	LaClair of Barre Town	Shaw of Pittsford
Condon of Colchester	Lawrence of Lyndon	Sibilia of Dover
Corcoran of Bennington	Lewis of Berlin	Smith of Derby
Cupoli of Rutland City	Marcotte of Coventry	Smith of New Haven
Devereux of Mount Holly	Mattos of Milton	Strong of Albany
Dickinson of St. Albans Town	McCoy of Poultney	Sullivan of Dorset
Donahue of Northfield	McFaun of Barre Town	Terenzini of Rutland Town
	Morrissey of Bennington	Troiano of Stannard

Fagan of Rutland City	Murphy of Fairfax	Turner of Milton
Feltus of Lyndon	Myers of Essex	Van Wyck of Ferrisburgh
Frenier of Chelsea	Nolan of Morristown	Viens of Newport City
Gage of Rutland City	Norris of Shoreham	Willhoit of St. Johnsbury
Gamache of Swanton	Noyes of Wolcott	Wright of Burlington
Harrison of Chittenden	Pajala of Londonderry	
Hebert of Vernon	Parent of St. Albans Town	

Those who voted in the negative are:

Ancel of Calais	Gannon of Wilmington	Morris of Bennington
Bartholomew of Hartland	Gardner of Richmond	Mrowicki of Putney
Belaski of Windsor	Giambatista of Essex	Ode of Burlington
Bissonnette of Winooski	Gonzalez of Winooski	Partridge of Windham
Bock of Chester	Grad of Moretown	Pugh of South Burlington
Briglin of Thetford	Haas of Rochester	Scheu of Middlebury
Browning of Arlington	Head of South Burlington	Sharpe of Bristol
Brumsted of Shelburne	Hill of Wolcott	Sheldon of Middlebury
Burke of Brattleboro	Hooper of Montpelier	Squirrell of Underhill
Carr of Brandon	Houghton of Essex	Stevens of Waterbury
Chesnut-Tangerman of Middletown Springs	Howard of Rutland City	Stuart of Brattleboro
Christensen of Weathersfield	Jessup of Middlesex	Sullivan of Burlington
Christie of Hartford	Joseph of North Hero	Taylor of Colchester
Cina of Burlington	Kitzmiller of Montpelier	Till of Jericho
Conlon of Cornwall	Krowinski of Burlington	Toleno of Brattleboro
Connor of Fairfield	Lalonde of South Burlington	Toll of Danville
Conquest of Newbury	Lanpher of Vergennes	Townsend of South Burlington
Copeland-Hanzas of Bradford	Lefebvre of Newark	Trieber of Rockingham
Dakin of Colchester	Lippert of Hinesburg	Walz of Barre City
Deen of Westminster	Long of Newfane	Webb of Shelburne
Dunn of Essex	Lucke of Hartford	Weed of Enosburg
Emmons of Springfield	Macaig of Williston	Wood of Waterbury
Fields of Bennington	Masland of Thetford	Yantachka of Charlotte
Forguites of Springfield	McCormack of Burlington	Young of Glover
	McCullough of Williston	
	Miller of Shaftsbury	

Those members absent with leave of the House and not voting are:

Ainsworth of Royalton	Donovan of Burlington	O'Sullivan of Burlington
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Botzow of Pownal	Keenan of St. Albans City	Rosenquist of Georgia
Colburn of Burlington	Martel of Waterford	Yacovone of Morristown

Rep. Rachelson of Burlington explained her vote as follows:

“Madam Speaker:

While I appreciate the importance and significance of this new crime, I cannot in good conscience vote to keep the “up to 60 day jail time” on the books. Prison, which our country overuses, has significant negative

consequences and cost for society. I'd support community service or home detention as more fitting substitutes."

Thereupon the recommendation of the Committee on Natural Resources, Fish, and Wildlife, as amended, was agreed to and third reading was ordered.

Message from the Senate No. 27

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 123. An act relating to limiting liability for animal shelter and rescue organizations assisting law enforcement in animal cruelty investigations.

S. 280. An act relating to the Advisory Council for Strengthening Families.

In the passage of which the concurrence of the House is requested.

The Governor has informed the Senate that on the Twentieth day of February, 2018, he approved and signed a bill originating in the Senate of the following title:

S. 19. An act relating to allowing silver-level nonqualified health benefit plans to be offered outside the Vermont Health Benefit Exchange.

Bill Committed

H. 718

House bill, entitled

An act relating to creation of the Restorative Justice Study Committee

Appearing on the Calendar for action, was taken up and pending the reading of the report of the committee on Corrections and Institutions, on motion of **Rep. Macaig of Williston**, the bill was committed to the committee on Appropriations.

Adjournment

At three o'clock and thirty-four minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.