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.1.11 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
      Keefe of Manchester  Squirrel of Underhill
Christensen of Weathersfield  Kimbell of Woodstock  Stevens of Waterbury
Christie of Hartford  Kitzmiller of Montpelier  Strong of Albany
Cina of Burlington  Krowinski of Burlington  Stuart of Brattleboro
Conlon of Cornwall  Lalonde of South Burlington  Sullivan of Dorset
Connor of Fairfield  Lapher of Vergennes  Sullivan of Burlington
Conquest of Newbury  Lefebvre of Newark  Taylor of Colchester
Copeland-Hanzas of Bradford  Lewis of Berlin  Till of Jericho
      Lippert of Hinesburg  Toleno of Brattleboro
Corcoran of Bennington  Long of Newfane  Toll of Danville
Cupoli of Rutland City  Lucke of Hartford  Townsend of South
Deen of Westminster  Macaig of Williston  Burlington
Devereux of Mount Holly  Marcotte of Coventry  Trieb of Rockingham
Dickinson of St. Albans Town  Masland of Thetford  Troiano of Stannard
Donahue of Northfield  McCormack of Burlington  Van Wyck of Ferrisburgh
Dunn of Essex  McCoy of Poultney  Viens of Newport City
Emmons of Springfield  McCullough of Williston  Wals of Barre City
Fagan of Rutland City  Miller of Shaftsbury  Webb of Shelburne
Feltus of Lyndon  Morris of Bennington  Weed of Enosburgh
Fields of Bennington  Morrissey of Bennington  Willhoit of St. Johnsbury
Forguotes of Springfield  Mrowicki of Putney  Wood of Waterbury
Frenier of Chelsea  Murphy of Fairfax  Wright of Burlington
Gamache of Swanton  Myers of Essex  Yantachka of Charlotte
         Nolan of Morristown  Young of Glover

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

- Ainsworth of Royalton
- Bancroft of Westford
- Colburn of Burlington
- Dakin of Colchester
- Donovan of Burlington
- Graham of Williamstown
- Keenan of St. Albans City
- O'Sullivan of Burlington
- Poirier of Barre City
- Rosenquist of Georgia
- Turner of Milton
- 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. Squirrel 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 with approval of the Governor may acquire for the use of the 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 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.
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 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 by-products by-products.

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

(f) Advisory Committee. There is hereby created 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 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, 4747, or 4606 of this title, in accordance with the provisions of section 4503 of this title. When the owner, possessor, 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 possessor, 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 imposed, 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 take, or attempt to take, 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 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 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 of 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) Applicants shall pay a permit fee of $100.00.

(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 scrofo 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) 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) 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 required by rule of the Board, an owner; the owner’s employee, tenant, or caretaker; or a member of the selectboard; or a person who sets a trap for compensation who desire 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 or 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):
Ten points shall be assessed for:

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

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.
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:

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

Those who voted in the negative are:

<table>
<thead>
<tr>
<th>Ancel of Calais</th>
<th>Gardner of Richmond</th>
<th>Partridge of Windham</th>
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</thead>
<tbody>
<tr>
<td>Bartholomew of Hartland</td>
<td>Giambatista of Essex</td>
<td>Pearce of Richford</td>
</tr>
<tr>
<td>Baser of Bristol</td>
<td>Gonzalez of Winooski</td>
<td>Potter of Clarendon</td>
</tr>
<tr>
<td>Beck of St. Johnsbury</td>
<td>Grad of Moretown</td>
<td>Pugh of South Burlington</td>
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<tr>
<td>Belaski of Windsor</td>
<td>Hans of Rochester</td>
<td>Rachelson of Burlington</td>
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<tr>
<td>Bissonnette of Winooski</td>
<td>Harrison of Chittenden</td>
<td>Read of Fayston</td>
</tr>
<tr>
<td>Bock of Chester</td>
<td>Head of South Burlington</td>
<td>Scheu of Middlebury</td>
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<tr>
<td>Botzow of Pownal</td>
<td>Hill of Wolcott</td>
<td>Scheuemann of Stowe</td>
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<tr>
<td>Briglin of Thetford</td>
<td>Hooper of Montpelier</td>
<td>Sharpe of Bristol</td>
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<tr>
<td>Browning of Arlington</td>
<td>Hooper of Randolph</td>
<td>Sheldon of Middlebury</td>
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<tr>
<td>Brumsted of Shelburne</td>
<td>Houghton of Essex</td>
<td>Sibilia of Dover</td>
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<tr>
<td>Buckholz of Hartford</td>
<td>Howard of Rutland City</td>
<td>Squirrel of Underhill</td>
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<tr>
<td>Burke of Brattleboro</td>
<td>Jessup of Middlesex</td>
<td>Stevens of Waterbury</td>
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<tr>
<td>Carr of Brandon</td>
<td>Jickling of Randolph</td>
<td>Strong of Albany</td>
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<tr>
<td>Chesnut-Tangerman of Middletown Springs</td>
<td>Joseph of North Hero</td>
<td>Stuart of Brattleboro</td>
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<tr>
<td>Christensen of Weathersfield</td>
<td>Kimbell of Woodstock</td>
<td>Sullivan of Dorset</td>
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<tr>
<td>Christie of Hartford</td>
<td>Krowinski of Burlington</td>
<td>Sullivan of Burlington</td>
</tr>
<tr>
<td>Cina of Burlington</td>
<td>Lalonde of South Burlington</td>
<td>Taylor of Colchester</td>
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<tr>
<td>Condon of Colchester</td>
<td>Lanpher of Vergennes</td>
<td>Till of Jericho</td>
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<tr>
<td>Conlon of Cornwall</td>
<td>Lefebvre of Newark</td>
<td>Toleno of Brattleboro</td>
</tr>
<tr>
<td>Connor of Fairfield</td>
<td>Lippert of Hinesburg</td>
<td>Toll of Danville</td>
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<tr>
<td>Conquest of Newbury</td>
<td>Long of Newfane</td>
<td>Townsend of South</td>
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<tr>
<td>Copeland-Hanzas of Bradford</td>
<td>Lucke of Hartford</td>
<td>Burlington</td>
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<tr>
<td>Corcoran of Bennington</td>
<td>Macaig of Williston</td>
<td>Trieb of Rockingham</td>
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<td>Masland of Thetford</td>
<td>Troiano of Stannard</td>
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<td>Walz of Barre City</td>
</tr>
</tbody>
</table>
Those members absent with leave of the House and not voting are:

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

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
Batchelor of Derby
Beck of St. Johnsbury
Beyor of Highgate
Brennan of Colchester
Buckholz of Hartford
Burditt of West Rutland
Canfield of Fair Haven
Condon of Colchester
Corcoran of Bennington
Cupoli of Rutland City
Devereux of Mount Holly
Dickinson of St. Albans
Donahue of Northfield
Helm of Fair Haven
Juskiewicz of Cambridge
Keefe of Manchester
Kimbell of Woodstock
LaClair of Barre Town
Lawrence of Lyndon
Lewis of Berlin
Marcome of Coventry
Mattos of Milton
McCo of Poultney
McFaun of Barre Town
Morrissey of Bennington

Pearce of Richford
Higley of Lowell
Hooper of Randolph
Jickling of Randolph
Juskiewicz of Cambridge
Keefe of Manchester
Kimbell of Woodstock
LaClair of Barre Town
Lawrence of Lyndon
Lewis of Berlin
Marcome of Coventry
Mattos of Milton
McCo of Poultney
McFaun of Barre Town
Morrissey of Bennington
Pierce of Richford
Potter of Clarendon
Quimby of Concord
Rachelson of Burlington
Read of Fayston
Savage of Swanton
Scheuermann of Stowe
Shaw of Pittsford
Sibilia of Dover
Smith of Derby
Smith of New Haven
Terenzini of Rutland Town
Those who voted in the negative are:


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

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