

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was  
3 referred House Bill No. 636 entitled “An act relating to miscellaneous fish and  
4 wildlife subjects” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Information Collection \* \* \*

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

9 § 4132. GENERAL DUTIES OF COMMISSIONER

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

12 \* \* \*

13 (f) The Commissioner may collect data, conduct scientific research, and  
14 contract with qualified consultants for the purposes of managing fish and  
15 wildlife in the State and achieving the requirements and policies of this part.  
16 The Commissioner may designate as confidential any data, records, or  
17 information produced or acquired by staff or contractors in the conduct of  
18 study or research related to fish and wild flora and fauna, but only if such  
19 documents present a threat to a species. Examples include the disclosure of the  
20 location of furbearers and fish game species with fidelity to specific habitat  
21 locations and the GIS locations of den sites. Such data, records, or information

1 shall be disclosed if published or publicly released by the Department or its  
2 authorized agents.

3 \* \* \* Acquisition of Property; Grants \* \* \*

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

5 (a) The ~~secretary~~ Secretary with approval of the Governor may acquire for  
6 the use of the ~~State~~ Department of Fish and Wildlife by gift, purchase, or lease  
7 ~~in the name of the State,~~ any and all rights and interests in lands, ponds, or  
8 streams, and hunting and fishing rights and privileges in any lands or waters in  
9 the State, ~~with~~ and the necessary rights of ingress or egress to and from such  
10 lands and waters. The Secretary's authority to acquire property interests under  
11 this section shall include all of the interests that may be acquired under  
12 subsection 6303(a) of this title. Rights or interests in real property acquired by  
13 the Secretary through transactions funded in whole or in part by the Vermont  
14 Housing and Conservation Board are deemed as accepted by the Governor.

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

16 § 4147. FISH AND WILDLIFE LANDS

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



1           (3)(A) This section shall not apply to the following items, if the  
2 acceptance of those items will not incur additional expense to the State or  
3 create an ongoing requirement for funds, services, or facilities:

4                   (i) the acceptance of grants, gifts, donations, loans, or other things  
5 of value with a value of \$5,000.00 or less;

6                   (ii) the acceptance by the Department of Forests, Parks and  
7 Recreation and the Department of Fish and Wildlife of grants, gifts, donations,  
8 loans, or other things of value with a value of \$15,000.00 or less; ~~or~~

9                   (iii) the acceptance by the Vermont Veterans' Home of grants,  
10 gifts, donations, loans, or other things of value with a value of \$10,000.00 or  
11 less; or

12                   (iv) the acceptance by the Department of Fish and Wildlife of  
13 grants, gifts, donations, loans, or other things of value with a value of  
14 \$15,000.00 or less, except for real estate or grants related to the acquisition of  
15 real estate.

16           (B) The Secretary of Administration and Joint Fiscal Office shall be  
17 promptly notified of the source, value, and purpose of any items received  
18 under this subdivision (3). The Joint Fiscal Office shall report all such items to  
19 the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d)  
20 (expiration of required reports) shall not apply to the report to be made under  
21 this subdivision.

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\* \* \* Licensing; Lottery Applications \* \* \*

Sec. 5. 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;

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

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

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

11 \* \* \* Migratory Waterfowl Stamp Program \* \* \*

12 Sec. 6. 10 V.S.A. § 4277 is amended to read:

13 § 4277. MIGRATORY WATERFOWL STAMP PROGRAM

14 (a) Definitions. As used in this section:

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

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

1 (b) Waterfowl stamp required. No person 16 years of age or older shall  
2 attempt to take or take any migratory waterfowl in this State without first  
3 obtaining a State and federal migratory waterfowl stamp for the current year in  
4 addition to a regular hunting license as provided by section 4251 of this title.

5 A stamp shall not be transferable. The State stamp year shall run from  
6 January 1 to December 31.

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

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

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

1 (f) Advisory committee. There is hereby created a the Migratory  
2 Waterfowl Advisory Committee which shall consist of five persons and up to  
3 three alternates appointed by and serving at the pleasure of the Commissioner  
4 of Fish and Wildlife. The Commissioner shall designate a the Chair. The  
5 Committee shall be consulted with and may make recommendations to the  
6 Commissioner in regard to all projects and activities supported with the funds  
7 derived from the implementation of this section. The Commissioner shall  
8 make an annual financial and progress report to the Committee with regard to  
9 all activities authorized by this section.

10 \* \* \* Forfeiture \* \* \*

11 Sec. 7. 10 V.S.A. § 4505 is amended to read:

12 § 4505. HEARING; FORFEITURE

13 The game warden or other officer shall retain possession of firearms, jacks,  
14 lights, motor vehicles, and devices taken until final disposition of the charge  
15 against the owner, possessor, or person using the same in violation of the  
16 provisions of section 4745, 4781, 4783, 4784, 4705(a), 4280, 4747, or 4606 of  
17 this title, in accordance with the provisions of section 4503 of this title. When  
18 the owner, possessor, or person using firearms, jacks, lights, motor vehicles,  
19 and devices in violation of the section is convicted of the offense, the court  
20 where the conviction is had shall cause the owner, if known, and possessor,  
21 and all persons having the custody of or exercising any control over the

1 firearms, jacks, lights, motor vehicles, and devices seized, either as principal,  
2 clerk, servant, or agent and the respondent to appear and show cause, if any  
3 they have, why a forfeiture or condemnation order should not issue. The  
4 hearings may be held as a collateral proceeding to the trial of the respondent in  
5 the discretion of the court.

6 \* \* \* Enforcement; Violations \* \* \*

7 Sec. 8. 10 V.S.A. § 4551 is amended to read:

8 § 4551. FISH AND WILDLIFE VIOLATION DEFINED

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

13 Sec. 9. 10 V.S.A. § 4705 is amended to read:

14 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

15 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

1 (b) A person shall not carry or possess while in or on a vehicle propelled by  
2 mechanical power or drawn by a vehicle propelled by mechanical power  
3 within the ~~right-of-way~~ right-of-way of a public highway a rifle or shotgun  
4 containing a loaded cartridge or shell in the chamber, mechanism, or in a  
5 magazine, or clip within a rifle or shotgun; a crossbow loaded with a bolt or  
6 arrow; or a muzzle-loading rifle or muzzle-loading shotgun that has been  
7 charged with powder and projectile and the ignition system of which has been  
8 enabled by having an affixed or attached percussion cap, primer, battery, or  
9 priming powder, except as permitted under subsections (d) and (e) of this  
10 section. A person who possesses a rifle, crossbow, or shotgun, including a  
11 muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled  
12 by mechanical power, or drawn by a vehicle propelled by mechanical power  
13 within a ~~right-of-way~~ right-of-way of a public highway shall upon demand of  
14 an enforcement officer exhibit the firearm for examination to determine  
15 compliance with this section.

16 (c) A person while on or within 25 feet of the traveled portion of a public  
17 highway, except a public highway designated Class 4 on a town highway map,  
18 shall not take or attempt to take any wild animal by shooting a firearm, a  
19 muzzle loader, a bow and arrow, or a crossbow. A person while on or within  
20 the traveled portion of a public highway designated Class 4 on a town highway  
21 map shall not take or attempt to take any wild animal by shooting a firearm, a

1 muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a  
2 firearm, a muzzle loader, a bow and arrow, or a crossbow over or across the  
3 traveled portion of a public highway, except for a person shooting over or  
4 across the traveled portion of a public highway from a sport shooting range, as  
5 that term is defined in section 5227 of this title, provided that:

- 6 (1) the sport shooting range was established before January 1, 2014; and
- 7 (2) the operators of the sport shooting range post signage warning users  
8 of the public highway of the potential danger from the sport shooting range.

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

11 \* \* \*

12 (f) The phrase “public highway,” as used in this section, means roads,  
13 including Class 4 roads, shown on the town highway maps of the respective  
14 towns, made by the Agency of Transportation, but does not include foot trails  
15 ~~or private roads.~~

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

17 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING  
18 OF WILD ANIMALS; POSSESSION OF WILD BOAR

19 (a) A person shall not bring into ~~the State~~, transport into, transport within,  
20 transport through, or possess in the State any live wild bird or animal of any  
21 kind, ~~unless, upon application in writing therefor, the person obtains~~ without a

1 permit from the Commissioner ~~a permit to do so~~ except for the transport of an  
2 injured live wild bird or animal to a veterinarian or wildlife rehabilitation  
3 center. The importation permit may be granted under such regulations therefor  
4 as the ~~Board~~ Commissioner shall prescribe and only after the Commissioner  
5 has made such investigation and inspection of the birds or animals as she or he  
6 may deem necessary. The Department may dispose of unlawfully possessed or  
7 imported wildlife as it may judge best, and the State may collect treble  
8 damages from the violator of this subsection for all expenses incurred.

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

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

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

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

20 ~~(d)~~(f)(1) The Commissioner shall not issue a permit under this section for  
21 the importation or possession of the following live species, a hybrid or genetic

1 variant of the following species, offspring of the following species, or  
2 offspring or a hybrid of a genetically engineered variant of the following  
3 species: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old  
4 world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus scrofa*  
5 Linnaeus).

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

11 \* \* \* Incidental Trapping \* \* \*

12 Sec. 11. 10 V.S.A. § 4254a is amended to read:

13 § 4254a. TRAPPING LICENSES

14 (a) A resident, resident youth ~~aged~~ 17 years of age or under on the date of  
15 license purchase, or nonresident trapping license may be issued to any person,  
16 provided that the applicant prior to issue ~~first~~ presents:

17 (1) a certificate of satisfactory completion of a trapper education course  
18 or its equivalent approved by the Commissioner; or

19 (2) a certificate of satisfactory completion of a trapper education course  
20 in another state or a province of Canada ~~which~~ that is approved by the  
21 Commissioner; or

1           (3) a trapping license issued for this State or any other state or a  
2 province of Canada and valid for any license year; or

3           (4) other satisfactory proof that the applicant has previously held a valid  
4 trapping license.

5           (b) The Commissioner shall provide for a course of basic instruction in  
6 trapper education. For this purpose, the Commissioner may cooperate with  
7 any reputable association, organization, or agency and may designate any  
8 person found by the Commissioner to be competent to give such instruction. A  
9 person so designated shall give ~~such~~ instruction and ~~upon the successful~~  
10 ~~completion thereof~~ shall issue to a person satisfactorily completing the course  
11 of instruction a certificate in evidence ~~thereof~~ of completion. No fee may be  
12 charged for taking a course of instruction provided for under this subsection.

13           (c) Any person who incidentally traps any fur-bearing animal for which the  
14 trapping season is closed, any wildlife for which trapping is not a legal manner  
15 of taking, or any domestic animal shall, in the event of live capture of the fur-  
16 bearing animal or wildlife, release the fur-bearing animal, wildlife, or domestic  
17 animal immediately. In the event of a live capture of a domestic animal, the  
18 person who incidentally trapped the animal shall contact the owner of the  
19 domestic animal if the owner's contact identification is readily available.

20           (d) In the event of mortality resulting from the trapping of a fur-bearing  
21 animal, wildlife, or domestic animal, the person who set the trap shall notify

1 the Commissioner of Fish and Wildlife within 24 hours after discovery of the  
2 trapped fur-bearing animal, other wildlife, or domestic animal and, if  
3 requested, shall deliver the carcass of the fur-bearing animal, wildlife, or  
4 domestic animal to the Department.

5 (e) The Commissioner of Fish and Wildlife shall establish by procedure  
6 requirements for the killing of live captured fur-bearing animals and other  
7 wildlife, provided that the requirements:

8 (1) shall incorporate the recommendations of the 2013 report of the  
9 American Veterinary Medical Association panel on euthanasia; and

10 (2) shall allow for the use of specific alternatives to the  
11 recommendations of the American Veterinary Medical Association when use  
12 of a method of killing approved by the American Veterinary Medical  
13 Association would present an imminent threat to human health or safety and  
14 only if the allowed alternative is designed to kill the animal as quickly and  
15 painlessly as practicable while protecting human health and safety.

16 \* \* \* Trapping; Nuisance Wildlife \* \* \*

17 Sec. 12. 10 V.S.A. § 4828 is amended to read:

18 § 4828. ~~TAKING OF RABBIT OR FUR-BEARING ANIMALS~~ NUISANCE  
19 WILDLIFE BY LANDOWNER; SELECTBOARD; CERTIFICATE;  
20 PENALTY

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

3                   (A) an owner, the owner's employee, a tenant, a nuisance wildlife  
4 control operator, or a caretaker of property protecting the property from  
5 damage by ~~rabbits or fur-bearing animals,~~ nuisance wildlife;

6                   (B) a person protecting a domestic animal, domestic fowl, or  
7 domestic pet from attack, worrying, or wounding by nuisance wildlife; or

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

11           (2) ~~However, if required by rule of the board, an~~ A property owner,  
12 employee, tenant, ~~or nuisance wildlife control operator,~~ caretaker, the owner of  
13 a domestic animal, domestic fowl, or domestic pet, or the members a member  
14 of the selectboard; who ~~desire to possess during the closed season the skins of~~  
15 ~~any fur-bearing animals taken~~ takes a nuisance or other wildlife in defense of  
16 property, highways, or bridges or in defense of domestic animals, domestic  
17 fowl, or domestic pets shall notify the Commissioner or the Commissioner's  
18 representative within ~~84~~ 24 hours after taking ~~such animal~~ the nuisance or  
19 other wildlife, and shall hold ~~such pelts~~ the pelt of the nuisance or other  
20 wildlife for inspection by ~~such~~ the Commissioner's authorized representatives.

1 (b) Before disposing of ~~such~~ pelts taken under this section, ~~if required by~~  
2 ~~rule of the Board~~, the property owner, employee, tenant, nuisance wildlife  
3 control operator, caretaker, or selectboard shall secure from the Commissioner  
4 or a designee a certificate describing the pelts; and showing that the pelts were  
5 legally taken during a closed season and in defense of property, highways, or  
6 bridges or in defense of domestic animals, domestic fowl, or domestic pets. In  
7 the event of storage, sale, or transfer, ~~such~~ the certificates shall accompany the  
8 pelts ~~described therein~~.

9 (c) A nuisance wildlife control operator taking nuisance wildlife under this  
10 section shall comply with all of the requirements of section 4828a of this title.

11 Sec. 13. 10 V.S.A. § 4828a is added to read:

12 § 4828a. NUISANCE WILDLIFE CONTROL OPERATORS; PERMIT

13 (a) Permit required. No person shall engage in the business of nuisance  
14 wildlife control without a permit from the Commissioner of Fish and Wildlife.  
15 A nuisance wildlife control permit shall be valid for a term of two years and  
16 may be renewed according to a schedule established by the Commissioner by  
17 rule. The act of controlling or taking wildlife when directed by the  
18 Commissioner of Fish and Wildlife shall not constitute engaging in the  
19 business of controlling nuisance wildlife.

1        (b) Conditions for issuance. The Commissioner shall not issue a nuisance  
2        wildlife control permit under this section unless, prior to issuance, an applicant  
3        presents to the Commissioner:

4            (1) proof of possession of a valid, current hunting license and a current  
5        trapping license issued by the State; and

6            (2) a certificate of satisfactory completion of a Vermont nuisance  
7        wildlife control training course.

8        (c) Training course. The Commissioner of Fish and Wildlife shall establish  
9        a nuisance wildlife control course. The course shall provide training or  
10       instruction addressing:

11           (1) evaluation of a site where nuisance wildlife may be present;

12           (2) methods of nonlethal control or management of nuisance wildlife or  
13        problems posed by nuisance wildlife, including training that addresses devices  
14        to frighten nuisance wildlife, repellants, one-way door exclusion, and other  
15        methods of exclusion, habitat modification, and live trapping;

16           (3) conditions and methods of approved lethal control of nuisance  
17        wildlife; and

18           (4) techniques or measures to prevent recurrence of nuisance wildlife or  
19        problems posed by nuisance wildlife.





1 \* \* \*

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

4 \* \* \*

5 (40) Domestic animal: cattle, sheep, goats, equines, deer, American  
6 bison, swine, poultry, camelids, and water buffalo.

7 (41) Domestic fowl: laying hens, broilers, ducks, turkeys, pheasant,  
8 Chukar partridge, Coturnix quail, ratites, and any other birds kept for their eggs  
9 or their flesh or for pleasure.

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

13 (43) Nuisance wildlife: wildlife that causes or may cause damage or  
14 threat to agriculture, human health or safety, property, or natural resources,  
15 except that “nuisance wildlife” shall not mean rats or mice.

16 (44) Nuisance wildlife control: to harass, repel, evict, exclude, possess,  
17 transport, liberate, reunite, rehome, take, or euthanize nuisance wildlife.

18 (45) Nuisance wildlife control operator: a person who is permitted to  
19 perform nuisance wildlife control services for compensation that involves  
20 charging a fee for the service of nuisance wildlife control.

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\* \* \* Effective Dates \* \* \*

Sec. 15. EFFECTIVE DATES

(a) This section and Secs. 11 (incidental trapping) and 13 (nuisance control operators; permit) shall take effect on passage.

(b) Secs. 1-10 (Department of Fish and Wildlife authority; enforcement) shall take effect on July 1, 2018.

(c) Secs. 12 and 14 (nuisance wildlife trapping) shall take effect on January 1, 2018.

(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE