

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. Such data, records, or information  
20 shall be disclosed if published or publicly released by the Department or its  
21 authorized agents.



1 ~~to do so in the highest orderly development of such lands and management of~~  
2 ~~game thereon.~~

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

6 Sec. 4. 32 V.S.A. § 5 is amended to read:

7 § 5. ACCEPTANCE OF GRANTS

8 (a) No original of any grant, gift, loan, or any sum of money or thing of  
9 value may be accepted by any agency, department, commission, board, or  
10 other part of State government except as follows:

11 \* \* \*

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

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

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

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

4 (iv) the acceptance by the Department of Fish and Wildlife of  
5 grants, gifts, donations, loans, or other things of value with a value of  
6 \$15,000.00 or less, except for real estate or grants related to the acquisition of  
7 real estate.

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

14 \* \* \*

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

16 Sec. 5. 10 V.S.A. § 4254(e) is amended to read:

17 (e) The Commissioner shall establish:

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

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

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

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

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

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

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

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

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

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

4                           \* \* \* Migratory Waterfowl Stamp Program \* \* \*

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

6           § 4277. MIGRATORY WATERFOWL STAMP PROGRAM

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

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

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

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

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

20           (c) Waterfowl stamp design, production, and distribution. The  
21 Commissioner of Fish and Wildlife shall be responsible for the design,

1 production, procurement, distribution, and sale of ~~all stamps~~ the State stamp  
2 and all marketable stamp ~~byproducts~~ by-products such as posters, artwork,  
3 calendars, and other items.

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

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

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

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

3 \* \* \* Forfeiture \* \* \*

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

5 § 4505. HEARING; FORFEITURE

6 The game warden or other officer shall retain possession of firearms, jacks,  
7 lights, motor vehicles, and devices taken until final disposition of the charge  
8 against the owner, possessor, or person using the same in violation of the  
9 provisions of section 4745, 4781, 4783, 4784, 4705(a), 4280, 4747, or 4606 of  
10 this title, in accordance with the provisions of section 4503 of this title. When  
11 the owner, possessor, or person using firearms, jacks, lights, motor vehicles,  
12 and devices in violation of the section is convicted of the offense, the court  
13 where the conviction is had shall cause the owner, if known, and possessor,  
14 and all persons having the custody of or exercising any control over the  
15 firearms, jacks, lights, motor vehicles, and devices seized, either as principal,  
16 clerk, servant, or agent and the respondent to appear and show cause, if any  
17 they have, why a forfeiture or condemnation order should not issue. The  
18 hearings may be held as a collateral proceeding to the trial of the respondent in  
19 the discretion of the court.





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

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

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



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

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

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

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

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

19          (2) This subsection shall not apply to the domestic pig (*Sus domesticus*)  
20          involved in domestic hog production and shall not restrict or limit the authority  
21          of the Secretary of Agriculture, Food and Markets to regulate the importation

1 or possession of the domestic pig as livestock or as a domestic animal under  
2 Title 6 of the Vermont Statutes Annotated.

3 \* \* \* Incidental Trapping \* \* \*

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

5 § 4254a. TRAPPING LICENSES

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

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

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

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

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

18 (b) The Commissioner shall provide for a course of basic instruction in  
19 trapper education. For this purpose, the Commissioner may cooperate with  
20 any reputable association, organization, or agency and may designate any  
21 person found by the Commissioner to be competent to give such instruction. A

1 person so designated shall give ~~such~~ instruction and ~~upon the successful~~  
2 ~~completion thereof~~ shall issue to a person satisfactorily completing the course  
3 of instruction a certificate in evidence ~~thereof~~ of completion. No fee may be  
4 charged for taking a course of instruction provided for under this subsection.

5 (c) Any person who incidentally traps any fur-bearing animal for which the  
6 trapping season is closed, any wildlife for which trapping is not a legal manner  
7 of taking, or any domestic animal shall, in the event of live capture of the fur-  
8 bearing animal or wildlife, release the fur-bearing animal, wildlife, or domestic  
9 animal immediately. In the event of a live capture of a domestic animal, the  
10 person who incidentally trapped the animal shall contact the owner of the  
11 domestic animal if the owner's contact identification is readily available.

12 (d) In the event of mortality resulting from the trapping of a fur-bearing  
13 animal, wildlife, or domestic animal, the person who set the trap shall notify  
14 the Commissioner within 24 hours after discovery of the trapped fur-bearing  
15 animal, other wildlife, or domestic animal and, if requested, shall deliver the  
16 carcass of the fur-bearing animal, wildlife, or domestic animal to the  
17 Department.

18 (e) The Commissioner shall establish by procedure requirements for the  
19 killing of live captured fur-bearing animals and other wildlife, provided that  
20 the requirements:



1 a domestic animal, domestic fowl, or domestic pet, or ~~the members~~ a member  
2 of the selectboard; who ~~desire to possess during the closed season the skins of~~  
3 any fur bearing animals taken takes a nuisance or other wildlife in defense of  
4 property, highways, or bridges or in defense of domestic animals, domestic  
5 fowl, or domestic pets shall notify the Commissioner or the Commissioner's  
6 representative within ~~84~~ 24 hours after taking ~~such animal~~ the nuisance or  
7 other wildlife, and shall hold ~~such pelts~~ the pelt of the nuisance or other  
8 wildlife for inspection by ~~such~~ the Commissioner's authorized representatives.

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

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



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

2 § 4828a. NUISANCE WILDLIFE CONTROL OPERATORS; PERMIT

3 (a) Permit required. No person shall engage in the business of nuisance  
4 wildlife control without a permit from the Commissioner. A nuisance wildlife  
5 control permit shall be valid for a term of two years and may be renewed  
6 according to a schedule established by the Commissioner by rule. The act of  
7 controlling or taking wildlife when directed by the Commissioner shall not  
8 constitute engaging in the business of controlling nuisance wildlife.

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

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

14 (2) a certificate of satisfactory completion of a Vermont nuisance  
15 wildlife control training course.

16 (c) Training course. The Commissioner shall establish a nuisance wildlife  
17 control course. The course shall provide instruction on:

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

19 (2) methods of nonlethal control or management of nuisance wildlife;

20 (3) conditions and methods of approved lethal control of nuisance  
21 wildlife; and





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

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

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

9           (43) Nuisance wildlife: wildlife that causes or may cause damage or  
10          threat to agriculture, human health or safety, property, or natural resources,  
11          except that nuisance wildlife shall not mean rats or mice.

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

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

17                   \* \* \* Antlerless Deer; Posting with Permission \* \* \*

18          Sec. 15. 10 V.S.A. § 4081(g) is amended to read:

19           (g) If the Board finds that an antlerless season is necessary to maintain the  
20          health and size of the herd, the Department shall administer an antlerless deer  
21          program. Annually, the Board shall determine how many antlerless permits to

1 issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for  
2 residents and \$25.00 for nonresidents, a person may apply for a permit. Each  
3 person may submit only one application for a permit. The Department shall  
4 allocate the permits in the following manner:

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

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



1            (CC) § 4716. Holding or participating in a coyote-hunting  
2            competition.

3            Sec. 18. 10 V.S.A. § 4518 is amended to read:

4            § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED  
5            SPECIES; COYOTE-HUNTING COMPETITION VIOLATIONS;  
6            SUSPENSION; VIOLATIONS

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

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

17           Sec. 19. DEPARTMENT OF FISH AND WILDLIFE; REVIEW OF  
18           CRIMINAL OR CIVIL NATURE OF VIOLATIONS

19           The Department of Fish and Wildlife shall conduct a review of the potential  
20           criminal and civil charges for all fish and wildlife violations. On or before  
21           January 15, 2019, the Department shall submit to the House Committees on

1 Natural Resources, Fish, and Wildlife and on Judiciary and the Senate  
2 Committees on Natural Resources and Energy and on Judiciary a report  
3 recommending changes to the criminal and civil charges for fish and wildlife  
4 violations. The report shall summarize the process the Department used to  
5 review the charges for fish and wildlife violations and shall explain the basis  
6 for the Department’s recommendations. Prior to preparing the report required  
7 by this section, the Department shall consult with interested stakeholders, the  
8 Judiciary, State’s Attorneys, criminal defense lawyers, and fish and game  
9 groups.

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

11 Sec. 20. EFFECTIVE DATES

12 (a) This section and Secs. 11 (incidental trapping), 13 (nuisance control  
13 operators; permit), and 16-18 (coyote-hunting competitions) shall take effect  
14 on passage.

15 (b) Secs. 1-10 (Department of Fish and Wildlife authority; enforcement),  
16 15 (antlerless deer; posting with permission), and 19 (report on fish and  
17 wildlife charges) shall take effect on July 1, 2018.

18 (c) Secs. 12 and 14 (nuisance wildlife trapping) shall take effect on  
19 January 1, 2019.

20  
21



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

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\_\_\_\_\_

3

Representative \_\_\_\_\_

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FOR THE COMMITTEE