

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 records produced or
17 acquired by Department staff or contractors in the conduct of a study of or
18 research related to fish, wildlife, wild plants, or the habitat or fish, wildlife, or
19 wild plants, if release of the records would present a threat of harm to a species
20 or the habitat of a species. Records designated as confidential under this
21 subsection shall be exempt from inspection and copying under the Public

1 Records Act. Records of Department staff or contractors that are not
2 designated as confidential under this subsection shall be available for
3 inspection and copying under the Public Records Act.

4 * * * Acquisition of Property; Grants * * *

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

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

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

15 § 4147. FISH AND WILDLIFE LANDS

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

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

4 (2) implementing the acquisition of new lands for conservation and
5 public recreation when, in his or her judgment, it is advantageous to the State
6 ~~to do so in the highest orderly development of such lands and management of~~
7 ~~game thereon.~~

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

11 * * *

12 * * * Licensing; Lottery Applications * * *

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

14 (e) The Commissioner shall establish:

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

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

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

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

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

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

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

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

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

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

21 * * * Migratory Waterfowl Stamp Program * * *

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

2 § 4277. MIGRATORY WATERFOWL STAMP PROGRAM

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

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

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

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

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

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

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

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

20 * * * Forfeiture * * *

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

1 § 4505. HEARING; FORFEITURE

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

16 * * * Enforcement; Violations * * *

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

18 § 4551. FISH AND WILDLIFE VIOLATION DEFINED

19 A violation of any provision of this part, other than a violation for which a
20 term of imprisonment may be imposed, or a minor violation as defined in

1 section 4572 of this title, ~~or a violation of a rule adopted under this part~~ shall
2 be ~~known~~ as a fish and wildlife violation.

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

4 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

5 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

11 (b) A person shall not carry or possess while in or on a vehicle propelled by
12 mechanical power or drawn by a vehicle propelled by mechanical power
13 within the ~~right-of-way~~ right-of-way of a public highway a rifle or shotgun
14 containing a loaded cartridge or shell in the chamber, mechanism, or in a
15 magazine, or clip within a rifle or shotgun; a crossbow loaded with a bolt or
16 arrow; or a muzzle-loading rifle or muzzle-loading shotgun that has been
17 charged with powder and projectile and the ignition system of which has been
18 enabled by having an affixed or attached percussion cap, primer, battery, or
19 priming powder, except as permitted under subsections (d) and (e) of this
20 section. A person who possesses a rifle, crossbow, or shotgun, including a
21 muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled

1 by mechanical power, or drawn by a vehicle propelled by mechanical power
2 within a ~~right-of-way~~ right-of-way of a public highway shall upon demand of
3 an enforcement officer exhibit the firearm for examination to determine
4 compliance with this section.

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

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

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

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

21 * * *

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

2 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
3 OF WILD ANIMALS; POSSESSION OF WILD BOAR

4 (a) A person shall not bring into ~~the State~~, transport into, transport within,
5 transport through, or possess in the State any live wild bird or animal of any
6 kind, ~~unless, upon application in writing therefor, the person obtains~~ without
7 authorization from the Commissioner ~~a permit to do so~~ or his or her designee.

8 The importation permit may be granted under such regulations therefor as the
9 ~~Board~~ Commissioner shall prescribe and only after the Commissioner has
10 made such investigation and inspection of the birds or animals as she or he
11 may deem necessary. The Department may dispose of unlawfully possessed or
12 imported wildlife as it may judge best, and the State may collect treble
13 damages from the violator of this subsection for all expenses incurred.

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

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

20 (d) Nothing in this section shall prohibit the Commissioner or duly
21 authorized agents of the Department of Fish and Wildlife from bringing into

1 the State for the purpose of planting, introducing, or stocking, or from planting,
2 introducing, or stocking in the State, any wild bird or animal.

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

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

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

16 * * * Trapping * * *

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

18 § 4254a. TRAPPING LICENSES

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

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

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

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

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

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

18 (c) Any person who incidentally traps a live or injured domestic pet shall
19 notify a fish and game warden if the contact identification for the owner of the
20 domestic animal is readily available.

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

9 * * *

10 (27) Commissioner: Commissioner of Fish and Wildlife.

11 * * *

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

14 * * *

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

18 (41) Nuisance wildlife: wildlife that causes or may cause damage or
 19 threat to agriculture, human health or safety, property, or natural resources,
 20 except that nuisance wildlife shall not mean rats or mice.

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

1 Sec. 12. 10 V.S.A. § 4081(g) is amended to read:

2 (g) If the Board finds that an antlerless season is necessary to maintain the
3 health and size of the herd, the Department shall administer an antlerless deer
4 program. Annually, the Board shall determine how many antlerless permits to
5 issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for
6 residents and \$25.00 for nonresidents, a person may apply for a permit. Each
7 person may submit only one application for a permit. The Department shall
8 allocate the permits in the following manner:

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

1 for that district, the Department shall award all permits in that district to
2 landowners by lottery.

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

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

9 * * * Coyote Hunting * * *

10 **Sec. 13.** 10 V.S.A. § 4716 is added to read:

11 § 4716. COYOTE-HUNTING COMPETITIONS; PROHIBITION

12 (a) As used in this section, “coyote-hunting competition” means a contest
13 in which people compete in the capturing or taking of coyotes for a prize or
14 recognition based on the size, accrued weight, quality, or number of animals
15 taken.

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

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

1 **Sec. 14.** 10 V.S.A. § 4502(b) is amended to read:

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

5 * * *

6 (3) Twenty points shall be assessed for:

7 * * *

8 (CC) § 4716. Holding or participating in a coyote-hunting
9 competition.

10 **Sec. 15.** 10 V.S.A. § 4518 is amended to read:

11 § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED
12 SPECIES; COYOTE-HUNTING COMPETITION VIOLATIONS;
13 SUSPENSION; VIOLATIONS

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

1 be fined not more than \$4,000.00 nor less than \$2,000.00 or imprisoned for not
2 more than 60 days, or both.

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

4 **Sec. 16. DEPARTMENT OF FISH AND WILDLIFE; REVIEW OF**
5 **CRIMINAL OR CIVIL NATURE OF VIOLATIONS**

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

18 * * * Effective Dates * * *

19 **Sec. 17. EFFECTIVE DATES**

20 (a) This section and Secs. 10-11 (trapping) and 13-15 (coyote-hunting
21 competitions) shall take effect on passage.

1 (b) Secs. 1-9 (Department of Fish and Wildlife authority; enforcement), 12
2 (antlerless deer; posting with permission), and 16 (report on fish and wildlife
3 charges) shall take effect on July 1, 2018.

4

5

6 (Committee vote: _____)

7

8

Representative _____

9

FOR THE COMMITTEE