TO THE HOUSE OF REPRESENTATIVES:

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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.

subsection shall be exempt from inspection and copying under the Public

or the habitat of a species. Records designated as confidential under this

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

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	* * *
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12	* * * Licensing; Lottery Applications * * *
	* * * Licensing; Lottery Applications * * *  Sec. 4. 10 V.S.A. § 4254(e) is amended to read:
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12 13	Sec. 4. 10 V.S.A. § 4254(e) is amended to read:
12 13 14	Sec. 4. 10 V.S.A. § 4254(e) is amended to read:  (e) The Commissioner shall establish:
12 13 14 15	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 <u>or lottery</u>
12 13 14 15	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
12 13 14 15 16 17	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;

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.

1	* * * Migratory Waterfowl Stamp Program * * *
2	Sec. 5. 10 V.S.A. § 4277 is amended to read:
3	§ 4277. MIGRATORY WATERFOWL STAMP PROGRAM
4	(a) Definitions. As used in this section:
5	(1) "Migratory waterfowl" means all waterfowl species in the family
6	anatidae, including wild ducks, geese, brant, and swans.
7	(2) "Stamp" means the State migratory waterfowl hunting stamp
8	furnished by the Department of Fish and Wildlife as provided for in this
9	section and the federal migratory waterfowl stamp furnished by the
10	U.S. Department of the Interior.
11	(b) Waterfowl stamp required. No person 16 years of age or older shall
12	attempt to take or take any migratory waterfowl in this State without first
13	obtaining a State and federal migratory waterfowl stamp for the current year in
14	addition to a regular hunting license as provided by section 4251 of this title.
15	A stamp shall not be transferable. The State stamp year shall run from
16	January 1 to December 31.
17	(c) Waterfowl stamp design, production, and distribution. The
18	Commissioner of Fish and Wildlife shall be responsible for the design,
19	production, procurement, distribution, and sale of all stamps the State stamp
20	and all marketable stamp byproducts by-products such as posters, artwork,
21	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 <u>State</u> waterfowl stamp receipts
7	and all receipts from the sale of <u>State</u> stamp <u>byproducts</u> <u>by-products</u> 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.

- 1 \* \* \* Forfeiture \* \* \*
- 2 Sec. 6. 10 V.S.A. § 4505 is amended to read:
- 3 § 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.

1	* * * Enforcement; Violations * * *
2	Sec. 7. 10 V.S.A. § 4551 is amended to read:
3	§ 4551. FISH AND WILDLIFE VIOLATION DEFINED
4	A violation of any provision of this part, other than a violation for which a
5	term of imprisonment may be imposed, or a minor violation as defined in
6	section 4572 of this title, or a violation of a rule adopted under this part shall
7	be known as a fish and wildlife violation.
8	Sec. 8. 10 V.S.A. § 4705 is amended to read:
9	§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;
10	SHOOTING FROM OR ACROSS HIGHWAY; PERMIT
11	(a) A person shall not take, or attempt to take, a wild animal by shooting
12	from a motor vehicle, motorboat, airplane, snowmobile, or other motor
13	propelled motor-propelled craft or any vehicle drawn by a motor propelled
14	motor-propelled vehicle except as permitted under subsection (e) of this
15	section.
16	(b) A person shall not carry or possess while in or on a vehicle propelled by
17	mechanical power or drawn by a vehicle propelled by mechanical power
18	within the right of way right-of-way of a public highway a rifle or shotgun
19	containing a loaded cartridge or shell in the chamber, mechanism, or in a
20	magazine, or clip within a rifle or shotgun, or a muzzle-loading rifle or muzzle-
21	loading shotgun that has been charged with powder and projectile and the

- ignition system of which has been enabled by having an affixed or attached percussion cap, primer, battery, or priming powder, except as permitted under subsections (d) and (e) of this section. A person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a right of way right-of-way of a public highway shall upon demand of an enforcement officer exhibit the firearm for examination to determine compliance with this section.
- (c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of a public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a public highway from a sport shooting range, as that term is defined in section 5227 of this title, provided that:
  - (1) the sport shooting range was established before January 1, 2014; and

1	(2) the operators of the sport shooting range post signage warning users
2	of the public highway of the potential danger from the sport shooting range.
3	(d) This section shall not restrict the possession or use of a loaded firearm
4	by an enforcement officer in performance of his or her duty.
5	* * *
6	Sec. 9. 10 V.S.A. § 4709 is amended to read:
7	§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
8	OF WILD ANIMALS; POSSESSION OF WILD BOAR
9	(a) A person shall not bring into the State, transport into, transport within,
10	transport through, or possess in the State any live wild bird or animal of any
11	kind, unless, upon application in writing therefor, the person obtains without
12	authorization from the Commissioner a permit to do so or his or her designee.
13	The importation permit may be granted under such regulations therefor as the
14	Board Commissioner shall prescribe and only after the Commissioner has
15	made such investigation and inspection of the birds or animals as she or he
16	may deem necessary. The Department may dispose of unlawfully possessed or
17	imported wildlife as it may judge best, and the State may collect treble
18	damages from the violator of this subsection for all expenses incurred.
19	(b) No person shall bring into the State from another country, state, or
20	province wildlife illegally taken, transported, or possessed contrary to the laws
21	governing the country, state, or province from which the wildlife originated.

1	(c) No person shall place a Vermont-issued tag on wildlife taken outside
2	the State. No person shall report big game in Vermont when the wildlife is
3	taken outside the State.
4	(d) Nothing in this section shall prohibit the Commissioner or duly
5	authorized agents of the Department of Fish and Wildlife from bringing into
6	the State for the purpose of planting, introducing, or stocking, or from planting
7	introducing, or stocking in the State, any wild bird or animal.
8	(e)(e) Applicants shall pay a permit fee of \$100.00.
9	$\frac{d}{d}$ (1) The Commissioner shall not issue a permit under this section for
10	the importation or possession of the following live species, a hybrid or genetic
11	variant of the following species, offspring of the following species, or
12	offspring or a hybrid of a genetically engineered variant of the following
13	species: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old
14	world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofo
15	Linnaeus).
16	(2) This subsection shall not apply to the domestic pig (Sus domesticus)
17	involved in domestic hog production and shall not restrict or limit the authority
18	of the Secretary of Agriculture, Food and Markets to regulate the importation
19	or possession of the domestic pig as livestock or as a domestic animal under
20	Title 6 of the Vermont Statutes Annotated.

1	* * * Trapping * * *
2	Sec. 10. 10 V.S.A. § 4254c is amended to read:
3	§ 4254c. NOTICE OF TRAPPING; DOMESTIC PET
4	A person who incidentally traps a domestic pet found to be injured or killed
5	shall notify a fish and wildlife warden if the contact identification for the
6	owner of the domestic pet is readily available.
7	Sec. 11. 10 V.S.A. § 4828 is amended to read:
8	§ 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY
9	LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY
10	(a)(1) The provisions of law or regulations rules of the Board relating to the
11	taking of rabbits or fur-bearing animals shall not apply to:
12	(A) an owner, the owner's employee, tenant, or caretaker of property
13	protecting the property from damage by rabbits or fur-bearing animals; or
14	(B) to a member of the selectboard of a town protecting public
15	highways or bridges from such damage or submersion with the permission of
16	the owner of lands affected.
17	(2) A person who for compensation sets a trap for rabbits or furbearing
18	animals on the property of another in defense of that property shall possess a
19	valid trapping license.
20	(3)(A) However, if If required by rule of the board Board, an owner; the
21	owner's employee, tenant, or caretaker, or the members; a member of the

1	selectboard, or a person who sets a trap for compensation who desire desires
2	to possess during the closed season the skins of any fur-bearing animals taken
3	in defense of property, highways, or bridges shall notify the Commissioner or
4	the Commissioner's representative within 84 hours after taking such the
5	animal, and shall hold such the pelts for inspection by such authorized
6	representatives.
7	(b) Before disposing of such pelts taken under this section, if required by
8	rule of the Board, the property owner; the owner's employee, tenant, or
9	caretaker, or; a member of the selectboard; or a person who sets a trap for
10	compensation shall secure from the Commissioner or a designee a certificate
11	describing the pelts, and showing that the pelts were legally taken during a
12	closed season and in defense of property, highways, or bridges. In the event of
13	storage, sale, or transfer, such the certificates shall accompany the pelts
14	described therein.
15	Sec. 12. 10 V.S.A. § 4001 is amended to read:
16	§ 4001. DEFINITIONS
17	Words and phrases used in this part, unless otherwise provided, shall be
18	construed to mean as follows:
19	* * *

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

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(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 <u>a</u> lawful manner.
* * *

(27) Commissioner: Commissioner of Fish and 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 pet: domesticated dogs, domesticated cats, domesticated	
6	ferrets, psittacine birds, or any domesticated animal that is kept for pleasure	
7	rather than utility.	
8	Sec. 13. FISH AND WILDLIFE BOARD RULES; TRAPPING	
9	On or before January 1, 2019, the Fish and Wildlife Board shall adopt by	
10	rule those requirements of Fish and Wildlife Board Rule 44 regarding the	
11	trapping of fur-bearing animals that shall apply to persons trapping for	
12	compensation under 10 V.S.A. § 4828.	
13	* * * Antlerless Deer; Posting with Permission * * *	
14	Sec. 14. 10 V.S.A. § 4081(g) is amended to read:	
15	(g) If the Board finds that an antlerless season is necessary to maintain the	
16	health and size of the herd, the Department shall administer an antlerless deer	
17	program. Annually, the Board shall determine how many antlerless permits to	
18	issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for	
19	residents and \$25.00 for nonresidents, a person may apply for a permit. Each	
20	person may submit only one application for a permit. The Department shall	
21	allocate the permits in the following manner:	

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- (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.

1	* * * Coyote Hunting * * *	
2	Sec. 15. 10 V.S.A. § 4716 is added to read:	
3	§ 4716. COYOTE-HUNTING COMPETITIONS; PROHIBITION	
4	(a) As used in this section, "coyote-hunting competition" means a contest	
5	in which people compete in the capturing or taking of coyotes for a prize or	
6	recognition.	
7	(b) A person shall not hold or conduct a coyote-hunting competition in the	
8	State.	
9	(c) A person shall not participate in a coyote-hunting competition in the	
10	State.	
11	Sec. 16. 10 V.S.A. § 4502(b) is amended to read:	
12	(b) A person violating provisions of this part shall receive points for	
13	convictions in accordance with the following schedule (all sections are in this	
14	title of the Vermont Statutes Annotated):	
15	* * *	
16	(2) Ten points shall be assessed for:	
17	* * *	
18	(TT) § 4716. Participating in a coyote-hunting competition.	
19	(3) Twenty points shall be assessed for:	
20	* * *	
21	(CC) § 4716. Holding or conducting a coyote-hunting competition.	

1	* * * Fish and Wildlife Violations; Criminal or Civil * * *	
2	Sec. 17. DEPARTMENT OF FISH AND WILDLIFE; REVIEW OF	
3	CRIMINAL OR CIVIL NATURE OF VIOLATIONS	
4	The Department of Fish and Wildlife shall conduct a review of the potential	
5	criminal and civil charges for all fish and wildlife violations. On or before	
6	January 15, 2019, the Department shall submit to the House Committees on	
7	Natural Resources, Fish, and Wildlife and on Judiciary and the Senate	
8	Committees on Natural Resources and Energy and on Judiciary a report	
9	recommending changes to the criminal and civil charges for fish and wildlife	
10	violations. The report shall summarize the process the Department used to	
11	review the charges for fish and wildlife violations and shall explain the basis	
12	for the Department's recommendations. Prior to preparing the report required	
13	by this section, the Department shall consult with interested stakeholders, the	
14	Judiciary, State's Attorneys, criminal defense lawyers, and fish and game	
15	groups.	
16	* * * Effective Dates * * *	
17	Sec. 18. EFFECTIVE DATES	
18	(a) This section and Secs. 10 (incidental trapping), 12 (definitions),	
19	13 (trapping rules amendment), and 15-16 (coyote-hunting competitions) shall	
20	take effect on January 1, 2019.	

1	(b) Sec. 11 (trapping for compensation)	shall take effect on January 1,
2	<u>2020.</u>	
3	(c) All other sections shall take effect or	n July 1, 2018.
4		
5	(Committee vote:)	
6		
7		Representative
8		FOR THE COMMITTEE