

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 636 entitled “An act relating to miscellaneous fish and wildlife
4 subjects” recommends that the Senate propose to the House that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 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 of 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 (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 (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.

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

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

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

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 ~~(f)~~(f)(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.

* * * Trapping * * *

1
2 Sec. 10. 10 V.S.A. § 4254c is added to read:

3 § 4254c. NOTICE OF TRAPPING; DOG OR CAT

4 A person who incidentally traps a dog or cat shall notify a fish and wildlife
5 warden or the Department within 24 hours after discovery of the trapped dog
6 or cat. The Department shall maintain records of all reports of incidentally
7 trapped dogs or cats submitted under this section, and the reports shall include
8 the disposition of each incidentally trapped dog or cat.

9 Sec. 11. 10 V.S.A. § 4828 is amended to read:

10 § 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY

11 LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY

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

14 (A) an owner, the owner's employee, tenant, or caretaker of property
15 protecting the property from damage by rabbits or fur-bearing animals; or

16 (B) ~~to~~ a member of the selectboard of a town protecting public
17 highways or bridges from such damage or submersion with the permission of
18 the owner of lands affected.

19 (2) A person who for compensation sets a trap for rabbits or fur-bearing
20 animals on the property of another in defense of that property shall possess a
21 valid trapping license.

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

2 * * *

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

5 * * *

6 (40) Domestic pet: domesticated dogs, domesticated cats, domesticated
7 ferrets, psittacine birds, or any domesticated animal.

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 * * * Coyote Hunting * * *

14 Sec. 14. 10 V.S.A. § 4716 is added to read:

15 § 4716. COYOTE-HUNTING COMPETITIONS; PROHIBITION

16 (a) As used in this section, “coyote-hunting competition” means a contest
17 in which people compete in the capturing or taking of coyotes for a prize.

18 (b) A person shall not hold or conduct a coyote-hunting competition in the
19 State.

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

1 January 15, 2019, the Department shall submit to the House Committees on
2 Natural Resources, Fish, and Wildlife and on Judiciary and the Senate
3 Committees on Natural Resources and Energy and on Judiciary a report
4 recommending changes to the criminal and civil charges for fish and wildlife
5 violations. The report shall summarize the process the Department used to
6 review the charges for fish and wildlife violations and shall explain the basis
7 for the Department’s recommendations. Prior to preparing the report required
8 by this section, the Department shall consult with interested stakeholders, the
9 Judiciary, State’s Attorneys, criminal defense lawyers, and fish and game
10 groups.

11 * * * Effective Dates * * *

12 Sec. 17. EFFECTIVE DATES

13 (a) Secs. 10 (incidental trapping), 12 (definitions), 13 (trapping rules
14 amendment), and 14–15 (coyote-hunting competition prohibition; points) shall
15 take effect on January 1, 2019.

16 (b) Sec. 11 (trapping for compensation) shall take effect on January 1,
17 2020.

18 (c) This section and all other sections shall take effect on July 1, 2018.

19

20

1 (Committee vote: _____)

2

3

Senator _____

4

FOR THE COMMITTEE