

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 * * * 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 ~~by-products~~ 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 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.

* * * Forfeiture * * *

1
2 Sec. 6. 10 V.S.A. § 4505 is amended to read:

3 § 4505. HEARING; FORFEITURE

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

*** Enforcement; Violations ***

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

§ 4551. FISH AND WILDLIFE VIOLATION DEFINED

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

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

§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

(b) A person shall not carry or possess while in or on a vehicle propelled by mechanical power or drawn by a vehicle propelled by mechanical power within the ~~right-of-way~~ right-of-way of a public highway a rifle or shotgun containing a loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, or a muzzle-loading rifle or muzzle-loading shotgun that has been charged with powder and projectile and the

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

2 (10) Game birds: quail, partridge, woodcock, pheasant, plover of any
3 kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild
4 geese, and wild turkey.

5 * * *

6 (13) Rabbit: to include wild hare.

7 (14) Fur-bearing animals: beaver, otter, marten, mink, raccoon, fisher,
8 fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat.

9 (15) Wild animals or wildlife: all animals, including birds, fish,
10 amphibians, and reptiles, other than domestic animals, domestic fowl, or
11 domestic pets.

12 * * *

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

21 * * *

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