

1 H.308

2 Introduced by Representative Sheldon of Middlebury

3 Referred to Committee on

4 Date:

5 Subject: Fish and Wildlife; fishing; hunting; enforcement

6 Statement of purpose of bill as introduced: This bill proposes to expand the
7 Fish and Wildlife Department's authority to enter into reciprocal assistance
8 agreements with law enforcement officers employed by the U.S. Fish and
9 Wildlife Service. This bill would amend the maximum number of annual
10 moose permits set aside for auction and set aside for Vermont veterans. This
11 bill would also amend the Moose Management Rule. Additionally, this bill
12 would repeal the Department's Special Opportunity Youth Moose License
13 Rule.

14 An act relating to fishing and hunting licensing

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 10 V.S.A. § 4199 is amended to read:

17 § 4199. RECIPROCAL ASSISTANCE AGREEMENTS

18 (a) In this section "officer" means a State game warden, a conservation law
19 enforcement officer, ~~or~~ a person in another state charged with enforcing the

1 fish and wildlife laws of that state, or a law enforcement officer employed by
2 the U.S. Fish and Wildlife Service Office of Law Enforcement.

3 (b) The Commissioner may enter into a reciprocal assistance agreement
4 with his or her counterpart in any other state or the U.S. Fish and Wildlife
5 Service. An agreement made under this section shall be for the sole purpose of
6 cooperating and assisting each other in detecting and apprehending people
7 violating the fish and wildlife or environmental laws of the State, subject to the
8 limitations of section 4193 of this title.

9 (c) Pursuant to an agreement under this section, the Commissioner may
10 send ~~fish and wildlife~~ State game wardens into another state for the purpose of
11 assisting the officers of that state or the U.S. Fish and Wildlife Service and
12 may accept officers of another state into Vermont for the purpose of assisting
13 ~~Vermont~~ State game wardens.

14 (d) Under an agreement pursuant to this section:

15 (1) When a ~~Vermont~~ State game warden or an officer of one state enters
16 another state for the purposes of assistance, he or she shall be under the
17 operational control of the chief officer of the host state and shall have the same
18 duties, rights, privileges, and immunities as officers of the host state. An
19 officer of another state or the U.S. Fish and Wildlife Service operating in
20 Vermont under this section shall have the same powers as a ~~Vermont~~ State
21 game warden provided the officer is certified by the Executive Director of the

1 Vermont Criminal Justice Training Council as meeting the standards
2 established in 20 V.S.A. § 2358 for Vermont law enforcement officers. This
3 subsection does not nullify subsection 4193(b) of this title.

4 * * *

5 Sec. 2. 10 V.S.A. § 4251(c) is added to read:

6 (c) The Commissioner of Fish and Wildlife may designate Labor Day
7 Weekend each year as “free mentored fishing weekend” during which an
8 unlicensed angler may fish accompanied by a licensed angler, at a one-to-one
9 ratio, throughout this three-day period. For the purposes of this subsection,
10 “accompanied” means being able to communicate without the aid of artificial
11 devices except medically prescribed eyeglasses or hearing aids. Both anglers
12 shall follow all applicable fishing regulations.

13 Sec. 3. 10 V.S.A. § 4254 is amended to read:

14 * * *

15 (i)(1) If the Board establishes a moose hunting season, ~~up to five moose~~
16 ~~permits shall be set aside to be auctioned~~ no more than 10 percent of the total
17 number of annual moose permits authorized by the Board shall be set aside to
18 be auctioned. The total number of annual moose permits set aside to be
19 auctioned shall never exceed six. The moose permits, if any, set aside for
20 auction shall be in addition to the included in the total number of annual moose
21 permits authorized by the Board. The Board shall adopt rules necessary for the

1 Department to establish, implement, and run the auction process. The
2 Commissioner annually may establish a minimum dollar amount of not less
3 than \$1,500.00 for any winning bid for a moose permit auctioned under this
4 subdivision. Proceeds from the auction shall be deposited in the Fish and
5 Wildlife Fund and used for conservation education programs run by the
6 Department. Successful bidders must have a Vermont hunting or combination
7 license in order to purchase a moose permit.

8 (2) If the Board establishes a moose hunting season, ~~there shall be~~
9 ~~established a program to~~ the Commissioner shall set aside five moose permits
10 no more than 10 percent of the total number of annual moose permits
11 authorized by the Board for Vermont residents who have served on active duty
12 in any branch of the U.S. Armed Forces provided that he or she has not
13 received a dishonorable discharge. The total number of annual moose permits
14 set aside for Vermont veterans shall never exceed six. Veterans awarded a
15 moose permit under this subsection shall possess a valid Vermont hunting
16 license or combination license in order to purchase a moose permit. The
17 Department of Fish and Wildlife shall coordinate with the Office of Veterans
18 Affairs to provide notice to eligible veterans of the moose permits set aside
19 under this subsection.

20 (3) The Department of Fish and Wildlife shall adopt a procedure to
21 implement the set-aside program for auction and for veterans, including a

1 method to award applicants ~~preference~~ bonus points and a method by which
2 auction participants and veterans who applied for but failed to receive a permit
3 in one hunting season are awarded priority in the subsequent moose hunting
4 season. The procedure adopted under this subdivision ~~shall be consistent with~~
5 ~~the preference system for the permit auction authorized under subdivision (1)~~
6 ~~of this subsection. Veterans awarded a moose permit under this subsection~~
7 ~~must possess a valid Vermont hunting or combination license in order to~~
8 ~~purchase a moose permit. The Department of Fish and Wildlife shall~~
9 ~~coordinate with the Office of Veterans Affairs to provide notice to eligible~~
10 ~~veterans of the moose permits set aside under this subsection~~ may include a
11 provision for freezing bonus points in the event that the Board does not
12 approve a moose hunting season or approves a small number of permits for the
13 moose hunting season.

14 Sec. 4. 10 App. V.S.A. § 33 is amended to read:

15 § 33. MOOSE MANAGEMENT RULE

16 * * *

17 3.6 ~~“Bonus point” means: 1) a point accrued for successfully applying~~
18 ~~for a permit, but not being drawn, or 2) a point accrued by indicating on the~~
19 ~~application that the person should not be entered into that year’s drawing, but~~
20 ~~wishes to accrue a point. [Repealed.]~~

21 * * *

1 Sec. 8. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.