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H.411

Introduced by Representative McCullough of Williston

Referred to Committee on

Date:

Subject: Fish and Wildlife; trapping; nuisance wildlife; licensing

Statement of purpose of bill as introduced: This bill proposes to require the

Department of Fish and Wildlife to create a nuisance wildlife control course.

Completion of the nuisance wildlife control course would become a

prerequisite for any individual to obtain a nuisance wildlife control trapping

license. This bill also proposes to create a threshold animal-behavior standard

before a landowner or licensed trapper is permitted to take an animal. In

addition, the bill would prohibit the drowning of any animal by any individual

authorized to take or possess wildlife under Vermont law.

An act relating to nuisance wildlife and trapping

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

Sec. 1. 10 V.S.A. § 4254a is amended to read:

§ 4254a. TRAPPING LICENSES

* * *

(b) A resident or nonresident nuisance wildlife control trapping license shall be issued to any person who for compensation sets a trap on the property

1 of another in defense of that property from damage by rabbits or fur-bearing
2 animals, provided that the applicant prior to issuance of the permit presents:

3 (1) satisfactory proof of a valid Vermont trapping license; and

4 (2) a certificate of satisfactory completion of a nuisance wildlife control
5 education course or its equivalent approved by the Commissioner or a
6 certificate of satisfactory completion of a nuisance wildlife control trapper
7 education course in another state or a province of Canada that is approved by
8 the Commissioner.

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

17 (d)(1) The Commissioner shall provide for a course of instruction in
18 nuisance wildlife control education for individuals who for compensation set
19 traps on the property of another in defense of that property from rabbits or fur-
20 bearing animals. The course shall provide training or instruction addressing
21 the following:

1 (A) evaluation of a site where nuisance wildlife may be present;

2 (B) methods of nonlethal control or management of nuisance wildlife
3 or problems posed by nuisance wildlife, including training that addresses
4 devices to frighten nuisance wildlife, repellants, one-way door exclusion, and
5 other methods of exclusion, habitat modification, and live trapping;

6 (C) conditions and methods approved for lethal control of nuisance
7 wildlife;

8 (D) techniques or measures to prevent recurrence of nuisance wildlife
9 or problems posed by nuisance wildlife; and

10 (E) relevant biological information about common nuisance wildlife
11 species.

12 (2) The Commissioner may cooperate with any reputable association,
13 organization, or agency providing the course required under subdivision (1) of
14 this section and may designate any person found by the Commissioner to be
15 competent to provide the course. A person designated shall give such
16 instruction and, upon the successful completion thereof, shall issue to a person
17 satisfactorily completing the course of instruction a certificate in evidence
18 thereof. The Commissioner shall charge a fee for persons taking the course.

19 (e) The Commissioner shall not designate any person to give a course of
20 instruction under this section if the person:

1 (1) has been convicted or pleaded guilty to a violation of this part or
2 rules adopted under this part within the previous three years; or

3 (2) has been convicted of any misdemeanor or felony within the
4 previous three years.

5 Sec. 2. REPEAL; NUISANCE TRAPPING REQUIREMENTS

6 2018 Acts and Resolves No. 170, Sec. 11 is repealed on July 1, 2019.

7 Sec. 3. 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, found
14 in the act of attacking, worrying, or wounding that person's domestic animals
15 or domestic birds or destroying that person's property; 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 on the property of
20 another in defense of that property from damage by rabbits or fur-bearing
21 animals found in the act of attacking, worrying, or wounding that person's

1 domestic animals or domestic birds or destroying that person's property shall
2 possess a valid trapping license and a valid nuisance wildlife control trapping
3 license.

4 (3) However, if If required by rule of the board Board, an owner; the
5 owner's employee, tenant, or caretaker, or the members; a member of the
6 selectboard; or a person who sets a trap for compensation who desire desires
7 to possess during the closed season the skins of any fur-bearing animals taken
8 in defense of property, highways, or bridges shall notify the Commissioner or
9 the Commissioner's representative within 84 hours after taking such the
10 animal, and shall hold such the pelts for inspection by such authorized
11 representatives.

12 (4) The Commissioner shall establish by procedure requirements for the
13 capture, handling, transport, and euthanasia of nuisance wildlife by a person
14 who for compensation sets a trap on the property of another in defense of that
15 property from damage by rabbits or fur-bearing animals. The procedure shall
16 include the recommendations in Part 3, Section 7 of the 2013 report of the
17 American Veterinary Medical Association Panel on Euthanasia, provided that
18 the procedure may allow for the use of specific alternatives to the Panel's
19 recommendations when the killing of nuisance rabbits or fur-bearing animals is
20 necessary to address an imminent threat to human health or safety and any

1 approved alternative is designed to kill the animal as quickly and painlessly as
2 practicable.

3 (b) Before disposing of ~~such~~ pelts taken under this section, if required by
4 rule of the Board, the property owner; the owner's employee, tenant, or
5 caretaker, ~~or~~; a member of the selectboard; or a person who sets a trap for
6 compensation shall secure from the Commissioner or a designee a certificate
7 describing the pelts, and showing that the pelts were legally taken during a
8 closed season and in defense of property, highways, or bridges. In the event of
9 storage, sale, or transfer, ~~such~~ the certificates shall accompany the pelts
10 ~~described therein.~~

11 Sec. 4. 10 V.S.A. § 4252 is amended to read:

12 § 4252. ACTIVITIES PERMITTED UNDER LICENSES

13 (a) Subject to provisions of this part and rules of the Board:

14 * * *

15 (19) A nuisance trapping license, eligible for Vermont residents 18 years
16 of age or older on the date of the license purchase, shall entitle the holder to
17 trap rabbits and fur-bearing animals in defense of property under section 4828
18 of this title.

19 * * *

