

1 § 4902. WILD BIRDS GENERALLY; NO OPEN SEASON; EXCEPTION

2 (a) Wild birds, other than pigeons, shall not be taken, possessed, bought, or sold, at any time,
3 except as provided by this part, rules of the Board, or orders of the Commissioner. Birds coming
4 from ~~without~~ outside the State belonging to the same family as those protected by this subchapter
5 shall not be bought or sold.

6 (b) Bird harm or death that results from human activity where the intent was not to harm or
7 kill the bird, but where bird harm or death was a direct and foreseeable result of the activity, is
8 prohibited, Nothing in this bill shall require the Department to implement a new permitting
9 program. For purposes of this title, the Commissioner has authority to exercise enforcement
10 discretion, including refraining from taking any enforcement action for the **unintentional**
11 **incidental** take of migratory birds. Enforcement, if any, shall focus on activities that have
12 population **or local population** level impacts on migratory birds. Enforcement of this provision
13 shall be in accordance with 10 V.S.A. § 4520.

14