

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred House Bill No. 292 entitled “An act relating to town banners over
4 highway rights-of-way” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 10 V.S.A. § 494 is amended to read:

9 § 494. EXEMPT SIGNS

10 The following signs are exempt from the requirements of this chapter
11 except as indicated in section 495 of this title:

12 * * *

13 (18)(A) A sign that is a banner erected over a highway right-of-way for
14 not more than 21 days if the bottom of the banner is not less than 16 feet 6
15 inches above the surface of the highway and is securely fastened with
16 breakaway fasteners.

17 (B) As used in this subdivision (18), “banner” means a sign that is
18 constructed of soft cloth or fabric or flexible material such as vinyl or plastic
19 cardboard.

1 (b) Exemptions. The following activities in a protected shoreland area do
2 not require a permit under section 1444 or 1445 of this title:

3 * * *

4 (18) Removal of constructed feature. Temporary cutting or removal of
5 vegetation to remove an existing constructed feature, provided that the area of
6 removal is revegetated according to the requirements for the management of
7 vegetative cover under section 1447 of this title and all cutting and removal of
8 vegetation complies with the Agency’s low-risk site handbook for erosion
9 prevention and sediment control.

10 * * *

11 Sec. 5. 10 V.S.A. § 4254 is amended to read:

12 § 4254. FISHING AND HUNTING LICENSES; ELIGIBILITY, DESIGN,
13 DISTRIBUTION, SALE, AND ISSUE

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~~ not 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 not 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. 6. 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. 7. 10 V.S.A. § 4255 is amended to read:

2 § 4255. LICENSE FEES

3 * * *

4 (j) If the Board determines that a moose season will be held in accordance
5 with the rules adopted under sections 4082 and 4084 of this title, the
6 Commissioner annually may issue three no-cost moose licenses to a person
7 who has a life-threatening disease or illness and who is sponsored by a
8 qualified charitable organization, provided that at least one of the no-cost
9 annual moose licenses awarded each year shall be awarded to a child or young
10 adult 21 years of age or under who has a life-threatening illness. The child or
11 adult shall comply with all other requirements of this chapter and the rules of
12 the Board. Under this subsection, a person may receive only one no-cost
13 moose license in his or her lifetime. ~~The Commissioner shall adopt rules in
14 accordance with 3 V.S.A. chapter 25 to implement this subsection. The rules
15 shall define the child or adult qualified to receive the no-cost license, shall
16 define a qualified sponsoring charitable organization, and shall provide the
17 application process and criteria for issuing the no-cost moose license.~~

18 * * *

1 Sec. 8. REPEAL; SPECIAL OPPORTUNITY YOUTH MOOSE LICENSE
2 RULE

3 The Vermont Department of Fish and Wildlife Commissioner Rule entitled
4 Special Opportunity Youth Moose License Rule, 12-010-072 Vt. Code R. § 1,
5 effective September 13, 2005, and amended May 18, 2010, is hereby repealed.

6 Sec. 9. AMENDMENTS TO AIR POLLUTION CONTROL

7 RULES REGARDING WOOD HEATERS; COMMENCEMENT;
8 ADOPTION; INSTITUTIONAL, COMMERCIAL, AND
9 INDUSTRIAL WOOD HEATING APPLIANCES

10 (a)(1) The Secretary of Natural Resources, in consultation with interested
11 parties and parties having expertise in wood heating and wood heating
12 appliances, shall adopt amendments to the provisions of the Vermont Air
13 Pollution Control Regulations governing the manufacture, sale, purchase,
14 installation, and operation of wood heating appliances for use in institutional,
15 commercial, or industrial applications in Vermont. These rules shall allow for
16 alternative methods of demonstrating compliance with applicable air quality
17 and efficiency standards as determined by the Air Pollution Control Officer.

18 (2) On or before July 1, 2019, the Secretary of Natural Resources shall
19 submit to the Senate Committee on Natural Resources and Energy and the
20 House Committees on Energy and Technology and on Natural Resources, Fish,

1 and Wildlife a copy of the draft rule amendments to Vermont Air Pollution
2 Control Regulations required in subsection (a) of this section.

3 (3) The Secretary of Natural Resources shall commence the rulemaking
4 required under this subsection on or before October 1, 2019 and shall adopt the
5 rules on or before May 1, 2020.

6 (b)(1) Until such time that a rule amendment as required in subsection (a)
7 of this section is adopted, and notwithstanding §5-204 of Code of Vermont
8 Rules 12-031-001, manufacturers of wood heating appliances for use in
9 institutional, commercial, or industrial applications shall be subject to a
10 certification process conducted by the Agency of Natural Resources wherein
11 each discrete model to be installed in Vermont shall be certified by the Air
12 Pollution Control Officer before installation occurs, unless such appliance has
13 been certified by the United States Environmental Protection Agency as
14 meeting the requirements of 40 C.F.R. Part 60, Subparts AAA and QQQQ as
15 published in the Federal Register on March 16, 2015.

16 (2) Certification procedure.

17 (A) The Secretary shall develop a certification procedure in
18 accordance with this section as soon as practicable.

19 (B) A fee of \$1000 shall be due the Agency for each certification
20 application that is submitted in accordance with the certification procedure.

1 (C) Certification of a particular unit model issued by the Air
2 Pollution Control Officer is not subject to the procedures and requirements of
3 10 V.S.A. chapter 170.

4 Sec. 10. 10 V.S.A. § 4081 is amended to read:

5 § 4081. POLICY.

6 (a)(1) As provided by Chapter II, § 67 of the Constitution of the State of
7 Vermont, the fish and wildlife of Vermont are held in trust by the State for the
8 benefit of the citizens of Vermont and shall not be reduced to private
9 ownership. The State of Vermont, in its sovereign capacity as a trustee for the
10 citizens of the State, shall have ownership, jurisdiction, and control of all of the
11 fish and wildlife of Vermont.

12 * * *

13 (g) If the Board finds that an antlerless season is necessary to maintain the
14 health and size of the herd, the Department shall administer an antlerless deer
15 program. Annually, the Board shall determine how many antlerless permits to
16 issue in each wildlife management unit. For a nonrefundable fee of ~~\$10.00~~
17 \$15.00 for residents and ~~\$25.00~~ \$30.00 for nonresidents a person may apply
18 for a permit. Each person may submit only one application for a permit. The
19 Department shall allocate the permits in the following manner:

20 (1) A Vermont landowner, as defined in section 4253 of this title, who
21 owns 25 or more contiguous acres and who applies shall receive a permit for

1 antlerless hunting in the management unit on which the land is located before
2 any are given to people eligible under subdivision (2) of this subsection. If the
3 land is owned by more than one individual, corporation, or other entity, only
4 one permit shall be issued. Landowners applying for antlerless permits under
5 this subdivision shall not, at the time of application or thereafter during the
6 regular hunting season, post their lands except under the provisions of section
7 4710 of this title. As used in this section, "post" means any signage that would
8 lead a reasonable person to believe that hunting is restricted on the land. If the
9 number of landowners who apply exceeds the number of permits for that
10 district, the Department shall award all permits in that district to landowners by
11 lottery.

12 (2) Permits remaining after allocation pursuant to subdivision (1) of this
13 subsection shall be issued by lottery.

14 (3) Any permits remaining after permits have been allocated pursuant to
15 subdivisions (1) and (2) of this subsection shall be issued by the Department
16 for a ~~\$10.00~~ \$15.00 fee for residents. Ten percent of the remaining permits
17 may be issued to nonresident applicants for a ~~\$25.00~~ \$30.00 fee.

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

19 § 4252. ACTIVITIES PERMITTED UNDER LICENSES.

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

21 (1) A fishing license shall entitle the holder to take fish.

1 (2) A hunting license shall entitle the holder to take wild animals, other
2 than fish, except by trapping and for those species that require a separate big
3 game license, and to shoot and spear pickerel.

4 (3) A trapping license shall entitle the holder to take animals other than
5 fish with the use of traps.

6 (4) A combination fishing and hunting license shall entitle the holder to
7 take fish and wild animals, except by trapping and for those species that
8 require a separate big game license, and to shoot and spear pickerel.

9 (5) An archery license shall entitle the holder to take ~~one~~ wild deer by
10 bow and arrow or crossbow.

11 (6) A muzzle loader license shall entitle the holder to take deer with a
12 muzzle loading firearm.

13 (7) A turkey license shall entitle the holder to take wild turkey.

14 (8) A small game license shall entitle the holder to take small game by
15 any lawful means other than a trap.

16 ~~(9) A second muzzle loader license, which may only be purchased by a~~
17 ~~holder of a muzzle loader license, shall entitle the holder to take one wild deer,~~
18 ~~in addition to the number allowed to a holder of a muzzle loader license, with a~~
19 ~~muzzle loading firearm.~~

1 ~~(10) A second archery license, which may only be purchased by a holder~~
2 ~~of an archery license, shall entitle the holder to take one deer, in addition to the~~
3 ~~number allowed to a holder of an archery license, with a bow and arrow.~~

4 Sec. 12. 10 V.S.A. § 4255 is amended to read:

5 § 4255. LICENSE FEES.

6 (a) Vermont residents may apply for licenses on forms provided by the
7 Commissioner. Fees for each license shall be:

8	(1) Fishing license	\$26.00
9	(2) Hunting license	\$26.00
10	(3) Combination hunting and fishing license	\$42.00
11	(4) Big game licenses (all require a hunting license)	
12	(A) archery license	\$23.00
13	(B) muzzle loader license	\$23.00
14	(C) turkey license	\$23.00
15	(D) [Repealed.]	
16	(E) [Repealed.]	
17	(F) moose license	\$100.00
18	(G) bear tag	\$5.00
19	(H) additional deer archery tag	\$23.00
20	(5) Trapping license	\$23.00
21	(6) Hunting license for persons 17 years of age or under	\$8.00

1	(7) Trapping license for persons 17 years of age or under	\$10.00
2	(8) Fishing license for persons 15 through 17 years of age	\$8.00
3	(9) Super sport license	\$150.00
4	(10) Three-day fishing license	\$11.00
5	(11) Combination hunting and fishing license for persons 17 years of age	
6	or under	\$12.00
7	(12) Mentored hunting license	\$10.00
8	(b) Nonresidents may apply for licenses on forms provided by the	
9	Commissioner. Fees for each license shall be:	
10	(1) Fishing license	\$52.00
11	(2) One-day fishing license	\$21.00
12	(3) [Repealed.]	
13	(4) Hunting license	\$100.00
14	(5) Combination hunting and fishing license	\$138.00
15	(6) Big game licenses (all require a hunting license)	
16	(A) archery license	\$38.00
17	(B) muzzle loader license	\$40.00
18	(C) turkey license	\$38.00
19	(D) [Repealed.]	
20	(E) [Repealed.]	
21	(F) moose license	\$350.00

1	(G) bear tag	\$15.00
2	(H) additional deer archery tag	\$38.00
3	(7) Small game licenses	
4	(A) all season	\$50.00
5	(B) [Repealed.]	
6	(8) Trapping license	\$305.00
7	(9) Hunting licenses for persons 17 years of age or under	\$25.00
8	(10) Three-day fishing license	\$23.00
9	(11) Seven-day fishing license	\$31.00
10	(12) Archery-only license (does not require hunting license)	\$75.00
11	(13) Fishing license for persons 15 through 17 years of age	\$15.00
12	(14) Super sport license	\$250.00
13	(15) Combination hunting and fishing license for persons 17 years of	
14	age or under	\$30.00
15	(16) Mentored hunting license	\$10.00

16 * * *

17 Sec. 13. 10 V.S.A. § 4701 is amended to read:

18 § 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL
19 DAY; DOGS

20 (a) Unless otherwise provided by statute, a person shall not take game
21 except with:

- 1 (1) a gun fired at arm's length;
2 (2) a bow and arrow; or
3 (3) a crossbow as authorized ~~under section 4711~~ of this title or as
4 authorized by the rules of the Board.

5 (b) A person shall not take game between one-half hour after sunset and
6 one-half hour before sunrise unless otherwise provided by statute or by the
7 rules of the Board.

8 (c) A person may take game and fur-bearing animals during the open season
9 therefor, with the aid of a dog, unless otherwise prohibited by statute or by the
10 rules of the Board.

11 Sec. 14. 10 V.S.A. § 4711 is amended to read:

12 ~~§ 4711. CROSSBOW HUNTING; PERMIT.~~

13 ~~A person who is impaired to the degree that he or she cannot operate a~~
14 ~~standard bow may obtain a permit to take game with a crossbow. The permit~~
15 ~~fees shall be \$25.00 for a permanent permit and \$5.00 for a temporary permit.~~
16 ~~A person who has lost a crossbow permit may request a new permit from the~~
17 ~~agent of original issue. The fee shall be \$5.00. All fees shall be deposited in~~
18 ~~the Fish and Wildlife Fund. A person applying for this permit must personally~~
19 ~~appear before the Commissioner of Fish and Wildlife, or his or her designee,~~
20 ~~with certification from a licensed physician that he or she is so disabled. The~~
21 ~~Commissioner may obtain a second medical opinion to verify the disability.~~

1 ~~Upon satisfactory proof of the disability, the Commissioner may issue a permit~~
2 ~~under this section. The permit shall set forth whether it was issued because of~~
3 ~~an inability to use a standard bow, and be attached to the license. The holder of~~
4 ~~the permit shall carry it at all times while hunting, and produce it on demand~~
5 ~~for inspection by any game warden or other law enforcement officer authorized~~
6 ~~to make arrests. Unless it is uncocked, a person shall not possess or transport a~~
7 ~~crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other~~
8 ~~motor propelled craft or any vehicle drawn by a motor propelled vehicle~~
9 ~~except as permitted under subsection 4705(e) of this title. [Repealed.]~~

10 Sec. 15. 10 V.S.A. § 4742a is amended to read:

11 § 4742a. YOUTH DEER HUNTING WEEKEND.

12 (a) ~~The Saturday and Sunday Board shall designate by rule a youth deer~~
13 ~~hunting weekend prior to opening day of the regular deer season established by~~
14 ~~Board rule shall be youth deer hunting weekend.~~

15 (b) A person who is 15 years of age or under on the weekend of the hunt,
16 who has successfully completed a hunter safety course, may take one wild deer
17 during youth deer hunting weekend in accordance with the rules of the Board.
18 In order to hunt under this section, a young person shall also hold a valid
19 hunting license under section 4255 of this title, hold a youth deer hunting tag,
20 and be accompanied by an unarmed adult who holds a valid Vermont hunting

1 license and who is over 18 years of age. An adult accompanying a youth under
2 this section shall accompany no more than two young people at one time.

3 (c) Each year, the Board shall determine whether antlerless deer may be
4 taken under this section in any deer management unit or units. A determination
5 under this subsection shall be made by rule, shall be based on the game
6 management study conducted pursuant to section 4081 of this title, and,
7 notwithstanding subsection (g) of that section, may allow taking of antlerless
8 deer.

9 (d) No person shall hunt under this section on privately owned land without
10 first obtaining the written permission of the owner or occupant.

11 * * *

12 Sec. 16. EFFECTIVE DATES

13 (a) This section, Sec. 4 (lake shoreland; removal of constructed features),
14 and Sec. 9 (air pollution rules; wood heating) shall take effect on passage.

15 (b) All other sections shall take effect on July 1, 2019.

16 and that after passage the title of the bill be amended to read: “An act relating
17 to miscellaneous natural resources and energy subjects”

18
19
20
21

1

2 (Committee vote: _____)

3

4

Senator _____

5

FOR THE COMMITTEE