

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 321 entitled “An act relating to miscellaneous fish and wildlife
4 issues” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

7 * * * Commissioner Power to Authorize Taking * * *

8 Sec. 1. 10 V.S.A. § 4138 is amended to read:

9 § 4138. CONTROL OF FISH, GAME; POWERS OF COMMISSIONER

10 (a) The Commissioner may take, permit, or cause to be taken at any time
11 ~~from any waters,~~ and in any manner, fish ~~which~~ and wild animals:

12 (1) that hinder or prevent the propagation of wildlife, game, or food fish
13 ~~and may take, permit, or cause to be taken at any time wild animals which are~~
14 ~~doing damage. Such removal or taking and the possession and disposition of~~
15 ~~such fish or wild animals shall be under such regulations as the Commissioner~~
16 ~~may prescribe;~~

17 (2) that pose a threat to human health, safety, or the environment;

18 (3) that are damaging private or public property;

19 (4) as necessary to conduct scientific research; and

20 (5) as necessary to maintain the best health, population, and utilization
21 levels of a regulated species and of other species that are part of the ecosystem.

1 (b) The Commissioner may take necessary measures to control, in public
2 waters, aquatic vegetation, insects, or aquatic life, for the purpose of improving
3 ~~such~~ waters as a habitat.

4 (c) Any measures ~~which~~ that involve temporary pollution of waters shall be
5 carried out in accordance with the provisions of chapter 50, section 1455 of
6 this title.

7 (d) The Commissioner shall cooperate with the Transportation Board in
8 any proceeding brought under 19 V.S.A. § 37 to protect a highway, railroad, or
9 public airport from impoundments of water created by beaver.

10 * * * Reciprocal Assistance Agreements * * *

11 Sec. 2. 10 V.S.A. § 4199 is amended to read:

12 § 4199. RECIPROCAL ASSISTANCE AGREEMENTS

13 (a) ~~In~~ As used in this section “officer” means a game warden, a
14 conservation law enforcement officer, ~~or~~ a person in another state charged with
15 enforcing the fish and wildlife laws of that state, or a law enforcement officer
16 employed by the U.S. Fish and Wildlife Service, Office of Law Enforcement.

17 (b) The Commissioner may enter into a reciprocal assistance agreement
18 with his or her counterpart in any other state or with the U.S. Fish and Wildlife
19 Service. An agreement made under this section shall be for the sole purpose of
20 cooperating and assisting each other in detecting and apprehending people

1 violating the fish and wildlife or environmental laws of the State, subject to the
2 limitations of section 4193 of this title.

3 (c) Pursuant to an agreement under this section, the Commissioner may
4 send fish and wildlife wardens into another state for the purpose of assisting
5 the officers of that state or the U.S. Fish and Wildlife Service and may accept
6 officers of another state into Vermont for the purpose of assisting Vermont
7 wardens.

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

9 (1) When a Vermont game warden or an officer of one state enters
10 another state for the purposes of assistance, he or she shall be under the
11 operational control of the chief officer of the host state and shall have the same
12 duties, rights, privileges, and immunities as officers of the host state. An
13 officer of another state or the U.S. Fish and Wildlife Service operating in
14 Vermont under this section shall have the same powers as a Vermont game
15 warden provided the officer is certified by the Executive Director of the
16 Vermont Criminal Justice Training Council as meeting the standards
17 established in 20 V.S.A. § 2358 for Vermont law enforcement officers. This
18 subsection does not nullify subsection 4193(b) of this title.

19 (2) When an officer is serving in another state under this section, the
20 host state shall assume liability to third persons for actions of that officer taken
21 on account of or in connection with a request for assistance hereunder but only

1 to the extent that the host state would be liable for actions of one of its own
2 officers. The home state of the officer shall be responsible for payment of
3 salary, expenses, and injury and death benefits of the officer while on duty in
4 another state.

5 (e) A reciprocal assistance agreement shall be executed in writing, shall set
6 forth the terms and conditions under which assistance may be requested or
7 rendered and shall remain in full force and effect until terminated by mutual
8 consent of the parties to the agreement, or until 10 days after one of the parties
9 has given notification to another party of intention to terminate the agreement.

10 * * * Free-Fishing Days * * *

11 Sec. 3. 10 V.S.A. § 4251 is amended to read:

12 § 4251. TAKING WILD ANIMALS AND FISH; LICENSE

13 (a) Except as provided in sections 4253 and 4254b of this title, a person
14 shall not take wild animals or fish without first having procured a license
15 ~~therefor~~ for the taking; provided, however, that a person under 15 years of age
16 may take fish in accordance with this part and regulations of the Board,
17 without first having procured a license therefor.

18 (b) The Commissioner of Fish and Wildlife may designate three days on
19 Labor Day weekend each year and an additional two days each calendar year
20 as “free fishing days” for which no license shall be required. ~~One~~ Of the

1 additional two days of free fishing, one day shall occur in the open water
2 fishing season and one day shall occur during the ice fishing season.

3 * * * Replacement Licenses * * *

4 Sec. 4. 10 V.S.A. § 4254(e)(10) is amended to read:

5 (10) that for licenses including replacement, lottery applications, and
6 tags issued where the Department does not receive any part of the fee, \$1.50
7 may be charged as a filing fee and retained by the agent.

8 Sec. 5. 10 V.S.A. § 4261 is amended to read:

9 § 4261. ~~LOST, REPLACEMENT, OR FREE LICENSE CERTIFICATE~~

10 ~~(a) A person who has lost a license other than a lifetime license or~~
11 ~~permanent license may demand a lost license certificate from the agent of~~
12 ~~original issue. The fee shall be \$5.00 which the agent may retain. If the agent~~
13 ~~of original issue is no longer selling licenses, the applicant may apply directly~~
14 ~~to the Department. If available, replacement and free licenses may be obtained~~
15 ~~from a point of sale agent or online at the State's website. If requested from a~~
16 ~~point of sale agent, a \$1.50 filing fee may be charged and retained by the~~
17 ~~agent.~~

18 ~~(b) A person who has lost a lifetime license or permanent license may~~
19 ~~obtain a new license upon application to the Department, payment of a \$5.00~~
20 ~~fee and submission of proof of identification. If available, replacement and~~
21 ~~free licenses may be obtained from a point of sale agent or online at the State's~~

1 ~~website. If requested from a point-of-sale agent, a \$1.50 filing fee may be~~
2 ~~charged and retained by the agent. [Repealed.]~~

3 * * * Uniform Point System; Forgiveness * * *

4 Sec. 6. 10 V.S.A. § 4502 is amended to read:

5 § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

6 (a) A uniform point system that assigns points to those convicted of a
7 violation of a provision of this part is established. The conviction report from
8 the ~~Court~~ court shall be prima facie evidence of the points assessed. In
9 addition to other penalties assessed for violation of fish and wildlife statutes,
10 the Commissioner shall suspend licenses issued under this part ~~which~~ that are
11 held by a person who has accumulated 10 or more points in accordance with
12 the provisions of subsection (c) of this section.

13 (b) A person violating provisions of this part shall receive points for
14 convictions in accordance with the following schedule (all sections are in this
15 title of the Vermont Statutes Annotated):

16 (1) Except for biological collection violations determined to be nonpoint
17 violations under the rules of the Board, five points shall be assessed for any
18 violation of statutes or rules adopted under this part except those listed in
19 subdivisions (2) and (3) of this subsection.

20 (2) Ten points shall be assessed for:

21 * * *

1 (H) § 4705. ~~Shooting~~ Transport and shooting from motor vehicles or
2 aircraft

3 (I) ~~§ 4706. Snaring animals~~ [Repealed.]

4 * * *

5 (Y) Appendix § 2; ~~Appendix § 33, section 14.3.~~ Reporting of big
6 game

7 * * *

8 (II) Appendix § 37, ~~as it applies to annual deer limits~~ section 10.
9 Novice season

10 * * *

11 (QQ) ~~Appendix § 22, section 6.7; Appendix § 33, section 13.1(g);~~
12 ~~Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or~~
13 ~~on a motor vehicle, motorboat, airplane, snowmobile, or other motor propelled~~
14 ~~vehiele~~ [Repealed.]

15 (RR) ~~Appendix § 7, section 6.3(b). Hunting bear with any dog not~~
16 ~~listed on the permit~~ [Repealed.]

17 (SS) Appendix § 37, ~~section 9.0.~~ Feeding deer.

18 (TT) § 4716. Participating in a coyote-hunting competition.

19 (UU) § 5007(d) or (e). Failure to control dogs hunting black bear.

20 (VV) Appendix § 7, section 8.2.; Appendix § 33, section 14.7;

21 Appendix § 37, section 11.2. Failure to show warden the kill site.

1 (3) Twenty points shall be assessed for:

2 (A) ~~§ 4192. General powers and duties; failure to obey warden~~

3 [Repealed.]

4 * * *

5 (I) § 4745. Taking ~~deer~~ big game out of season prohibited

6 * * *

7 (O) Appendix § 7, sections 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3(b), 6.3(d),
8 6.3(e), ~~6.4, 6.5(e), 6.5(d)~~, 7.1, and 7.2, 7.3, and 7.4. Bear, unauthorized taking

9 (P) Appendix § 22. Turkey season, excluding: requirements for
10 youth turkey hunting season; ~~section 6.2~~, size of shot used or possessed; and
11 ~~section 6.7~~, transport of cocked crossbow

12 * * *

13 (U) Appendix § 37, excluding: requirements for youth deer hunting
14 weekend; requirements for novice season; limitations on feeding of deer;
15 ~~section 7.7~~, transport of cocked crossbow; reporting big game; and section
16 11.0, ban of urine and other natural lures

17 * * *

18 (W) ~~§ 4711. Crossbow hunting~~ [Repealed.]

19 (X) Appendix § 4. ~~Hunting with a crossbow without a permit or~~
20 ~~license~~ [Repealed.]

21 * * *

1 (DD) § 4706. Snaring animals

2 (4) In addition to other points assessed under this subsection, a person
3 shall be assessed one point for each fish, bird, animal, or pelt possessed, taken,
4 transported, bought, or sold in excess of the limits established in statutes or
5 rules adopted under this part.

6 (c) Licenses shall be suspended as follows:

7 (1) For 10 to 14 points accumulated in five years—a one-year
8 suspension.

9 (2) For 15 to 19 points accumulated in five years—a two-year
10 suspension.

11 (3) For 20 or more points accumulated in five years—a three-year
12 suspension.

13 (d) The Commissioner shall establish a centralized registry of licensees and
14 shall track all convictions and the point accumulations, if any, against
15 licensees. The Commissioner shall provide adequate notice to licensees of
16 their point accumulations, and suspensions, if any.

17 (e) When a person holding a license issued under this part has been
18 convicted of a violation of 13 V.S.A. § 1023(a)(2) or has been convicted of
19 manslaughter by the careless and negligent use of firearms, the Commissioner
20 shall revoke the person's hunting license, 20 points shall accumulate on the
21 person's license, and another license shall not be issued to the person within

1 five years from the date of the revocation or within five years from the date of
2 the conviction if the person had no license. The court before which such
3 person is convicted shall certify the conviction to the Commissioner. A
4 revocation shall be deemed effective when notice is given, when made in
5 person, or three days after the deposit of the notice in the U.S. mail, if made in
6 writing.

7 (f) The Commissioner shall not reinstate a license suspended pursuant to
8 subdivisions (c)(2) and (3) of this section until the licensee has successfully
9 completed a remedial course designed to teach hunters, trappers, and anglers
10 correct legal and ethical behavior while hunting, trapping, and fishing in
11 Vermont. The remedial course shall be approved by the Commissioner and
12 conducted by the Department. The fee for the remedial course shall be
13 \$100.00. Funds collected for the course shall be deposited in the Fish and
14 Wildlife Fund.

15 (g) The Commissioner may periodically implement a forgiveness program
16 for unpaid monetary penalties, to allow otherwise eligible persons to apply for
17 and receive a hunting, fishing, or trapping license.

18 * * * Fishing Tournaments * * *

19 Sec. 7. 10 V.S.A. § 4613 is amended to read:

20 § 4613. FISHING TOURNAMENTS

1 (a) No person or organization shall hold a fishing tournament on the waters
2 of the State without first obtaining a permit from the Department of Fish and
3 Wildlife. A tournament held on the Connecticut River, excluding Moore
4 Reservoir and Comerford Reservoir, that does not utilize an access area in
5 Vermont is not required to obtain a permit from the Department of Fish and
6 Wildlife.

7 (b) A fishing tournament means a contest, in which anglers pay a fee to
8 enter and in which the entrants compete for a prize based on the quality or size
9 of the fish they catch. A tournament may run multiple days, but in order for
10 the tournament to be considered a single event, the tournament shall be held on
11 consecutive days. A tournament that limits the entrants to people below
12 15 years of age or a tournament held as part of a Special Olympics program
13 shall be exempt from paying the fee required under subsection (d) of this
14 section.

15 (c) The Commissioner shall adopt rules that establish the procedure for
16 implementation of this section. The rules shall include a provision that an
17 angler may not enter a fish which was caught and confined to an enclosed area
18 prior to the beginning of the tournament.

19 (d) The Commissioner shall charge a fee of ~~\$50.00~~ for each permit issued
20 under this section based on the number of proposed participants and shall

1 deposit the fee collected into the Fish and Wildlife Fund. The fees for a permit
2 shall be:

3 (1) for tournaments of 1–25 participants: \$10.00;

4 (2) for 26–50 participants: \$30.00; or

5 (3) for more than 50 participants: \$100.00.

6 * * * Air guns in Motor Vehicles * * *

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

8 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

9 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

14 (b)(1) A person shall not carry or possess while in or on a vehicle propelled
15 by mechanical power or drawn by a vehicle propelled by mechanical power
16 within the right-of-way of a public highway one or more of the following:

17 (A) a rifle or a shotgun containing a loaded cartridge or shell in the
18 chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, ~~or;~~

19 (B) a muzzle-loading rifle or muzzle-loading shotgun that has been
20 charged with powder and projectile and the ignition system of which has been
21 enabled by having an affixed or attached percussion cap, primer, battery, or

1 priming powder, except as permitted under subsections (d) and (e) of this
2 section; or

3 (C) an air gun, air rifle, or air bow with a 200-feet-per second or
4 greater rating or other pneumatic or gas-powered weapon, while cocked,
5 charged, pumped, or containing any projectile, including a bb, pellet, bolt,
6 arrow, or other projectile fitted to the weapon.

7 (2) Unless it is uncocked, a person shall not possess or transport a
8 crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other
9 motor-propelled craft or any vehicle drawn by a motor-propelled vehicle
10 except as permitted under subsection 4705(e) of this title.

11 (3) A person who possesses a rifle, an airgun, an air rifle, an air bow, a
12 crossbow, or a shotgun, including a muzzle-loading rifle or muzzle-loading
13 shotgun, in or on a vehicle propelled by mechanical power, or drawn by a
14 vehicle propelled by mechanical power within a right-of-way of a public
15 highway shall upon demand of an enforcement officer exhibit the firearm for
16 examination to determine compliance with this section.

17 (c) A person while on or within 25 feet of the traveled portion of a public
18 highway, except a public highway designated Class 4 on a town highway map,
19 shall not take or attempt to take any wild animal by shooting a firearm, a
20 muzzle loader, a bow and arrow, an air gun, an air rifle, an air bow, or a
21 crossbow. A person while on or within the traveled portion of a public

1 highway designated Class 4 on a town highway map shall not take or attempt
2 to take any wild animal by shooting a firearm, a muzzle loader, a bow and
3 arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a
4 bow and arrow, an air gun, an air rifle, an air bow, or a crossbow over or across
5 the traveled portion of a public highway, except for a person shooting over or
6 across the traveled portion of a public highway from a sport shooting range, as
7 that term is defined in section 5227 of this title, provided that:

8 (1) the sport shooting range was established before January 1, 2014; and

9 (2) the operators of the sport shooting range post signage warning users
10 of the public highway of the potential danger from the sport shooting range.

11 * * *

12 * * * Game Suppers * * *

13 Sec. 9. 10 V.S.A. § 4786 is amended to read:

14 § 4786. GAME SUPPERS

15 (a) Notwithstanding any provision of law to the contrary, game suppers
16 may be held at any time by a church, volunteer fire department, rod and game
17 club, educational or cooperative organization, or ~~other~~ nonprofit organization
18 under permit issued by a fish and wildlife warden, the Commissioner, or a
19 designee of the Commissioner. The Department may hold game suppers or
20 similar fish and game food events without a permit issued under this section.

1 (b) Wild animals and fish legally taken in this State, or another state or
2 country, may be transported and sold as part of a game supper authorized by
3 permit. Big game provided by the Department may also be sold at such
4 suppers. Migratory waterfowl and anadromous salmon shall not be sold.

5 (c) The permit for a game supper required by this section shall state the
6 name of the organization holding the supper, and the date and place of the
7 supper. The permit shall be applied for ~~no~~ not later than 10 days before the
8 date of the supper.

9 * * * Escaped Swine * * *

10 Sec. 10. 10 V.S.A. § 4709 is amended to read:

11 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
12 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR
13 FERAL SWINE

14 (a) A person shall not bring into, transport into, transport within, transport
15 through, or possess in the State any live wild bird or animal of any kind,
16 including any manner of feral swine, without authorization from the
17 Commissioner or his or her designee. The importation permit may be granted
18 under such regulations therefor as the Commissioner shall prescribe and only
19 after the Commissioner has made such investigation and inspection of the birds
20 or animals as she or he may deem necessary. The Department may dispose of
21 unlawfully possessed or imported wildlife as it may judge best, and the State

1 may collect treble damages from the violator of this subsection for all expenses
2 incurred.

3 (b) No person shall bring into the State from another country, state, or
4 province wildlife illegally taken, transported, or possessed contrary to the laws
5 governing the country, state, or province from which the wildlife originated.

6 (c) No person shall place a Vermont-issued tag on wildlife taken outside
7 the State. No person shall report big game in Vermont when the wildlife is
8 taken outside the State.

9 (d) Nothing in this section shall prohibit the Commissioner or duly
10 authorized agents of the Department of Fish and Wildlife from bringing into
11 the State for the purpose of planting, introducing, or stocking or from planting,
12 introducing, or stocking in the State any wild bird or animal.

13 (e) Applicants shall pay a permit fee of \$100.00.

14 (f)(1) The Commissioner shall not issue a permit under this section for the
15 importation or possession of the following live species, a hybrid or genetic
16 variant of the following species, offspring of the following species, or
17 offspring or a hybrid of a genetically engineered variant of the following
18 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral
19 hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian
20 wild boar (Sus scrofo Linnaeus). A feral swine is:

1 (A) a domestic pig that is outside of an enclosure for more than 96
2 hours and is free roaming on public or private land;

3 (B) an animal that exhibits at least one of the following skeletal
4 characteristics:

5 (i) skull characteristics of an elongated snout or sloping
6 appearance with little or no stop at the eye line;

7 (ii) a shoulder structure with a steep or predominate ridge along
8 the back appearance, known as a razorback;

9 (iii) hindquarters proportionally smaller than the forequarters
10 lacking natural muscling found in commercial species; or

11 (iv) visible tusks; or

12 (C) an animal that is genetically determined to be a Eurasian wild
13 boar or Eurasian wild boar-domestic pig hybrid as characterized with an
14 appropriate genome-wide molecular tool by the U.S. Department of
15 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to
16 be a feral swine hybrid based on results of genetic testing conducted at the
17 National Wildlife Research Center.

18 (2) The definition of feral swine under subdivision (1) of this subsection
19 shall not include feral swine collared and used by State or federal wildlife
20 damage management entities, such as the U.S. Department of Agriculture.

1 Animal and Plant Health Inspection Service, Wildlife Services, to determine
2 the location of free-ranging feral swine.

3 (3) ~~This subsection shall not apply to the domestic pig (*Sus domesticus*)~~
4 ~~involved in domestic hog production and shall not~~ restrict or limit the authority
5 of the Secretary of Agriculture, Food and Markets to regulate the importation
6 or possession of the domestic pig as livestock or as a domestic animal under
7 Title 6 of the Vermont Statutes Annotated.

8 (4) Any feral swine may be removed or destroyed by the Department;
9 the Agency of Agriculture, Food and Markets or a designee; or the U.S.
10 Department of Agriculture, Animal and Plant Health Inspection Service,
11 Wildlife Services. The Department shall notify the Agency of Agriculture,
12 Food and Markets prior to removal of or destruction of the feral swine.

13 (5) The Department shall notify the Agency of Agriculture, Food and
14 Markets of the disposition of the wild or feral swine.

15 (6) Any person who kills a wild or feral swine in Vermont shall report to
16 a State game warden and shall present the carcass to the State game warden
17 within 24 hours.

18 (7) The State or its designee shall not be liable for damages or claims
19 associated with the removal or destruction of feral swine provided that the
20 actions of the State agents or designees are reasonable. The removal or
21 destruction of feral swine shall be deemed reasonable where:

1 (A) the Department has acted in accordance with subdivision (4) of
2 this subsection; and

3 (B) the Department determines that the swine:

4 (i) is a threat to public safety;

5 (ii) has harmed or posed a threat to any person or domestic
6 animal;

7 (iii) has damaged private or public property; or

8 (iv) has damaged or is damaging natural resources, including
9 wetlands; vernal pools; wildlife and its habitat; rare and irreplaceable natural
10 areas; or rare, threatened, or endangered species; or

11 (v) the Department determines that the swine constitutes or could
12 establish a breeding feral swine population in Vermont. The Department shall
13 consult with U.S. Department of Agriculture, Animal and Plant Health
14 Inspection Service, Wildlife Services and the Agency of Agriculture, Food and
15 Markets in making this determination.

16 Sec. 11. 13 V.S.A. § 351b is amended to read:

17 § 351b. SCOPE OF SUBCHAPTER

18 This subchapter shall not apply to:

19 (1) activities regulated by the Department of Fish and Wildlife pursuant
20 to 10 V.S.A. Part 4, including the act of destroying escaped or feral swine in
21 accordance with 10 V.S.A. § 4709(f);

- 1 (2) scientific research governed by accepted procedural standards
2 subject to review by an institutional animal care and use committee;
- 3 (3) livestock and poultry husbandry practices for raising, management,
4 and use of animals;
- 5 (4) veterinary medical or surgical procedures; and
- 6 (5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

7 Sec. 12. 20 V.S.A. § 3350 is added to read:

8 § 3350. THE DISPOSITION OF WILD OR FERAL SWINE OR ESCAPED
9 SWINE

10 (a) The General Assembly finds that wild or feral swine and escaped swine
11 have the potential for spreading serious disease to domestic livestock, may
12 cause devastating destruction to natural ecosystems, and pose a threat to
13 human health and safety.

14 (b) In light of the potential impacts of wild or feral swine or escaped swine,
15 and notwithstanding the provisions of law in this chapter, the Department of
16 Fish and Wildlife may destroy or euthanize a wild or feral swine or an escaped
17 swine in accordance with the requirements of 10 V.S.A. § 4709(f).

18 (c) The exercise by the Department of Fish and Wildlife of the authority
19 under 10 V.S.A. § 4709 (f)(3) shall not prevent any person from pursuing or
20 collecting the remedies set forth in this chapter.

21 * * *

1 * * * Retrieval, Disposal, and Use of Wild Animals * * *

2 Sec. 13. 10 V.S.A. chapter 113, subchapter 7 is added to read:

3 Subchapter 7. Retrieval, Disposal, and Use of Wild Animals

4 § 4921. DEFINITIONS

5 As used in this subchapter, “covered wild animal” means an animal that is a
6 big game animal, game quadruped, game bird, or fur-bearing animal.

7 § 4922. RETRIEVAL AND DISPOSAL OF COVERED WILD ANIMALS

8 A person shall not intentionally or knowingly kill a covered wild animal
9 and intentionally, knowingly, or recklessly fail to make a reasonable effort to
10 retrieve the covered wild animal.

11 § 4923. WASTE OF COVERED WILD ANIMAL

12 (a) A person shall not intentionally take a covered wild animal subject to a
13 season and intentionally or knowingly leave the wounded or dead covered wild
14 animal in the field or forest.

15 (b) A person who retrieves a lawfully taken covered wild animal, or a
16 person to whom the lawfully taken covered wild animal is transferred, shall
17 retain the animal in the person’s possession until it is: processed; used as food;
18 used for its fur, hide, or feathers; used for taxidermy; or lawfully disposed.

19 (c) This section shall not apply to a person taking a coyote or a crow.

20 § 4924. EXCEPTIONS

1 The requirements of this subchapter shall not apply:

2 (1) when the failure to retrieve and dispose, the failure to salvage, or the
3 failure to retain a covered wild animal is beyond the control of the person due
4 to:

5 (A) theft of the covered wild animal by another person;

6 (B) unanticipated weather conditions or other acts of God that
7 prevents salvage, retrieval, or retention;

8 (C) unavoidable loss in the field to a wild animal; or

9 (D) lack of legal access to property where a wounded or dead
10 covered wild animal is located;

11 (2) when defending a person;

12 (3) when the covered wild animal is sick or diseased;

13 (4) to a law enforcement officer or State employee acting within the
14 course of his or her employment; or

15 (5) when following generally accepted hunting, trapping, or fishing
16 practices for retrieval of a covered wild animal, including requirements or
17 practices under this part or rules adopted under this part.

18 § 4925. DISPOSAL

1 A person shall not place, leave, dump, or abandon the carcass or parts of a
2 covered wild animal:

3 (1) along or upon a public right-of-way or highway;

4 (2) upon a private property, without permission of the owner or the
5 owner's agent, except when following generally accepted hunting, trapping,
6 and fishing practices; or

7 (3) Unresolved: [where prohibited by State law] or the subdivision is
8 deleted.

9 § 4926. ENFORCEMENT DISCRETION

10 The Commissioner shall evaluate on a case by case basis, subject to the
11 facts of each alleged violation, whether to pursue enforcement for a violation
12 of this subchapter.

13 * * * Fish and Wildlife Board; Governance * * *

14 Sec. 14. FINDINGS

15 The General Assembly finds that:

16 (1) It is the policy of the State that:

17 (A) the fish and wildlife of Vermont are held in trust by the State for
18 the benefit of the citizens of Vermont and shall not be reduced to private
19 ownership;

1 (B) the protection, propagation control, management, and
2 conservation of fish, wildlife, and fur-bearing animals in this State are in the
3 interest of the public welfare; and

4 (C) the Commissioner of Fish and Wildlife is required to safeguard
5 the fish, wildlife, and fur-bearing animals of the State for all of the persons of
6 the State.

7 (2) How Vermonters' interactions with, recreation with, and
8 appreciation for wildlife in Vermont have shifted significantly and quantifiably
9 over recent decades.

10 (A) The number of Vermonters participating in hunting, fishing, and
11 trapping is steadily declining as evidenced by the reduction in resident license
12 sales.

13 (B) Since 1985, resident hunting license sales have decreased by
14 56 percent, resident trapping license sales have decreased by 43 percent, and
15 resident fishing license sales have decreased by 23 percent.

16 (C) Since 2006, U.S. Fish and Wildlife Service data indicate that the
17 number of Vermonters identifying as wildlife watchers has increased to
18 86 percent of the population, in contrast to 11.5 percent of the population who
19 identify as hunters.

20 (3) The Department of Fish and Wildlife has recognized that, according
21 to demographic projections, Vermont's population will continue to age and, as

1 a result, Department revenues from the sale of licenses and permits will
2 continue to decline.

3 (A) As a result of declining license and fee revenue, the General
4 Assembly has increased, and may need to further increase, the amount of
5 General Fund dollars annually appropriated to the Department of Fish and
6 Wildlife.

7 (B) To address declining license and permit fee revenue while also
8 reducing the need for additional General Fund appropriations, the Department
9 of Fish and Wildlife must find a predictable, long-term source of revenue to
10 pay for the costs of managing the fish, wildlife, and fur-bearing animals of the
11 State for all of the persons of the State.

12 (4) The General Assembly should form a working group on wildlife
13 governance to:

14 (A) assess how the principles and priorities for the management of
15 fish, wildlife, and fur-bearing animals of the State will evolve in the near
16 future;

17 (B) recommend how the statutes, rules, and policies of the State
18 regarding the management of fish, wildlife, and fur-bearing animals should be
19 amended for the benefit of all of the persons of the State;

20 (C) recommend whether the membership and authority of the Fish
21 and Wildlife Board should be amended to align the authority of the Board with

1 the diversification of the values the persons of the State have regarding the
2 fish, wildlife, and fur-bearing animals of the State:

3 (D) recommend new or additional programs at the Department of
4 Fish and Wildlife to serve the citizens of Vermont who value the fish, wildlife,
5 and fur-bearing animals of the State, but who are not hunters, fishers, or
6 trappers; and

7 (E) recommend sustainable funding sources for the long-term
8 operation of the Department of Fish and Wildlife that are not dependent on
9 license and permit sales for hunting, fishing, or trapping.

10 Sec. 15. VERMONT WORKING GROUP ON WILDLIFE GOVERNANCE;

11 REPORT

12 (a) Creation. There is created the Vermont Working Group on Wildlife
13 Governance to advise the General Assembly regarding the management of
14 fish, wildlife, and fur-bearing animals of the State in a manner that serves the
15 interests and values of all of the persons of the State.

16 (b) Membership. The Vermont Working Group on Wildlife Governance
17 shall be composed of the following members:

18 (1) three current members of the House of Representatives, who shall be
19 appointed by the Speaker of the House and who shall include:

20 (A) the Chair of the Committee on Natural Resources, Fish, and
21 Wildlife or designee;

1 (B) the Chair of the Committee on Appropriations or designee; and

2 (C) the Chair of the Committee on Government Operations or

3 designee; and

4 (2) three current members of the Senate, who shall be appointed by the

5 Committee on Committees and who shall include:

6 (A) the Chair of the Committee on Natural Resources and Energy or

7 designee;

8 (B) the Chair of the Committee on Appropriations or designee; and

9 (C) a member of the Senate at large.

10 (c) Powers and duties. The Vermont Working Group on Wildlife

11 Governance shall review and analyze the funding, management, governance,

12 and policies of the Department of Fish and Wildlife (Department) under statute

13 and rule and shall:

14 (1) provide an accounting of existing funding of the Department and

15 how funding and staffing are allocated according to Department program,

16 function, or audience served;

17 (2) recommend additional funding necessary for the Department to

18 adequately serve all of the citizens of Vermont who value the fish, wildlife,

19 and fur-bearing animals of the State, including proposed sustainable, stable,

20 and sufficient funding sources for all Department programs;

1 (3) analyze whether the purposes and guiding policy of the Department
2 reflect the current values of the public regarding the management of fish,
3 wildlife, and fur-bearing animals, including whether Vermont statutes, rules,
4 and policies are consistent with 21st century wildlife governance principles,
5 such as those stated in the North American Model of Wildlife Conservation as
6 updated;

7 (4) identify additional opportunities for increased participation by all
8 members of the public in the governance of fish, wildlife, and fur-bearing
9 animals of the State through proposed changes to the structure, culture, or
10 operation of the Department or the Fish and Wildlife Board; and

11 (5) propose new Department or State programs or opportunities to meet
12 the needs or interests of citizens of the State who value the fish, wildlife, and
13 fur-bearing animals of the State, but who are not hunters, fishers, or trappers.

14 (d) Assistance. The Vermont Working Group on Wildlife Governance
15 shall have the administrative, technical, and legal assistance of the Office of
16 Legislative Council. The Working Group shall have the assistance of the Joint
17 Fiscal Office on fiscal issues and the Department of Fish and Wildlife on
18 issues related to the jurisdiction of the Department.

19 (e) Report. On or before January 15, 2021, the Vermont Working Group
20 on Wildlife Governance shall report to the House Committees on Natural
21 Resources, Fish, and Wildlife, on Appropriations, and on Government

1 Operations and the Senate Committees on Natural Resources and Energy, on
2 Appropriations, and on Government Operations with its findings and any
3 recommendations for legislative action.

4 (f) Meetings.

5 (1) The Office of Legislative Council shall call the first meeting of the
6 Vermont Working Group on Wildlife Governance to occur on or before
7 August 1, 2020.

8 (2) The Vermont Working Group on Wildlife Governance shall select a
9 chair from among its members at the first meeting.

10 (3) A majority of the membership of the Vermont Working Group on
11 Wildlife Governance shall constitute a quorum.

12 (4) The Vermont Working Group on Wildlife Governance shall cease to
13 exist on February 1, 2021.

14 (g) Compensation and reimbursement.

15 (1) For attendance at meetings during adjournment of the General
16 Assembly, a legislative member of the Vermont Working Group on Wildlife
17 Governance serving in his or her capacity as a legislator shall be entitled to per
18 diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406
19 for not more than eight meetings. These payments shall be made from monies
20 appropriated to the General Assembly.

1 (2) Payments to members of the Vermont Working Group on Wildlife
2 Governance authorized under this subsection shall be made from monies
3 appropriated to the General Assembly.

4 * * * Hunting Bear with Dogs * * *

5 Sec. 16. 10 V.S.A. § 5001 is amended to read:

6 § 5001. HUNTING DOGS; FIELD TRAINING

7 (a) While accompanying the dog, a person may train a hunting dog to hunt
8 and pursue:

9 (1) bear during the period from ~~June~~ September 1 to September 15 and
10 then only from sunrise to sunset;

11 (2) rabbits and game birds during the period from June 1 to the last
12 Saturday in September and then only from sunrise to sunset;

13 (3) raccoon during the period from June 1 through any time of day or
14 night on the day before the opening day of raccoon hunting season; and

15 (4) bobcat and fox during the period from June 1 to March 15, except
16 during regular deer season as prescribed in section 4741 of this title.

17 (b) ~~The~~ Except for the training of a hunting dog to pursue bear, the
18 Commissioner may permit a person to train and condition a hunting dog
19 between the second Monday in March and June 1. The Board may adopt rules
20 as it considers necessary to control the training and conditioning of hunting
21 dogs.

1 (c) A person training a hunting dog under this section may possess a
2 handgun while training the hunting dog, provided that the person shall not take
3 game by any method while training the hunting dog. As used in this section,
4 “handgun” means a pistol or revolver ~~which~~ that will expel a projectile by the
5 action of an explosive.

6 Sec. 17. 10 V.S.A. § 5007 is amended to read:

7 § 5007. HUNTING BLACK BEAR WITH DOGS

8 (a) No person shall pursue black bear with the aid of dogs, either for
9 training or taking purposes, without a permit issued by the Commissioner. The
10 number of permits issued to nonresidents in any given year shall not exceed
11 10 percent of the number of permits issued to residents in the preceding year.
12 The Commissioner shall establish a process for determining which
13 nonresidents are to receive a permit if there are more nonresident applicants
14 than nonresident permits. A nonresident may train dogs to hunt bear only
15 while training season is in effect in the nonresident’s home state and subject to
16 the laws and regulations of this State.

17 (b) Permits will be issued to residents for a fee of \$50.00.

18 (c) Application fees for nonresidents shall be \$10.00 with a permit fee of
19 \$200.00 for successful applicants.

20 (d)(1) A person hunting black bear with dogs under a permit issued under
21 this section shall be in control of the dogs at all times.

1 (2) As used in this subsection, “control” means that while a person is
2 hunting black bear with dogs, the person maintains visual contact with the dogs
3 at a distance not to exceed 528 feet from the person. Hunting black bear with
4 dogs includes: transporting dogs; loading or unloading dogs from a vehicle; or
5 handling, pursuing, catching, restraining, or releasing dogs.

6 (e) A person hunting black bear with dogs shall not allow the dogs
7 pursuing a black bear to enter upon the property of a private landowner unless
8 the person hunting black bear has in his or her possession the prior, written
9 approval of the landowner.

10 (f) For a first offense of subsection (d) or (e) of this section, a person shall
11 not be issued a permit to hunt black bear with dogs, shall not train dogs to hunt
12 black bear under this chapter, and shall not be authorized to accompany a
13 person holding a permit under this chapter for five years from the date of the
14 violation. Upon a second offense of subsection (d) or (e) of this section, the
15 Commissioner shall permanently prohibit the person from hunting black bear
16 with dogs, training dogs to hunt black bear, or accompanying a person
17 permitted to hunt black bear with dogs.

18 Sec. 18. 10 App. V.S.A. § 7(3.6) is amended to read:

19 3.6 “Control of Dog/Dogs” means that while a person is hunting black bear
20 with dogs, the person maintains visual contact with the dogs at a distance not
21 to exceed 528 feet from the person. Hunting black bear with dogs includes:

1 the transportation, loading, or unloading of dogs from vehicle(s); the handling,
2 catching, restraining or releasing dogs; and the use of telemetry/GPS to locate
3 or track dogs.

4 * * * Fishing and Boating Access Areas * * *

5 Sec. 19. 10 V.S.A § 4001(41) is added to read:

6 (41) Nonmotorized vessel: every description of nonmotorized
7 watercraft, including sailboats, rowboats, paddleboats, paddleboards, rafts,
8 canoes, kayaks, or inflatable rafts and kayaks, used or capable of being used as
9 a means of transportation on unfrozen water. Nonmotorized vessel does not
10 mean a single air mattress, single inner tube, or other water toy used for
11 flotation.

12 Sec. 20. 10 V.S.A. § 4145 is amended to read:

13 § 4145. ACCESS, LANDING AREA RULES

14 (a)(1) The Board may adopt rules, under 3 V.S.A. chapter 25, to regulate
15 the use by the public of fishing and boating access areas, landing areas, parking
16 areas, or of other lands or waters acquired or maintained pursuant to section
17 4144 of this title. ~~Such~~ The rules shall be posted in the areas affected ~~and~~. This
18 statute and the rules adopted under this statute shall permit the launching of the
19 following types of vessels:

20 (A) all vessels that have a Vermont registration certificate required
21 by 23 V.S.A. chapter 29 ~~and the parking of vehicles and boat trailers used by~~

1 ~~these vessels. The rules shall not preclude the authorization to launch vessels~~
2 ~~not registered in Vermont. These rules also shall permit the launching of all~~
3 ~~nonmotorized vessels not used for commercial purposes and the parking of~~
4 ~~vehicles and boat trailers used by these vessels. or a valid vessel registration~~
5 ~~from another state;~~

6 (B) all vessels the owner or operator of which holds a valid Vermont
7 fishing, hunting, or trapping license, or the owner or operator is in possession
8 of a fish and wildlife access area license issued under section 4281 of this title.

9 (2) The rules shall allow the parking of vehicles and boat trailers for any
10 vessel permitted under this section to use a fishing and boating access area,
11 landing area, parking area, or other land or water acquired or maintained
12 pursuant to section 4144 of this title.

13 * * *

14 (c) The Commissioner shall keep account of funds, including private
15 donations and State appropriations, which are deposited into the Fish and
16 Wildlife Fund for the purpose of building and maintaining access areas and
17 shall annually, on or before January 15, report to the House Committee on
18 Fish, Wildlife and Water Resources ~~Natural Resources, Fish, and Wildlife,~~ the
19 Senate Committee on Natural Resources and Energy, and the Senate and
20 House Committees on Appropriations, concerning the use of those funds in the
21 past year and plans for use of the funds for the coming year. The provisions of

1 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
2 be made under this subsection.

3 (d) The Board shall allow the Commissioner of Environmental
4 Conservation to post aquatic nuisance signs pursuant to subdivision 1453(b)(6)
5 of this title.

6 Sec. 21. 10 V.S.A. § 4252 is amended to read:

7 § 4252. ACTIVITIES PERMITTED UNDER LICENSES

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

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

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

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

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

18 (5) An archery license shall entitle the holder to take wild deer by bow
19 and arrow or crossbow.

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

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

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

4 * * *

5 (11) A moose license shall entitle the holder who has been issued a
6 moose permit under the authority of the Fish and Wildlife Board under
7 subsection 4081(b) and sections 4082 and 4084 of this title to take moose.

8 (12) A super sport license shall entitle the holder to take fish, shoot
9 pickerel, take wild animals pursuant to chapter 113 of this title, take wild
10 animals as allowed under a combination hunting and fishing license and the
11 following big game licenses: archery, muzzle loader, and turkey. The
12 Commissioner may establish procedures to encourage purchasers of a super
13 sport license to make a stewardship donation of \$10.00 to the Fish and Wildlife
14 Fund for the purpose of habitat improvement.

15 (13) A mentored hunting license shall entitle the holder to the same
16 privileges as permitted by the fully licensed accompanying hunter's hunting
17 license under subdivision (2) of this section.

18 (14) A free youth turkey hunting weekend license for persons aged 15 or
19 under on youth turkey hunting weekend shall entitle the holder to take wild
20 turkey.

1 (15) A free youth deer weekend license for persons aged 15 or under on
2 youth deer hunting weekend shall entitle the holder to take deer.

3 (16) A youth hunting license for persons aged 17 and under on the date
4 of the license purchase shall entitle the holder to take wild animals, other than
5 fish, except by trapping and for those animals that require a separate big game
6 license, and to shoot and spear pickerel.

7 (17) A youth fishing license, eligible for persons aged 15 to 17 on the
8 date of the license purchase, shall entitle the holder to take fish.

9 (18) A youth combination fishing and hunting license, eligible for
10 persons aged 15 to 17 on the date of the license purchase, shall entitle the
11 holder to take fish and wild animals, except by trapping and for those animals
12 that require a separate big game license, and to shoot and spear pickerel.

13 (19) A fish and wildlife access license issued under section 4281 of this
14 title shall entitle the holder to use or be present on a fishing access area,
15 landing area, wildlife management area, or riparian lands, or other land or
16 water acquired or maintained pursuant to section 4144 of this title unless
17 otherwise prohibited under 10 V.S.A. App. § 115 regarding the use of State
18 controlled fishing access areas and 10 V.S.A. App. § 15, regarding the public
19 use of Department of Fish and Wildlife lands.

20 * * *

1 (c) In addition to the activities authorized under subsection (a) of this
2 section and the rules authorized under this part, the holder of a valid license
3 listed under subsection (a) of this section is authorized to use or be present on,
4 including the launch or removal of a motorized and nonmotorized vessel, an
5 access area, landing area, parking area, or of other land or water acquired or
6 maintained pursuant to section 4144 of this title.

7 Sec. 22. 10 V.S.A. § 4281 is added to read:

8 § 4281. FISH AND WILDLIFE ACCESS LICENSE

9 (a) A person using or present on an access area, landing area, parking area,
10 or other land or water acquired or maintained pursuant to section 4144 of this
11 title shall have a current fish and wildlife access license on their person at all
12 times, except if the person:

13 (1) is under 15 years of age;

14 (2) has on their person a current Vermont hunting, fishing, trapping,
15 combination, term, annual, lifetime, or permanent license;

16 (3) is the owner of, operator of, or passenger in a valid registered
17 motorboat;

18 (4) is participating in an activity or is present at any site, facility, or
19 event listed in in the Fish and Wildlife Access License Exemptions List
20 published by the Department annually;

21 (5) has a permanent license purchased prior to January 1, 2021; or

1 (6) has a permanent license purchased after January 1, 2021, who is
2 actively engaged in hunting, fishing, or trapping.

3 (b) A fish and wildlife access license shall be valid for not more than one
4 year and shall expire on December 31 of each year. The license shall be issued
5 in the form of a paper license.

6 (c) A fish and wildlife access license issued under this section shall be
7 issued to a specific person and shall not be transferrable to any other
8 individual.

9 (d) The Commissioner may waive the requirement for a fish and wildlife
10 access license under appropriate circumstances, including for:

11 (1) contractors and subcontractors employed by or on behalf of the
12 Department of Fish and Wildlife;

13 (2) persons who are participating in a Department-sponsored event or
14 training;

15 (3) persons who are engaged in volunteer activities such as facility or
16 trail maintenance, habitat management, or aquatic nuisance control

17 (4) persons engaged in scientific study whose access has been approved
18 by the Commissioner; and

19 (5) participants in a terrestrial recreation corridor, trail based, activity on
20 a Corridor Trail for which the Commissioner of Fish and Wildlife or Secretary

1 of Natural Resources has executed a Corridor Management Agreement,
2 license, or other authorization for trail use by an organization and its members.

3 (e) The Commissioner may adopt rules to implement the requirements of
4 this section, including when the fee for a fish and wildlife access license shall
5 be waived.

6 Sec. 23. 10 V.S.A. § 4255 is amended to read:

7 § 4255. LICENSE FEES

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

10 * * *

11 (13) Annual fish and wildlife access license \$20.00

12 (14) One-day fish and wildlife access license \$3.00

13 (15) Three-day fish and wildlife access license \$6.00

14 (16) One-week fish and wildlife access license \$10.00

15 (b) Nonresidents may apply for licenses on forms provided by the
16 Commissioner. Fees for each license shall be:

17 * * *

18 (17) Annual fish and wildlife access license \$40.00

19 (18) One-day fish and wildlife access license \$6.00

20 (19) Three-day fish and wildlife access license \$12.00

21 (20) One-week fish and wildlife access license \$20.00

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* * *

Sec. 24. 10 V.S.A. § 4572 is amended to read:

§ 4572. DEFINITIONS

(a) As used in this subchapter, a minor fish and wildlife violation means:

(1) a violation of 10 V.S.A. § 4145 (violation of access and landing area rules);

(2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish without a license);

(3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person or failure to exhibit license);

(4) a violation of 10 V.S.A. § 4267 (false statements in license application; altering license; transferring license to another person; using another person’s license; or guiding an unlicensed person);

(5) a violation of 10 V.S.A. § 4713 (tree or ground stands or blinds); or

* * *

(7) a violation of a biological collection rule adopted by the Board under part 4 of this title.

(8) a violation of 10 V.S.A. § 4281 (failure to possess a fish and wildlife access license when using Department of Fish and Wildlife lands).

(b) “Bureau” means the Judicial Bureau as created in 4 V.S.A. § 1102.

* * * Effective Dates * * *

1 **Sec. 25. EFFECTIVE DATES**

2 This act shall take effect on July 1, 2020, except that Secs. 19–24 shall take
3 effect July 1, 2021.

4 (Committee vote: _____)

5 _____

6 Senator _____

7 FOR THE COMMITTEE