

1 H.172

2 Introduced by Representative McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Fish and Wildlife; trapping; nuisance wildlife control operators;  
6 bears; hunting dogs

7 Statement of purpose of bill as introduced: This bill proposes to prohibit  
8 trapping of animals unless conducted by a licensed nuisance wildlife control  
9 operator. It establishes a nuisance wildlife trapping license. It also prohibits  
10 the use of dogs in hunting black bears.

11 An act relating to trapping and hunting

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

13 \* \* \* Trapping Prohibition \* \* \*

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

15 § 4254a. TRAPPING LICENSES

16 (a) ~~A resident, resident youth aged 17 or under on the date of license~~  
17 ~~purchase, or nonresident trapping license may be issued to any person,~~  
18 ~~provided that the applicant prior to issue first presents:~~

19 ~~(1) a certificate of satisfactory completion of a trapper education course~~  
20 ~~or its equivalent approved by the Commissioner; or~~

1           ~~(2) a certificate of satisfactory completion of a trapper education course~~  
2           ~~in another state or a province of Canada that is approved by the Commissioner;~~  
3           ~~or~~

4           ~~(3) a trapping license issued for this State or any other state or province~~  
5           ~~of Canada and valid for any license year; or~~

6           ~~(4) other satisfactory proof that the applicant has previously held a valid~~  
7           ~~trapping license. A resident or nonresident nuisance wildlife trapping license~~  
8           ~~shall be issued to any person who for compensation sets a trap on the property~~  
9           ~~of another in defense of that property from damage by bears, rabbits, or fur-~~  
10           ~~bearing animals, provided that the applicant prior to issuance of the permit~~  
11           ~~presents a certificate of satisfactory completion of a nuisance wildlife trapping~~  
12           ~~education course or its equivalent approved by the Commissioner or a~~  
13           ~~certificate of satisfactory completion of a nuisance wildlife trapping education~~  
14           ~~course in another state or a province of Canada that is approved by the~~  
15           ~~Commissioner.~~

16           (b)(1) The Commissioner shall provide for a course of ~~basic instruction in~~  
17           ~~trapper education. For this purpose, the Commissioner may cooperate with~~  
18           ~~any reputable association, organization, or agency and may designate any~~  
19           ~~person found by the Commissioner to be competent to give such instruction. A~~  
20           ~~person so designated shall give such instruction and upon the successful~~  
21           ~~completion thereof shall issue to a person satisfactorily completing the course~~

1 ~~of instruction a certificate in evidence thereof. No fee may be charged for~~  
2 ~~taking a course of instruction provided for under this subsection.~~ instruction in  
3 nuisance wildlife trapping education for individuals who for compensation set  
4 traps on the property of another in defense of that property from bears, rabbits,  
5 or fur-bearing animals. The course shall provide training or instruction  
6 addressing the following:

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

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

12 (C) conditions and methods approved for lethal control of nuisance  
13 wildlife;

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

16 (E) relevant biological information about common nuisance wildlife  
17 species.

18 (2) The Commissioner may cooperate with any reputable association,  
19 organization, or agency providing the course required under subdivision (1) of  
20 this section and may designate any person found by the Commissioner to be  
21 competent to provide the course. A person designated shall give such

1 instruction and, upon the successful completion, shall issue to a person  
2 satisfactorily completing the course of instruction a certificate of completion.

3 The Commissioner shall charge a fee for persons taking the course.

4 (c) The Commissioner shall not designate any person to give a course of  
5 instruction under this section if the person:

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

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

10 Sec. 2. 10 V.S.A. § 4828 is amended to read:

11 § 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY

12 LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY

13 (a)(1) The provisions of law or rules of the Board relating to the taking of  
14 rabbits or fur-bearing animals shall not apply to:

15 (A) an owner, the owner's employee, tenant, or caretaker of property  
16 protecting the property from damage by rabbits or fur-bearing animals found in  
17 the act of attacking, worrying, or wounding that person's domestic animals or  
18 domestic birds or destroying that person's property; or

19 (B) a member of the selectboard of a town protecting public  
20 highways or bridges from such damage or submersion with the permission of  
21 the owner of lands affected.

1           (2) A person who for compensation sets a trap for rabbits or fur-bearing  
2 animals on the property of another in defense of that property from damage by  
3 rabbits or fur-bearing animals found in the act of attacking, worrying, or  
4 wounding that person's domestic animals or domestic birds or destroying that  
5 person's property shall possess a valid nuisance wildlife trapping license.

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

13           (4) The Commissioner shall establish by procedure requirements for the  
14 capture, handling, transport, and euthanasia of nuisance wildlife by a person  
15 who for compensation sets a trap on the property of another in defense of that  
16 property from damage by rabbits or fur-bearing animals. The procedure shall  
17 include the recommendations in Part 3, Section 7 of the 2013 report of the  
18 American Veterinary Medical Association Panel on Euthanasia, provided that  
19 the procedure may allow for the use of specific alternatives to the Panel's  
20 recommendations when the killing of nuisance rabbits or fur-bearing animals is  
21 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 \* \* \*

4 Sec. 3. 10 V.S.A. § 4279 is amended to read:

5 § 4279. LIFETIME LICENSES

6 \* \* \*

7 (g) In each year a lifetime license holder intends to hunt, ~~trap~~, or fish, the  
8 lifetime license holder shall notify the Department that he or she will exercise  
9 his or her hunting, ~~trapping~~, or fishing privileges. Failure to notify the  
10 Department as required by this subsection shall not result in the assessment of  
11 points under section 4502 of this title.

12 Sec. 4. 10 V.S.A. § 4132 is amended to read:

13 § 4132. GENERAL DUTIES OF COMMISSIONER

14 \* \* \*

15 (d) The Commissioner of Fish and Wildlife may develop promotional  
16 programs to include the sale of promotional items at a reasonable profit, to  
17 promote hunting, and fishing, ~~and trapping~~ and the use of wildlife management  
18 areas. Proceeds from the sale of promotional items shall be deposited in the  
19 Fish and Wildlife Fund.

20 \* \* \*

21 \* \* \* Nuisance Wildlife Trapping License \* \* \*

1 Sec. 5. 10 V.S.A. § 4252 is amended to read:

2 § 4252. ACTIVITIES PERMITTED UNDER LICENSES

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

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

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

8 (3) ~~A trapping license shall entitle the holder to take animals other than~~  
9 ~~fish with the use of traps.~~ [Repealed.]

10 \* \* \*

11 (19) A nuisance wildlife trapping license, eligible for Vermont residents  
12 18 years of age or older on the date of the license purchase, shall entitle the  
13 holder to trap bear, rabbits, and fur-bearing animals in defense of property.

14 \* \* \*

15 Sec. 6. REPEAL

16 10 V.S.A. § 4863 (Trapping tags; fees) is repealed.

17 Sec. 7. 10 V.S.A. § 4255 is amended to read:

18 § 4255. LICENSE FEES

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

21 \* \* \*







1 ~~percent of the number of permits issued to residents in the preceding year. The~~  
2 ~~Commissioner shall establish a process for determining which nonresidents are~~  
3 ~~to receive a permit if there are more nonresident applicants than nonresident~~  
4 ~~permits. A nonresident may train dogs to hunt bear only while training season~~  
5 ~~is in effect in the nonresident's home state and subject to the laws and~~  
6 ~~regulations of this State.~~

7 (b) ~~Permits will be issued to residents for a fee of \$50.00. [Repealed.]~~

8 (c) ~~Application fees for nonresidents shall be \$10.00 with a permit fee of~~  
9 ~~\$200.00 for successful applicants. [Repealed.]~~

10 Sec. 9. 10 V.S.A. § 5001 is amended to read:

11 § 5001. HUNTING DOGS; FIELD TRAINING

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

14 (1) ~~bear during the period from June 1 to September 15 and then only~~  
15 ~~from sunrise to sunset; [Repealed.]~~

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

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

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

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\* \* \*

Sec. 10. 10 V.S.A. § 4827 is amended to read:

§ 4827. BLACK BEAR DOING DAMAGE

(a)(1) Except as provided in subdivision (2) of this subsection and in subsection 4827a(b) of this title, a person, an authorized member of the person’s family, ~~or the person’s authorized regular on-premise~~ on-premises employee, or a nuisance wildlife trapper may, after attempting reasonable nonlethal measures to protect his or her property, take on land owned or occupied by the person a bear which he or she can prove was doing damage to the following:

- (A) livestock, a pet, or another domestic animal;
- (B) bees or bee hives;
- (C) a vehicle, building, shed, or any dwelling; or
- (D) a crop or crop-bearing plant other than grass.

(2)(A) The requirements of subdivision (1) of this subsection shall not apply in exigent circumstances. As used in this subdivision, “exigent circumstances” means the need for immediate protection of a person, livestock, pet, domestic animal, or occupied dwelling.

(B) Landowners or lessees subject to bear damage in unharvested cornfields shall be exempt from having to first use nonlethal control measures

1 prior to taking a black bear doing damage under subdivision (a)(1) of this  
2 section.

3 (b) A person authorized to take a bear under subsection (a) of this section  
4 ~~may designate one individual who holds a resident Vermont hunting license as~~  
5 ~~an agent to take a bear doing damage on his or her behalf. The person may not~~  
6 ~~offer or accept any form of payment to or from the agent under this subsection~~  
7 ~~except as allowed in subsection (c) of this section~~ shall not use hunting dogs to  
8 pursue or take the bear.

9 \* \* \*

10 \* \* \* Effective Date \* \* \*

11 Sec. 11. EFFECTIVE DATE

12 This act shall take effect on July 1, 2021.