

§ 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 employee may, after attempting reasonable nonlethal measures to protect his or her property, take on land owned or occupied by the person a bear that 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 prior to taking a black bear doing damage under subdivision (a)(1) of this section.

(b) A person authorized to take a bear under subsection (a) of this section may designate one individual who holds a resident Vermont hunting license as an agent to take a bear doing damage on his or her behalf. The person may not offer or accept any form of payment to or from the agent under this subsection except as allowed in subsection (e) of this section.

(c) A person who wounds or kills a bear pursuant to this section shall immediately report the wounding or killing to a game warden. Within 12 hours of the wounding or killing, the person who performed the act shall submit a written, signed report relating the date, time, place, and reason for the wounding or killing to a game warden.

(d) A person who kills a bear under this section shall immediately properly dress the carcass and care for the meat.

(e) The game warden shall immediately investigate the case and if satisfied that the bear was taken as provided in this section, the warden shall give the person who owns or occupies the land a certificate of his or her finding in the matter. The certificate shall entitle the person who owns or occupies the land to the ownership of the carcass. However, the person may not sell or give away the carcass except to offer all or a portion of it to an agent designated under subsection (b) of this section as compensation for killing the bear. Any carcass not desired for home consumption in the household of the certificate holder or designated agent shall be turned over to a game warden.

(f) [Repealed.]

(g) The Commissioner is authorized to issue an order requiring a person to contain food which has the effect of luring a bear onto property owned or occupied by the person. In this subsection, food does not include a crop, a crop bearing plant, or livestock. The order shall include specific measures which would

constitute containing the food and the date by which the food shall be contained. Containing food means to prevent a bear from having access to the food. Following issuance of an order under this subsection, a person who fails to contain the food may not shoot a bear causing damage pursuant to this section. However, if the person contains the food and a bear continues to do damage pursuant to subsection (a) of this section, 30 days or more after containment, the person may take the bear pursuant to this section.

(h) A person who shoots a bear in violation of subsection (g) of this section or subsection 4827a(b) of this title may be fined up to \$2,000.00. A person who does not remove bait or contain food following an order issued under subsection (g) of this section or subsection 4827a(b) may be fined up to \$1,000.00. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 2003, No. 99 (Adj. Sess.), § 1, eff. April 27, 2004; 2013, No. 78, § 16.)

§ 4829. Person suffering damage by deer or black bear

(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage, and may apply to the Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

(b) As used in this section, a person is "engaged in the business of farming" if he or she earns at least one-half of the farmer's annual gross income from the business of farming, as that term is defined in the Internal Revenue Code, 26 C.F.R. § 1.175-3. (Added 1969, No. 195 (Adj. Sess.), § 1; amended 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1997, No. 99 (Adj. Sess.), § 10; 2011, No. 54, § 12, eff. May 31, 2011; 2013, No. 78, § 18.)

.....

§ 4826. Taking deer damaging crops

(a) A person, including an authorized member of the person's family, an authorized regular on-premises employee, or an agent who holds a Vermont hunting license and who is designated by the person, may take, on land owned or occupied by the person, up to four deer per year that the person can prove were doing damage to the following:

- (1) a tree that is being grown in a plantation or being cultivated for the purpose of harvesting an annual or perennial crop or producing any marketable item; or
- (2) a crop-bearing plant; or
- (3) a crop, except grass.

(b) A person by whom, or under whose direction, a deer is wounded or killed, shall report in writing signed by him or her within 12 hours all the facts relative to the act to a game warden. The report shall state the time and place of the wounding or killing.

(c) A person who kills a deer shall immediately properly dress the carcass and care for the meat.

(d) The game warden shall immediately investigate the case and if satisfied that the deer was taken as provided in this section, shall give the person a certificate of the finding in the matter. The certificate shall entitle the person to the ownership of the carcass, but the person shall not sell or give away the same. However, the head and the antlers, if any, shall be turned over to a warden. In addition, any carcass not needed for home consumption in the household of the certificate-holder shall be turned over to a game warden.

(e) When a game warden finds that a deer has been wounded or killed contrary to the provisions of this section, he or she shall dispose of the deer under the direction of the Commissioner, and any monies received therefor shall be paid to the Commissioner.

(f)(1) "Person" includes all people who jointly own or lease the land.

(2) "Post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land, except for signs erected pursuant to section 4710 of this title.

(g) The Commissioner may issue a permit to a person to take more than four deer under this section if:

(1) the land owned by the person is not posted against hunting;

(2) the person can prove that the property is sustaining additional and ongoing damage; and

(3) the person has taken reasonable measures to prevent the deer from continuing to damage the crop.

(h) The Commissioner is authorized to issue an order requiring any person to remove food or bait which has the effect of luring deer into the vicinity of the property sustaining damage. In this subsection, food does not include a crop or crop-bearing plant. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1967, No. 57, § 2, eff. March 30, 1967; 1973, No. 242 (Adj. Sess.), eff. April 8, 1974; 2005, No. 24, § 1; 2011, No. 54, § 11, eff. May 31, 2011.)