

Side by Side of Text of H.357 Working Group Proposal and H.411

H.357 Working Group Proposed Language¹	H.411 As Introduced
<p>Sec. 1. 10 V.S.A. chapter 113, subchapter 7 is added to read:</p> <p align="center"><u>Subchapter 7. Retrieval, Disposal, and Use of Wild Animals</u></p> <p><u>§ 4921. DEFINITIONS</u></p> <p><u>As used in this subchapter, “covered wild animal” means an animal that is a big game animal, game quadruped, game bird, or fur-bearing animal.</u></p> <p><u>§ 4922. RETRIEVAL AND DISPOSAL OF COVERED WILD ANIMALS</u></p> <p><u>A person shall not intentionally or knowingly kill a covered wild animal and intentionally, knowingly, or recklessly fail to make a reasonable effort to retrieve the covered wild animal.</u></p> <p><u>§ 4923. WASTE OF GAME OR FUR-BEARING ANIMAL</u></p> <p><u>(a) A person shall not intentionally take a covered wild animal subject to a season and intentionally or knowingly leave the wounded or dead covered wild animal in the field or forest.</u></p> <p><u>(b) A person who retrieves a lawfully taken game or fur-bearing animal, or a person to whom the lawfully taken game animal or fur-bearing animal is transferred, shall retain the animal in their possession until: processed; used as food; used for its fur, hide, or feathers; used for taxidermy; or lawfully disposed.</u></p> <p><u>(c) This section shall not apply to a person taking a coyote or a crow.</u></p> <p><u>§ 4924. EXCEPTIONS</u></p> <p><u>The requirements of this subchapter shall not apply:</u></p> <p><u>(1) when the failure to retrieve and dispose, the failure to salvage, or the failure to retain the animal is beyond the control of the person due to:</u></p> <p><u>(A) theft of the covered wild animal, game, or fur-bearing animal by another person;</u></p>	<p>Sec. 1. 10 V.S.A. chapter 113, subchapter 7 is added to read:</p> <p align="center"><u>Subchapter 7. Retrieval and Disposal of Covered Wild Animals</u></p> <p><u>§ 4921. RETRIEVAL AND DISPOSAL OF COVERED WILD ANIMALS</u></p> <p><u>(a) As used in this section, “covered wild animal” means an animal that is a big game animal, game quadruped, game bird, fur-bearing animal, or crow.</u></p> <p><u>(b)(1) A person shall not intentionally kill a covered wild animal and intentionally, knowingly, or recklessly fail to retrieve and dispose of the covered wild animal. Any covered wild animal taken must be immediately made part of the daily or seasonal bag limit, if applicable.</u></p> <p><u>(2) It shall not be considered lawful disposal for any person to place, leave, dump, or abandon a covered wild animal or parts of the carcass of a covered wild animal along or upon:</u></p> <p><u>(A) a public right-of-way or highway;</u></p> <p><u>(B) private property, without permission of the owner or the owner’s agent; or</u></p> <p><u>(C) public property where hunting is prohibited.</u></p> <p><u>(c) In addition to the requirements above, a person shall not intentionally take a covered wild animal during regulated open season and intentionally, knowingly, or recklessly fail to salvage for human use the edible portions of the carcass of the covered wild animal or usable portions of the fur or hide of the covered wild animal.</u></p> <p><u>(d) Subsections (b) and (c) of this section shall not apply:</u></p> <p><u>(1) when the failure to retrieve and dispose or failure to salvage the edible portion of the carcass of the covered wild animal or usable portion of the fur of the covered wild animal is beyond the control of the person due to:</u></p>

¹ This is the draft of language that I sent to the House Natural Resources, Fish and Wildlife Committee on February 5, 2020 after consultation with the H.357 working group. The language sent to the Committee was revised from a draft sent to the working group on January 31, 2020. After I sent the language to the Committee on February 5, I received input from members of the working group indicating that the February 5 draft did not reflect their intended changes, and that further changes were requested.

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<p><u>(B) unanticipated weather conditions or other act of God that prevents salvage, retrieval, or retention;</u></p> <p><u>(C) unavoidable loss in the field to a wild animal; or</u></p> <p><u>(D) lack of legal access to property where a wounded or dead covered wild animal, game, or fur-bearing animal is located;</u></p> <p><u>(2) when defending a person;</u></p> <p><u>(3) when the covered wild animal, game, or fur-bearing animal is sick or diseased;</u></p> <p><u>(4) to a law enforcement officer or State employee acting within the course of his or her employment; or</u></p> <p><u>(5) when following generally accepted hunting, trapping, or fishing practices for retrieval of a covered wild animal, game, or fur-bearing animal, including requirements or practices under this part or rules adopted under this part.</u></p> <p><u>§ 4925. DISPOSAL</u></p> <p><u>A person shall not place, leave, dump, or abandon the carcass or parts of a covered wild animal:</u></p> <p><u>(1) along or upon a public right-of-way or highway;</u></p> <p><u>(2) upon a private property, without permission of the owner or the owner's agent, except when following generally accepted hunting, trapping, and fishing practices; or</u></p> <p><u>(3) Unresolved: [where prohibited by State law] or the subdivision is deleted.</u></p>	<p><u>(A) theft of the covered wild animal by another person;</u></p> <p><u>(B) unanticipated weather conditions or other act of God that prevents salvage or retrieval of the covered wild animal;</u></p> <p><u>(C) unavoidable loss of the covered wild animal or its carcass or fur in the field to a wild animal; or</u></p> <p><u>(D) lack of legal access to property where a wounded or dead covered wild animal is located;</u></p> <p><u>(2) in order to defend a person or property, including defense of property authorized under this part or rules adopted under this part;</u></p> <p><u>(3) when the covered wild animal is sick, diseased, or injured;</u></p> <p><u>(4) to a law enforcement officer or State employee acting within the course of his or her employment; or</u></p> <p><u>(5) when following generally accepted hunting, trapping, or fishing practices for retrieval of a covered wild animal, including requirements or practices under this part or rules adopted under this part.</u></p>

Side by Side of Components of H.357 Working Group Proposal and H.411

Bill Component	H.357 Proposed Language²	H.411 As Introduced
Definition of “covered wild animal”	<u>As used in this subchapter, “covered wild animal” means an animal that is a big game animal, game quadruped, game bird, or fur-bearing animal.</u>	<u>(a) As used in this section, “covered wild animal” means an animal that is a big game animal, game quadruped, game bird, fur-bearing animal, or crow.</u>
Retrieval	<u>A person shall not intentionally or knowingly kill a covered wild animal and intentionally, knowingly, or recklessly fail to make a reasonable effort to retrieve the covered wild animal.</u>	<u>(b)(1) A person shall not intentionally kill a covered wild animal and intentionally, knowingly, or recklessly fail to retrieve and dispose of the covered wild animal. Any covered wild animal taken must be immediately made part of the daily or seasonal bag limit, if applicable.</u>
Use of Animal	<p><u>(a) A person shall not intentionally take a covered wild animal subject to a season and intentionally or knowingly leave the wounded or dead covered wild animal in the field or forest.</u></p> <p><u>(b) A person who retrieves a lawfully taken game or fur-bearing animal, or a person to whom the lawfully taken game animal or fur-bearing animal is transferred, shall retain the animal in their possession until: processed; used as food; used for its fur, hide, or feathers; used for taxidermy; or lawfully disposed.</u></p> <p><u>(c) This section shall not apply to a person taking a coyote or a crow.</u></p>	<u>(c) In addition to the requirements above, a person shall not intentionally take a covered wild animal during regulated open season and intentionally, knowingly, or recklessly fail to salvage for human use the edible portions of the carcass of the covered wild animal or usable portions of the fur or hide of the covered wild animal.</u>
Disposal	<p><u>A person shall not place, leave, dump, or abandon the carcass or parts of a covered wild animal:</u></p> <p><u>(1) along or upon a public right-of-way or highway;</u></p> <p><u>(2) upon a private property, without permission of the owner or the owner’s agent, except when following generally accepted hunting, trapping, and fishing practices; or</u></p> <p><u>(3) Unresolved: [where prohibited by State law] or the subdivision is deleted.</u></p>	<p><u>(2) It shall not be considered lawful disposal for any person to place, leave, dump, or abandon a covered wild animal or parts of the carcass of a covered wild animal along or upon:</u></p> <p><u>(A) a public right-of-way or highway;</u></p> <p><u>(B) private property, without permission of the owner or the owner’s agent; or</u></p> <p><u>(C) public property where hunting is prohibited.</u></p>

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<p>Exceptions</p>	<p><u>The requirements of this subchapter shall not apply:</u></p> <p><u>(1) when the failure to retrieve and dispose, the failure to salvage, or the failure to retain the animal is beyond the control of the person due to:</u></p> <p><u>(A) theft of the covered wild animal, game, or fur-bearing animal by another person;</u></p> <p><u>(B) unanticipated weather conditions or other act of God that prevents salvage, retrieval, or retention;</u></p> <p><u>(C) unavoidable loss in the field to a wild animal; or</u></p> <p><u>(D) lack of legal access to property where a wounded or dead covered wild animal, game, or fur-bearing animal is located;</u></p> <p><u>(2) when defending a person;</u></p> <p><u>(3) when the covered wild animal, game, or fur-bearing animal is sick or diseased;</u></p> <p><u>(4) to a law enforcement officer or State employee acting within the course of his or her employment; or</u></p> <p><u>(5) when following generally accepted hunting, trapping, or fishing practices for retrieval of a covered wild animal, game, or fur-bearing animal, including requirements or practices under this part or rules adopted under this part.</u></p>	<p><u>(d) Subsections (b) and (c) of this section shall not apply:</u></p> <p><u>(1) when the failure to retrieve and dispose or failure to salvage the edible portion of the carcass of the covered wild animal or usable portion of the fur of the covered wild animal is beyond the control of the person due to:</u></p> <p><u>(A) theft of the covered wild animal by another person;</u></p> <p><u>(B) unanticipated weather conditions or other act of God that prevents salvage or retrieval of the covered wild animal;</u></p> <p><u>(C) unavoidable loss of the covered wild animal or its carcass or fur in the field to a wild animal; or</u></p> <p><u>(D) lack of legal access to property where a wounded or dead covered wild animal is located;</u></p> <p><u>(2) in order to defend a person or property, including defense of property authorized under this part or rules adopted under this part;</u></p> <p><u>(3) when the covered wild animal is sick, diseased, or injured;</u></p> <p><u>(4) to a law enforcement officer or State employee acting within the course of his or her employment; or</u></p> <p><u>(5) when following generally accepted hunting, trapping, or fishing practices for retrieval of a covered wild animal, including requirements or practices under this part or rules adopted under this part.</u></p>