

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred Senate Bill No. 281 entitled “An act relating to hunting coyotes with
4 dogs” respectfully reports that it has considered the same and recommends that
5 the House propose to the Senate that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 * * * Hunting Coyote with Dogs * * *

8 Sec. 1. 10 V.S.A. §§ 5008 and 5009 are added to read:

9 § 5008. HUNTING COYOTE WITH AID OF DOGS; PERMIT

10 (a) No person shall pursue coyote with the aid of dogs, either for training or
11 taking purposes, without a permit issued by the Commissioner.

12 (1) The Commissioner may deny any permit at the Commissioner’s
13 discretion. The Commissioner shall not issue more than 100 permits annually.

14 (2) The number of permits that the Commissioner issues to nonresidents
15 in any given year shall not exceed 10 percent of the number of permits issued
16 to residents in the preceding year. The Commissioner shall establish a process
17 and standards for determining which nonresidents are to receive a permit,
18 including who will receive a permit if there are more nonresident applicants
19 than nonresident permits.

1 (3) A nonresident may train dogs to pursue coyote only while the
2 training season is in effect in the nonresident's home state and subject to the
3 requirements of this part and rules adopted under this part.

4 (b)(1) The Commissioner shall issue permits under this section to a resident
5 for a fee of \$50.00.

6 (2) The application fee for a nonresident permit issued under this section
7 shall be \$10.00, and the fee for a nonresident permit issued under this section
8 shall be \$200.00 for a successful applicant.

9 § 5009. PURSUING COYOTE WITH AID OF DOGS; LANDOWNER

10 PERMISSION

11 (a) A person shall not release a dog onto land posted in accordance with
12 section 5201 of this title for the purpose of pursuing coyote with the aid of
13 dogs unless the dog owner or handler of the hunting dog has obtained a
14 courtesy permission card from the landowner or landowner's agent allowing
15 the pursuit of coyote with the aid of dogs on the land.

16 (b) A person shall not release onto land a dog for the purpose of pursuing
17 coyote with the aid of dogs if in the previous 365 days a dog had been
18 previously found on the land, and the dog owner, a handler of the dog, or a
19 person participating in the hunt has been personally informed by law
20 enforcement that hunting dogs are not permitted on the property.

1 (c)(1) For a first offense, a person who violates this section shall have
2 committed a minor fish and wildlife violation and shall be assessed a five-point
3 violation under subdivision 4502(b)(1) of this title.

4 (2) For a second or subsequent violation of this section, a person shall
5 be assessed a 10-point violation under subdivision 4502(b)(2) of this title and
6 shall be fined under section 4515 of this title.

7 Sec. 2. MORATORIUM ON HUNTING COYOTE WITH AID OF DOGS

8 (a) A person shall not pursue coyote with the aid of dogs, either for the
9 training of dogs or for the taking of coyote, except that a person may pursue
10 coyote with the aid of dogs in defense of a person or property if the person
11 pursuing coyote with the aid of dogs:

12 (1) is the landowner; or

13 (2) has obtained a courtesy permission card from the landowner or
14 landowner's agent allowing the release of a dog onto the land for the purpose
15 of pursuing coyote with the aid of dogs.

16 (b) This section shall be repealed on the effective date of the Fish and
17 Wildlife Board rules required by Sec. 3 of this act.

18 Sec. 3. FISH AND WILDLIFE BOARD RULES; PURSUING COYOTE
19 WITH THE AID OF DOGS

20 (a) The General Assembly through the rules required under this section
21 intends to reduce conflicts between landowners and persons pursuing coyote

1 with the aid of dogs by reducing the frequency that dogs or persons pursuing
2 coyote enter onto land that is posted against hunting or land where pursuit of
3 coyote with dogs is not authorized. In addition, the General Assembly intends
4 that the rules required under this section support the humane taking of coyote,
5 the management of the population in concert with sound ecological principles,
6 and the development of reasonable and effective means of control.

7 (b) The Fish and Wildlife Board shall adopt a rule regarding the pursuit of
8 coyote with the aid of dogs, either for the training of dogs or for the taking of
9 coyote. The rule shall include at least the following provisions:

10 (1) a limit on the number of dogs that may be used to pursue coyote;

11 (2) a prohibition on the substitution of any new dog for another dog
12 during pursuit of a coyote;

13 (3) the legal method of taking coyote pursued with the aid of dogs, such
14 as by rifle, muzzle loader, crossbow, or bow and arrow;

15 (4) a definition of control to minimize the likelihood that dogs pursuing
16 coyote enter onto land that is posted against hunting or onto land where pursuit
17 of coyote with dogs is not authorized;

18 (5) provisions to encourage persons pursuing coyote with the aid of dogs
19 to seek landowner permission before entering or releasing dogs onto land that
20 is not posted in accordance with 10 V.S.A. § 5201; and

1 (6) required reporting of every coyote killed during pursuit with the aid
2 of dogs.

3 (c) The Board shall consider whether to include within the rule required by
4 this section provisions related to seasonal restrictions and baiting.

5 * * * Baiting of Wildlife * * *

6 Sec. 4. 10 V.S.A. § 4717 is added to read:

7 § 4717. BAITING OF WILDLIFE

8 (a) As used in this section:

9 (1) “Bait” means any animal, vegetable, fruit, or mineral matter placed
10 with the intention of attracting wildlife.

11 (2) “Baiting” means the placing, exposing, depositing, distributing, or
12 scattering of bait so as to constitute for wildlife a lure, an attraction, or an
13 enticement to, on, or over any areas where hunters are attempting to take them.

14 (3) “Baited area” means any area where bait capable of luring,
15 attracting, or enticing wildlife is directly or indirectly placed, exposed,
16 deposited, distributed, or scattered.

17 (b) Except for the use of bait authorized under this part and the rules of the
18 Fish and Wildlife Board for use under a trapping license, no person shall take
19 wildlife by the aid of baiting or on or over any baited area.

1 Sec. 5. 10 V.S.A. § 4502(b) is amended to read:

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

5 * * *

6 (2) Ten points shall be assessed for:

7 * * *

8 (UU) § 4717. Baiting of wildlife.

9 * * * Use of Gun Suppressor; Hearing Protection * * *

10 Sec. 6. FINDINGS; PURPOSE; TITLE

11 (a) Findings. The General Assembly finds for the purposes of Secs. 7 to 10
12 of this act that:

13 (1) Research shows that the majority of gunshots register between
14 140 and 185 decibels.

15 (2) According to the Occupational Safety and Health Administration,
16 exposure to any noise louder than 140 decibels can cause hearing damage.

17 (3) Hunters cannot wear hearing protection devices, such as earmuffs or
18 ear plugs, because they need to maintain the ability to hear their surroundings
19 while hunting.

20 (4) In a 2011 study, the Centers for Disease Control and Prevention
21 stated that “the only potentially effective noise control method to reduce ...

1 noise exposure from gunfire is through the use of noise suppressors that can be
2 attached to the end of the gun barrel.”

3 (5) In 2014, the National Institute for Occupational Safety and Health
4 recommended that “if feasible and legally permissible,” one should “attach
5 noise suppressors to firearms to reduce peak sound pressure levels.”

6 (6) Noise suppressors on guns do not completely silence the noise of a
7 gunshot but reduce the noise of a gunshot by approximately 20 to 35 decibels
8 to a safer, more protective level for hearing.

9 (7) Approximately 40 states authorize the use of gun suppressors while
10 hunting.

11 (8) Under current Vermont law, it is illegal for a person engaged in
12 hunting to use, carry, or have in the person’s possession a gun suppressor.

13 (9) To protect the hearing safety and health of hunters in Vermont,
14 statute should be amended to allow validly licensed hunters in the State to use
15 gun suppressors while hunting.

16 (b) Purpose. The purpose of this act is to provide persons engaged in
17 hunting with additional alternatives for protecting their hearing from the noise
18 generated by the discharge of a firearm.

19 (c) Title. This act shall be known and cited as the Hearing Protection Act.

1 Sec. 7. 13 V.S.A. § 4010 is amended to read:

2 § 4010. GUN SUPPRESSORS

3 (a) As used in this section:

4 (1) “Gun suppressor” means any device for silencing, muffling, or
5 diminishing the report of a portable firearm, including any combination of
6 parts, designed or redesigned, and intended for use in assembling or fabricating
7 a gun suppressor, and any part intended only for use in such assembly or
8 fabrication.

9 (2) “Sport shooting range” shall have the same meaning as used in
10 10 V.S.A. § 5227(a).

11 (b) A person shall not manufacture, make, or import a gun suppressor,
12 except for:

13 (1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is
14 registered as a manufacturer pursuant to 26 U.S.C. § 5802;

15 (2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered
16 as an importer pursuant to 26 U.S.C. § 5802; or

17 (3) a person who makes a gun suppressor in compliance with the
18 requirements of 26 U.S.C. § 5822.

19 (c) A person shall not use a gun suppressor in the State, except for use by:

20 (1) a Level III certified law enforcement officer or Department of Fish
21 and Wildlife employee in connection with ~~his or her~~ the officer’s or

1 employee's duties and responsibilities and in accordance with the policies and
2 procedures of that officer's or employee's agency or department;

3 (2) the Vermont National Guard in connection with its duties and
4 responsibilities;

5 (3) a licensed manufacturer or a licensed importer, as defined in
6 18 U.S.C. § 921, who is also registered as a manufacturer or an importer
7 pursuant to 26 U.S.C. § 5802, who in the ordinary course of ~~his or her~~ the
8 manufacturer's or importer's business as a manufacturer or as an importer tests
9 the operation of the gun suppressor; ~~or~~

10 (4) a person lawfully using a sport shooting range; or

11 (5) a person taking game as authorized under 10 V.S.A. § 4701.

12 (d)(1) A person who violates subsection (b) of this section shall be fined
13 not less than \$500.00 for each offense.

14 (2) A person who violates subsection (c) of this section shall be fined
15 \$50.00 for each offense.

16 Sec. 8. 10 V.S.A. § 4701 is amended to read:

17 § 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL
18 DAY; DOGS

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

21 (1) a gun fired at arm's length;

1 (2) a bow and arrow; or

2 (3) a crossbow as authorized by the rules of the Board.

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

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

9 (d) A person taking game with a gun may possess, carry, or use a gun
10 suppressor in the act of taking game.

11 Sec. 9. 10 V.S.A. § 4704 is amended to read:

12 § 4704. USE OF MACHINE GUNS; AND AUTOLOADING RIFLES; ~~AND~~
13 ~~GUN~~

14 **SUPPRESSORS**

15 (a) A person engaged in hunting for wild animals shall not use, carry, or
16 have in ~~his or her~~ the person's possession:

17 (1) a machine gun of any kind or description; or

18 (2) an autoloading rifle with a magazine capacity of over six cartridges,
19 except a .22 caliber rifle using rim fire cartridges; ~~or~~

20 ~~(3) a gun suppressor.~~

1 (b) ~~As used in this section, “gun suppressor” means any device for~~
2 ~~silencing, muffling, or diminishing the report of a portable firearm, including~~
3 ~~any combination of parts, designed or redesigned, and intended for use in~~
4 ~~assembling or fabricating a gun suppressor, and any part intended only for use~~
5 ~~in such assembly or fabrication.~~ [Repealed.]

6 Sec. 10. 10 V.S.A. § 4001 is amended to read:

7 § 4001. DEFINITIONS

8 Words and phrases used in this part, unless otherwise provided, shall be
9 construed to mean as follows:

10 * * *

11 (9) Game: game birds or game quadrupeds, or both.

12 (10) Game birds: quail, partridge, woodcock, pheasant, plover of any
13 kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild
14 geese, and wild turkey.

15 * * *

16 (15) Wild animals or wildlife: all animals, including birds, fish,
17 amphibians, and reptiles, other than domestic animals, domestic fowl, or
18 domestic pets.

19 * * *

20 (23) Take and taking: pursuing, shooting, hunting, killing, capturing,
21 trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts,

1 such as disturbing, harrying, worrying, or wounding or placing, setting,
2 drawing, or using any net or other device commonly used to take fish or wild
3 animals, whether they result in the taking or not; and shall include every
4 attempt to take and every act of assistance to every other person in taking or
5 attempting to take fish or wild animals, provided that when taking is allowed
6 by law, reference is had to taking by lawful means and in a lawful manner.

7 * * *

8 (41) Gun suppressor: any device for silencing, muffling, or diminishing
9 the report of a portable firearm, including any combination of parts, designed
10 or redesigned, and intended for use in assembling or fabricating a gun
11 suppressor, and any part intended only for use in such assembly or fabrication.

12 * * * Effective Dates * * *

13 Sec. 11. EFFECTIVE DATES

14 (a) This section and Sec. 3 (Fish and Wildlife Board rules) shall take effect
15 on passage.

16 (b) Secs. 2 (moratorium on hunting coyote with aid of dogs), 4 and 5
17 (baiting of wildlife), and 6–10 (gun suppressors) shall take effect on July 1,
18 2022.

19 (c) Sec. 1 (permit requirement and prohibition on pursuing coyote with aid
20 of dogs) shall take effect on the effective date of the Fish and Wildlife Board
21 rules required under Sec. 3 of this act.

1 and that after passage the title of the bill be amended to read: “An act
2 relating to hunting coyote with dogs, baiting of wildlife, and use of gun
3 suppressors for hunting”

4

5

6

7

8

9 (Committee vote: _____)

10

11

Representative _____

12

FOR THE COMMITTEE