

1 H.166

2 Introduced by Representatives Bos-Lun of Westminster, Goldman of  
3 Rockingham, Headrick of Burlington, Krasnow of South  
4 Burlington, Logan of Burlington, Masland of Thetford, and  
5 Torre of Moretown

6 Referred to Committee on

7 Date:

8 Subject: Fish and wildlife; game; hunting with dogs

9 Statement of purpose of bill as introduced: This bill proposes to establish  
10 minimum requirements for hunting with dogs or training dogs to hunt.

11 An act relating to establishing requirements for hunting with dogs

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

13 Sec. 1. 10 V.S.A. chapter 115 is amended to read:

14 CHAPTER 115. HUNTING WITH DOGS; MINIMUM REQUIREMENTS

15 Subchapter 1. Definitions

16 § 5000. DEFINITIONS

17 As used in this chapter:

18 (1) “Accompany” or “accompanied” means to be within hearing  
19 distance or visual contact of a dog without the use of any visual or audio  
20 enhancement devices and not more than 150 feet from the dogs at all times.

1 Electronic remote equipment does not qualify as and is not a substitute for  
2 accompaniment.

3 (2) “At large” or “running at large” means a hunting dog is off the  
4 owner’s property, not on-leash, and unaccompanied, unsupervised, or not in  
5 the presence of the owner or permittee.

6 (3) “Attack” means that dogs used for hunting and pursuing black bears  
7 and furbearers exhibit the following behaviors: chasing a person, a domestic  
8 animal, or livestock in an aggressive manner and without provocation;  
9 approaching a person, domestic pet, or domestic animal with the intent to  
10 chase, bite, or cause injure; or behave in a way, alone or in a pack, that causes  
11 a reasonable fear of injury or harm to a person, domestic pet, or domestic  
12 animal.

13 (4) “Control of dog” or “control” means that while hunting and pursuing  
14 black bears and furbearers with the aid of a dog, the owner or permittee shall  
15 maintain visual contact with the dog; shall be able to hear the dogs at all times;  
16 or shall have physical control over the dog with a leash or long lead. A dog is  
17 only controlled on-leash or lead if the handler is physically capable of or able  
18 to restrain the dog. Global positioning system collars or similar devices do not  
19 meet the requirements of control under this section.

20 (5) “Domestic animal” has the same meaning as in 6 V.S.A. § 1151(2).

21 (6) “Domestic pet” has the same meaning as in section 4001 of this title.

1           (7) “Fur-bearing species” or “furbearer” has the same meaning as in  
2           section 4001 of this title.

3           (8) “In the presence of” means within hearing distance or visual contact  
4           with the dogs under conditions that allow the handler to take immediate action  
5           to control them.

6           (9) “Supervised” or “supervision” means that a person at all times  
7           remains within visual sight or hearing distance of a dog, remains within 150  
8           feet of the dog, and is physically able to control the dog.

9                                   Subchapter 2. Field Trials

10       § 5001. HUNTING DOGS; FIELD TRAINING

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

13               (1) bear during the period from June 1 to September 15 and then only  
14       from sunrise to sunset;

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

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

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

1 (b) The Commissioner may permit a person to train and condition a hunting  
2 dog between the second Monday in March and June 1. The Board may adopt  
3 rules as it considers necessary to control the training and conditioning of  
4 hunting dogs.

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

10 § 5002. HUNTING DOGS; FIELD TRIALS; FEE

11 The Commissioner may issue permits to organized groups to hold field  
12 trials for hunting dogs. Persons seeking a permit shall submit an application to  
13 the Commissioner as prescribed by the Commissioner and shall pay a fee of  
14 \$50.00.

15 § 5003. RETRIEVING DOGS; FIELD TRIALS

16 The Commissioner may issue a license to any responsible person or field  
17 trial group to hold a field trial for retrieving dogs, or bird dogs, with game  
18 birds that have been propagated or legally acquired and released on the day of  
19 the trial on premises owned or controlled by the individual or group  
20 conducting the same, and shot for such purposes during daylight hours. Such

1 trials shall be held under the supervision of the Department of Fish and  
2 Wildlife.

3 § 5004. RETRIEVER FIELD TRIALS; FEE

4 The Commissioner may issue permits which shall authorize a holder or  
5 authorized designee to take all of the birds released by the holder of the permit  
6 or designee on the day the trial is in progress. Persons seeking a permit shall  
7 submit an application to the Commissioner as prescribed by the Commissioner,  
8 and shall pay a fee of \$50.00.

9 § 5006. EXEMPTION; HUNTING LICENSE

10 Any person who participates in a trial under the provisions of sections  
11 5002–5004 of this title shall not be required to have a hunting license.

12 Subchapter 3. Hunting Bear or Coyote with Dogs

13 § 5007. HUNTING BLACK BEAR WITH DOGS

14 (a) No person shall pursue black bear with the aid of dogs, ~~either~~ for  
15 ~~training or~~ taking purposes, without a permit issued by the Commissioner. A  
16 Vermont resident shall not pursue black bear with the aid of dogs for training  
17 purposes without a permit issued by the Commissioner. The number of take  
18 permits issued to nonresidents in any given year shall not exceed 10 percent of  
19 the number of take permits issued to residents in the preceding year. The  
20 Commissioner shall establish a process for determining which nonresidents are  
21 to receive a take permit if there are more nonresident applicants than

1 nonresident permits. ~~A nonresident may train dogs to hunt bear only while~~  
2 ~~training season is in effect in the nonresident's home state and subject to the~~  
3 ~~laws and regulations of this State.~~

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

5 (c) ~~Application fees~~ The application fee for nonresidents a nonresident take  
6 permit shall be \$10.00 with a nonresident take permit fee of \$200.00 for  
7 successful applicants.

8 § 5008. HUNTING COYOTE WITH AID OF DOGS; PERMIT

9 (a) No person shall pursue coyote with the aid of dogs, ~~either for training or~~  
10 ~~taking purposes, without a permit issued by the Commissioner. A Vermont~~  
11 ~~resident shall not pursue coyote with the aid of dogs for training purposes~~  
12 ~~without a permit issued by the Commissioner.~~

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

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

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 take permit issued under this  
7 section shall be \$10.00, and the fee for a nonresident take permit issued under  
8 this section 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. [Repealed.]~~

7                   Subchapter 4. General Requirements; Access to Land

8       § 5021. SUPERVISION AND CONTROL OF DOGS; TRAINING AND  
9                   HUNTING

10       (a) A person shall not use a dog of any breed or sex at any time for the  
11       purpose of hunting or training the dog to hunt a black bear or fur-bearing  
12       species unless the person has direct supervision of the dog.

13       (b) A person using a dog for hunting or training to pursue black bears or  
14       fur-bearing species shall supervise and control the dog by maintaining visual or  
15       auditory contact with the dog at all times.

16       § 5022. LANDOWNER PERMISSION

17       (a) A person shall not allow dogs used for hunting or training of any  
18       species to run at large on private property where pets or domestic animals are  
19       kept or pastured without prior written permission of the owner of the property.

20       (b) A person using dogs for hunting or training to pursue black bears or fur-  
21       bearing species on private property shall obtain written permission from the



1 property owner or lawful occupant before releasing the dogs on the private  
2 property.

3 (c) The written permission required under this section shall be carried by  
4 the person hunting or training with dogs at all times while engaged in the  
5 activity and shall be presented upon request by law enforcement or a game  
6 warden.

7 § 5023. COLLAR REQUIREMENTS AND NOTIFICATION

8 (a) A person shall not hunt or train a dog on black bears or fur-bearing  
9 species unless the dog has a collar with a functioning global positioning system  
10 tracker that legibly provides the name, telephone number, and address of the  
11 owner of the dog or the permittee authorized to use the dog.

12 (b) A person who owns dogs to hunt or train black bear or fur-bearing  
13 species or a person permitted to use dogs to hunt or train shall notify the town  
14 in which the dogs will be used to hunt or train of the breeds and number of  
15 dogs to be used, the proposed location of training or hunting, and the days and  
16 times when training or hunting will occur.

17 § 5024. DAMAGE TO PROPERTY

18 A person shall not, while training, pursuing, or hunting black bears or fur-  
19 bearing species with dogs, enter upon the land of another or damage any  
20 private property without prior written permission of the property owner.

1     § 5025. SIGNAGE

2           (a) When pursuing black bears and furbearers with dogs, the owner of the  
3     dogs or the person permitted to use the dogs shall post signs along roadways  
4     and on the property where the dogs are present that read “Caution Hunting  
5     Dogs.” The signs shall be a minimum of 12 inches by 12 inches and shall be  
6     printed with blaze orange letters on a yellow background. The signs shall be  
7     posted at least 40 inches above the ground and shall be placed at intervals not  
8     exceeding 1,000 feet apart.

9           (b) The owner of the dogs or the person permitted to use the dogs shall bear  
10    the cost and maintenance of signs and shall not block driveways, intersections,  
11    or rights of way with the signs. A person shall not post the signs required by  
12    this section on private roads or private property without prior permission of the  
13    property owner.

14    § 5026. REPORTING OF INCIDENTS, INJURIES, OR ATTACKS

15           (a) A person hunting black bears or fur-bearing species with dogs or  
16    training dogs to pursue black bears or fur-bearing species shall immediately  
17    report to a game warden or law enforcement any incident when the dogs injure  
18    or attack a person, domestic pet, or domestic animal.

19           (b) A report required under subsection (a) of this section shall include:

20            (1) the date, time, and location of the incident; and

21            (2) the names and contact information of all parties involved.

1     § 5027. NONRESIDENT RESTRICTIONS ON TRAINING

2             A nonresident of Vermont shall not train dogs to hunt black bears or fur-  
3     bearing species during training season.

4     § 5028. DAMAGES

5             The owner of dogs used to hunt black bear of fur-bearing species or the  
6     person permitted to use dogs to hunt black bear or fur-bearing species shall be  
7     liable for all damages to animals or people caused by hunting the dogs the  
8     owner or person is required to supervise. If the owner of a dog or person  
9     authorized to use a dog damages animals or people a second or subsequent  
10    time while hunting bear or fur-bearing species with the dogs, the owner or the  
11    dogs or the person authorized to use the dogs shall permittees shall be liable  
12    for double the amount of the damages.

13    Sec. 2. 10 V.S.A. § 4502 is amended to read:

14    § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

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

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

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

8 (2) Ten points shall be assessed for:

9 \* \* \*

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

11 (UU) chapter 115, subchapter 4. Violating requirements for hunting  
12 or training with dogs.

13 (3) Twenty points shall be assessed for:

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

15 \* \* \*

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

20 (c) Licenses shall be suspended as follows:

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

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

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

7 \* \* \*

8 Sec. 3. 10 V.S.A. § 4712(a) is amended to read:

9 (a) The Commissioner may certify an individual to use a dog on a leash to  
10 track injured wild animals, consistent with the requirements of chapter 115,  
11 subchapter 4 of this title. The certificate shall be valid for five years from date  
12 of issuance. The Commissioner shall establish the following by rule:

13 (1) procedures for issuing a certificate under this section;

14 (2) qualifications required for certification under this section;

15 (3) privileges granted to a person holding a certificate under this section.

16 Sec. 4. REPEAL OF FISH AND WILDLIFE BOARD RULES

17 10 V.S.A. App. §§ 3.1 (definition of supervise), 3.6 (definition of control of  
18 dogs), and 4.20.7 (land owner permission requirements) are repealed.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.