

1 H.231

2 Introduced by Representative Satcowitz of Randolph

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife; technical corrections; definitions; uniform points;
6 transporting a crossbow in a motor vehicle

7 Statement of purpose of bill as introduced: This bill proposes to make several
8 technical corrections to fish and wildlife statutes. The bill would strike two
9 definitions from the general definitions section of fish and wildlife statutes.
10 The bill also would make technical changes to the uniform point system
11 statute, including increasing the point penalty for snaring animals. The bill
12 would also provide that certain use of public waters violations would be
13 judicial bureau offenses.

14 An act relating to technical corrections to fish and wildlife statutes

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

16 ~~Sec. 1. 10 V.S.A. § 4001 is amended to read:~~

17 § 4001. DEFINITIONS

18 Words and phrases used in this part, unless otherwise provided, shall be
19 construed to mean as follows.

(6) Pickerel: the great northern pike, chain pickerel, or muskellunge.

[Repealed.]

(7) Pike perch: walleyed or yellow pike. [Repealed.]

* * *

Sec. 2. 10 V.S.A. § 4905 is amended to read:

§ 4905. BIRDS' NESTS AND EGGS; DESTROYING OR ROBBING

A person shall not take or ~~wilfully~~ willfully destroy the nests or eggs of wild birds, other than pigeons, the English sparrow, starling, or purple grackle, except when necessary to protect buildings and the nests to be removed contain no eggs or chicks and are no longer being used by birds for feeding, or when taken as provided in section 4152 of this title.

Sec. 3. 10 V.S.A. § 4502 is amended to read:

§ 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

(a) A uniform point system that assigns points to those convicted of a violation of a provision of this part is established. The conviction report from the court shall be prima facie evidence of the points assessed. In addition to other penalties assessed for violation of fish and wildlife statutes, the Commissioner shall suspend licenses issued under this part that are held by a person who has accumulated 10 or more points in accordance with the 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 (I) ~~§ 4706. Snaring animals~~ [Repealed.]

11 * *

12 (Y) Appendix § 2; ~~Appendix § 33, section 14.3.~~ Reporting of big
13 game

14 * * *

15 (II) Appendix § 37, ~~as it applies to annual deer hunts~~ section 10.
16 Novice season

17 (JJ) § 4742a. Youth deer hunting weekend. The points shall be
18 assessed solely against the adult who is accompanying the youth hunter.

19 (KK) § 4908. Youth turkey hunting weekend. The points assessed
20 ~~against the adult accompanying the youth hunter.~~

1 ~~(LL) § 4256. Mentored hunting license. The points shall be assessed~~
2 against the licensed adult who is accompanying the individual holding the
3 mentored hunting license.

4 (MM) § 4827a. Feeding a black bear

5 (NN) § 4826. Taking deer doing damage

6 (OO) § 22a. Taking turkey doing damage

7 (PP) § 35. Taking moose doing damage

8 (QQ) ~~Appendix § 22, section 6.7; Appendix § 33, section 13.1(g);~~
9 ~~Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or~~
10 ~~on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled~~
11 ~~vehicle [Repealed.]~~

12 (RR) ~~Appendix § 7, section 6.3(b). Hunting bear with any dog not~~
13 ~~listed on the permit [Repealed.]~~

14 * * *

15 (3) Twenty points shall be assessed for:

16 (A) ~~§ 4192. General powers and duties; failure to obey warden~~
17 ~~[Repealed.]~~

18 * * *

19 (I) § 4745. Taking deer big game out of season prohibited
20

(O) ~~Appendix § 7, sections 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3(b), 6.3(d), 6.3(e), 6.4, 6.5(c), 6.5(d), 7.1, and 7.2, 7.3, and 7.4.~~ Bear, unauthorized taking

(P) Appendix § 22. Turkey season, excluding: requirements for youth turkey hunting season; ~~section 6.2, and~~ size of shot used or possessed; ~~and section 6.7, transport of cocked crossbow~~

* * *

(U) Appendix § 37. Deer management rule, excluding requirements for youth deer hunting weekend; requirements for novice season; limitations on feeding of deer; ~~section 7.7, transport of cocked crossbow; reporting big game;~~ and section 11.0, ban of urine and other natural lures

* * *

(W) § 4711. Crossbow hunting [Repealed.]

(X) ~~Appendix § 4. Hunting with a crossbow without a permit or license~~ [Repealed.]

* * *

(Z) Appendix § 44, ~~section 4.6.~~ Use of tooth jawed traps

(AA) Appendix § 44, ~~section 4.11.~~ Taking furbearers with poison

(BB) Appendix § 44, ~~section 4.12.~~ Taking furbearers from a den

(CC) § 4716. Holding or conducting a coyote-hunting competition

(DD) § 4706. Snaring animals

* * *

1 ~~Sec. 4-10 V.S.A. § 4705 is amended to read:~~

2 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

3 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

4 (a) A person shall not take or attempt to take a wild animal by shooting
5 from a motor vehicle, motorboat, airplane, snowmobile, or other motor-
6 propelled craft or any vehicle drawn by a motor-propelled vehicle except as
7 permitted under subsection (e) of this section.

8 (b) A person shall not carry or possess while in or on a vehicle propelled
9 by mechanical power or drawn by a vehicle propelled by mechanical power
10 within the right-of-way of a public highway any of the following:

11 (1) a rifle or, airgun, shotgun, or other projectile implement containing a
12 loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip
13 within a rifle or shotgun;~~or;~~

14 (2) a muzzle-loading rifle or muzzle-loading shotgun that has been
15 charged with powder and projectile and the ignition system of which has been
16 enabled by having an affixed or attached percussion cap, primer, battery, or
17 priming powder, except as permitted under subsections (d) and (e) of this
18 section;

19 (3) unless it is uncocked, a person shall not possess or transport a

20 crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other

~~motor propelled craft or any vehicle drawn by a motor propelled vehicle~~

except as permitted under subsection 47059e); and

(4) a person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a right-of-way of a public highway shall upon demand of an enforcement officer exhibit the firearm for examination to determine compliance with this section.

(c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of a public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a public highway from a sport shooting range, as that term is defined in section 5227 of this title, provided that:

~~(1) the sport shooting range was established before January 1, 2014, and~~

1 ~~(2) the operators of the sport shooting range post signage warning users~~
2 of the public highway of the potential danger from the sport shooting range.

3 (d) This section shall not restrict the possession or use of a loaded firearm
4 by an enforcement officer in performance of ~~his or her~~ the officer's duty.

5 (e) Subsections (a) and (c) of this section shall not apply to a licensed
6 hunter with paraplegia or who is certified by a physician to be unable to pursue
7 game because of permanent severe physical disability, if ~~he or she~~ the licensed
8 hunter obtains a permit as provided in this subsection. The Commissioner on
9 receipt of satisfactory proof of the disability of an applicant may issue a permit
10 under this subsection. This permit shall be attached to the license and shall
11 remain in effect until the death of the holder, unless the Commissioner has
12 reason to believe the permit is misused. The holder of the permit shall carry it
13 at all times while hunting and shall produce it on demand for inspection by any
14 game warden or other law enforcement officer authorized to make arrests. The
15 holder of the permit may take game from a vehicle or boat but only if it is
16 stationary and is not within 10 feet of the traveled portion of a public highway.
17 In no event shall the holder of a permit shoot across the traveled portion of a
18 public highway.

19 (f) The phrase "public highway," as used in this section, means roads,
20 ~~including Class 4 roads, shown on the highway maps of the respective towns,~~

1 ~~made by the Agency of Transportation, but does not include foot trails or~~
2 private roads.

3 Sec. 5. 23 V.S.A. § 3317(b) is amended to read:

4 (b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who
5 violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement
6 under 10 V.S.A. § 8007 or 8008 or a fine under this chapter, provided that the
7 person shall be assessed a penalty or fine of not more than \$1,000.00 for each
8 violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall
9 be subject to enforcement under 10 V.S.A. chapter 201 or a fine under this
10 chapter, provided that the person shall be assessed a penalty of not more than
11 \$300.00 for each violation. A person who violates any of the following
12 sections of this title shall be subject to a penalty of not more than \$300.00 for
13 each violation:

14 * * *

15 Sec. 6. 4 V.S.A. § 1102 is amended to read:

16 § 1102. JUDICIAL BUREAU; JURISDICTION

17 (a) The Judicial Bureau is created within the Judicial Branch under the
18 supervision of the Supreme Court.

19 (b) The Judicial Bureau shall have jurisdiction of the following matters:

20 * * *

21 ~~(19) Violations of 10 V.S.A. § 1424, relating to the use of public waters.~~

~~Sec. 7. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2025.~~

Sec. 1. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

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

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(6) Pickerel: ~~the great northern pike, chain pickerel, or muskellunge.~~

[Repealed.]

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Sec. 3. 10 V.S.A. § 4502 is amended to read:

~~§ 4502. UNIFORM POINT SYSTEM, REVOCATION OF LICENSE~~

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

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

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

~~(2) Ten points shall be assessed for:~~

~~* * *~~

~~(I) § 4706. Snaring animals [Repealed.]~~

~~* * *~~

~~(Y) Appendix § 2; Appendix § 33, section 14.3. Reporting of big game~~

~~(II) Appendix § 37, as it applies to annual deer limits section 10.~~

Novice season

~~(JJ) § 4742a. Youth deer hunting weekend. The points shall be assessed solely against the adult who is accompanying the youth hunter.~~

~~(KK) § 4908. Youth turkey hunting weekend. The points assessed against the adult accompanying the youth hunter.~~

~~(LL) § 4256. Mentored hunting license. The points shall be assessed against the licensed adult who is accompanying the individual holding the mentored hunting license.~~

~~(MM) § 4827a. Feeding a black bear~~

~~(NN) § 4826. Taking deer doing damage~~

~~(OO) § 22a. Taking turkey doing damage~~

~~(PP) § 35. Taking moose doing damage~~

~~(QQ) Appendix § 22, section 6.7; Appendix § 33, section 13.1(g); Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle [Repealed.]~~

~~(RR) Appendix § 7, section 6.3(b). Hunting bear with any dog not listed on the permit [Repealed.]~~

* * *

~~(S) Twenty points shall be assessed for.~~

~~(4) § 4102. General powers and duties; failure to obey warden~~

~~[Repealed.]~~

~~* * *~~

~~(I) § 4745. Taking deer big game out of season prohibited~~

~~* * *~~

~~(O) Appendix § 7, sections 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3(b), 6.3(d), 6.3(e), 6.4, 6.5(e), 6.5(f), 7.1, and 7.2, 7.3, and 7.4. Bear, unauthorized taking~~

~~(P) Appendix § 22. Turkey season, excluding: requirements for youth turkey hunting season; section 6.2, and size of shot used or possessed; and section 6.7, transport of cocked crossbow~~

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~~(W) § 4711. Crossbow hunting [Repealed.]~~

~~(X) Appendix § 4. Hunting with a crossbow without a permit or license [Repealed.]~~

~~* * *~~

~~(Z) Appendix § 44, section 4.6. Use of tooth jawed traps~~

~~(AA) Appendix § 44, section 4.11. Taking furbearers with poison~~

~~(BB) Appendix § 44, section 4.12. Taking furbearers from a den~~

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~~Sec. 4. 10 V.S.A. § 4705 is amended to read:~~

~~§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;~~

~~SHOOTING FROM OR ACROSS HIGHWAY; PERMIT~~

~~(a) A person shall not take or attempt to take a wild animal by shooting from a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle drawn by a motor-propelled vehicle except as permitted under subsection (e) of this section.~~

~~(b) A person shall not carry or possess while in or on a vehicle propelled by mechanical power or drawn by a vehicle propelled by mechanical power within the right-of-way of a public highway any of the following:~~

~~(1) a rifle or, airgun, shotgun, or other projectile implement containing a loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, or;~~

~~(2) a muzzle-loading rifle or muzzle-loading shotgun that has been charged with powder and projectile and the ignition system of which has been enabled by having an affixed or attached percussion cap, primer, battery, or~~

~~priming powder, except as permitted under subsections (d) and (e) of this section;~~

~~(2) unless it is uncocked, a person shall not possess or transport a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle drawn by a motor-propelled vehicle except as permitted under subsection 47059e); and~~

~~(4) a person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a right-of-way of a public highway shall upon demand of an enforcement officer exhibit the firearm for examination to determine compliance with this section.~~

~~(c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of a public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or~~

~~across the traveled portion of a public highway from a sport shooting range, as~~

~~that term is defined in section 5227 of this title, provided that:~~

~~(1) the sport shooting range was established before January 1, 2014;~~

~~and~~

~~(2) the operators of the sport shooting range post signage warning users of the public highway of the potential danger from the sport shooting range.~~

~~(d) This section shall not restrict the possession or use of a loaded firearm by an enforcement officer in performance of his or her the officer's duty.~~

~~(e) Subsections (a) and (c) of this section shall not apply to a licensed hunter with paraplegia or who is certified by a physician to be unable to pursue game because of permanent severe physical disability, if he or she the licensed hunter obtains a permit as provided in this subsection. The Commissioner on receipt of satisfactory proof of the disability of an applicant may issue a permit under this subsection. This permit shall be attached to the license and shall remain in effect until the death of the holder, unless the Commissioner has reason to believe the permit is misused. The holder of the permit shall carry it at all times while hunting and shall produce it on demand for inspection by any game warden or other law enforcement officer authorized to make arrests. The holder of the permit may take game from a vehicle or boat but only if it is stationary and is not within 10 feet of the traveled portion~~

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~~(f) The phrase "public highway," as used in this section, means roads, including Class 4 roads, shown on the highway maps of the respective towns, made by the Agency of Transportation, but does not include foot trails or private roads.~~

~~Sec. 4. [Deleted.]~~

~~Sec. 5. 23 V.S.A. § 3317(b) is amended to read:~~

~~(b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter, provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201 or a fine under this chapter, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:~~

~~* * *~~

~~Sec. 6. 4 V.S.A. § 1102 is amended to read:~~

~~§ 1102. JUDICIAL BUREAU, JURISDICTION~~

~~(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.~~

~~(b) The Judicial Bureau shall have jurisdiction of the following matters:~~

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~~(19) Violations of rules adopted under 10 V.S.A. § 1424, relating to the use of public waters.~~

Sec. 7. EFFECTIVE DATE

~~This act shall take effect on July 1, 2025.~~

Sec. 1. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

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

~~* * *~~

~~(6) Pickerel: the great northern pike, chain pickerel, or muskellunge.~~
~~[Repealed.]~~

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(O) Appendix § 7, sections 4.2, ~~5.1, 5.2,~~ 5.3, 6.1, 6.2, 6.3(b), 6.3(d), 6.3(e), ~~6.4, 6.5(c), 6.5(d),~~ 7.1, ~~and~~ 7.2, 7.3, and 7.4. Bear; unauthorized taking

(P) Appendix § 22. Turkey season, excluding: requirements for youth turkey hunting season; ~~section 6.2, and~~ size of shot used or possessed; ~~and section 6.7, transport of cocked crossbow~~

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(b)(1) A person shall not carry or possess while in or on a vehicle propelled by mechanical power or drawn by a vehicle propelled by mechanical power within the right-of-way of a public highway any of the following:

(A) a rifle, air rifle, arrow rifle, pre-charged pneumatic rifle, or shotgun containing a loaded cartridge or shell, or other projectile in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun;

(B) a muzzle-loading rifle or muzzle-loading shotgun that has been charged with powder and projectile and the ignition system of which has been enabled by having an affixed or attached percussion cap, primer, battery, or priming powder, except as permitted under subsections (d) and (e) of this section; and

(C) unless it is uncocked, a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled craft or any vehicle drawn by a motor-propelled vehicle except as permitted under subsection (e) of this section.

(2) A person who possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or drawn by a vehicle propelled by mechanical power within a right-of-way of a public highway shall upon demand of an enforcement officer exhibit the firearm for examination to determine compliance with this section.

(3) As used in this subsection:

(A) “Air rifle” means a .22 or larger caliber device that fires a bullet solely by the use of unignited compressed gas as the propellant.

(B) “Arrow rifle” means a device that fires an arrow or bolt solely by the use of unignited compressed gas as the propellant.

(C) “Pre-charged pneumatic rifle” means an air rifle or arrow rifle for which the propellant is supplied or introduced by means of a source that is physically separate from the air gun or arrow gun.

* * *

Sec. 5. 23 V.S.A. § 3317(b) is amended to read:

(b) Penalty or fine; \$300.00 or \$1,000.00 maximum. A person who violates a requirement under 10 V.S.A. § 1454 shall be subject to enforcement under 10 V.S.A. § 8007 or 8008 or a fine under this chapter; provided that the person shall be assessed a penalty or fine of not more than \$1,000.00 for each violation. A person who violates a rule adopted under 10 V.S.A. § 1424 shall be subject to enforcement under 10 V.S.A. chapter 201 or a fine under this chapter, provided that the person shall be assessed a penalty of not more than \$300.00 for each violation. A person who violates any of the following sections of this title shall be subject to a penalty of not more than \$300.00 for each violation:

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(a) The Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.

(b) The Judicial Bureau shall have jurisdiction of the following matters:

** * **

(19) Violations of rules adopted under 10 V.S.A. § 1424, relating to the use of public waters.

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

§ 4255. LICENSE FEES

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

** * **

(c) A permanent or free license may be secured on application to the Department by a person qualifying as follows:

** * **

(2) A person who is legally blind who is a Vermont resident may receive a free permanent fishing license upon submittal of proper proof of blindness as the Commissioner shall require. A person who is legally blind who is a resident in a state that provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license.

(3) A Vermont resident with paraplegia as defined in subdivision 4001(30) of this title or a permanent, severe, physical mobility disability certified by a physician may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free combination hunting and fishing license. A person with paraplegia or a person certified by a physician to have permanent, severe, physical mobility disability who is a resident of a state that provides a reciprocal privilege for Vermont residents may receive a free one-year fishing license or, if the person qualifies for a hunting license, a free one-year combination fishing and hunting license.

(4) A Vermont resident who is a veteran of the U.S. Armed Forces and who is, or ever has been, 60 percent disabled as a result of a service-connected disability may receive a free fishing, hunting, or combination hunting and fishing license that shall include all big game licenses, except for a moose license, upon presentation of a certificate issued by the veterans' administration so certifying. A resident of a state that provides a reciprocal privilege for Vermont veterans and who would qualify for a free license under this subdivision if the person were a Vermont resident may receive a free one-year fishing, hunting, or combination hunting and fishing license.

(5) A person participating in a fishing tournament for Special Olympics may receive a free fishing license valid for that event.

* * *

(7) A certified citizen of a Native American Indian tribe that has been recognized by the State pursuant to 1 V.S.A. chapter 23 may receive free of charge one or all of the permanent fishing, hunting, or trapping licenses set forth in subdivisions (1)(A)–(D) of this subsection if qualified for the license and upon submission of a current and valid tribal identification card.

(8) A person with developmental disabilities who is a Vermont resident may receive a free permanent fishing license upon submission to the Commissioner of a statement signed by the person's treating health care provider, as that term is defined in 18 V.S.A. § 9402, certifying that the person meets the definition of a person with development disabilities. "A person with developmental disabilities" has the same meaning as in 18 V.S.A. § 9302.

* * *

(n) The Commissioner shall maintain an accounting of lost revenue due to the issuance of free licenses. The Commissioner annually on or before January 15 shall submit to the Senate Committees on Appropriations and on Finance and the House Committees on Appropriations and on Ways and Means an accounting of lost revenue from the previous calendar year due to the issuance of free licenses.

Sec. 8. 10 V.S.A. § 4251 is amended to read:

§ 4251. TAKING WILD ANIMALS AND FISH; LICENSE

(a) Except as provided in sections 4253 and 4254b of this title, a person shall not take wild animals or fish without first having procured a license therefor; provided, however, that a person under 15 years of age may take fish in accordance with this part and regulations of the Board, without first having procured a license therefor.

(b) The Commissioner of Fish and Wildlife may designate two days each calendar year as “free fishing days” for which no license shall be required. One day shall occur in the open water fishing season and one day shall occur during the ice fishing season.

(c) The Commissioner of Fish and Wildlife may designate Labor Day weekend each year as “free mentored fishing weekend,” during which up to four unlicensed anglers aged 15 years or older can fish with one licensed angler throughout this three-day period.

Sec. 9. 10 V.S.A. § 4613 is amended to read:

§ 4613. FISHING TOURNAMENTS

(a) No person or organization shall hold a fishing tournament on the waters of the State without first obtaining a permit from the Department of Fish and Wildlife. Tournaments held on the Connecticut River, excluding

Moore and Comerford Reservoirs, that do not utilize an access area in Vermont are not required to obtain a permit from the Department of Fish and Wildlife.

(b) A fishing tournament means a contest in which anglers pay a fee to enter and in which the entrants compete for a prize based on the quality or size of the fish they catch. A contest may run multiple days, but the days must be consecutive for that contest to be considered a single event. A tournament that limits the entrants to people below 15 years of age or a tournament held as part of a Special Olympics program shall be exempt from paying the fee required under subsection (d) of this section.

(c) The Commissioner shall adopt rules that establish the procedure for implementation of this section. The rules shall include a provision that an angler may not enter a fish that was caught and confined to an enclosed area prior to the beginning of the tournament.

(d) The Commissioner shall charge a fee of \$50.00 based on the number of participants for each permit issued under this section and shall deposit the fee collected into the Fish and Wildlife Fund. Tournaments with up to 25 participants shall pay a fee of \$10.00; tournaments with 26 to 50 participants shall pay a fee of \$30.00; and tournaments with more than 50 participants shall pay a fee of \$100.00.

Sec. 10. 10 V.S.A. § 4518 is amended to read:

*§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED
SPECIES; SUSPENSION; VIOLATIONS*

(a) Whoever violates a provision of this part or orders or rules of the Board relating to taking, possessing, transporting, buying, or selling of big game; relating to threatened or endangered species; or relating to the trade in covered animal parts or products that constitutes a big game violation shall be fined not more than ~~\$1,000.00~~ \$2,000.00 nor less than ~~\$400.00~~ \$500.00 or imprisoned for not more than 60 days, or both. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, the violator shall be fined not more than ~~\$4,000.00~~ \$5,000.00 nor less than \$2,000.00 or imprisoned for not more than ~~60~~ 180 days, or both.

(b) As used in this section, “big game violation” means:

(1) violations relating to taking, possessing, transporting, buying, or selling of big game;

(2) violations of chapter 123 of this title and the rules related to threatened and endangered species;

(3) violation of section 4280 of this title relating to criminal suspensions;

(4) violations of chapter 124 of this title relating to the trade in covered animal parts or products;

(5) interference with hunting, fishing, or trapping in violation of section 4708 of this title; or

(6) illegal commercial importation or possession of wild animals in violation of section 4709 of this title.

Sec. 11. 10 V.S.A. § 4552 is amended to read:

§ 4552. JURISDICTION; VENUE

The Vermont Criminal Division of the Superior Court shall have exclusive jurisdiction over fish and wildlife violations with the exception of violations related to section 4572 and chapters 123 and 124 of this title. Venue for adjudicating fish and wildlife violations shall be the unit of the Criminal Division of the Superior Court having jurisdiction over the geographical area where the offense is stated to have occurred.

Sec. 12. 10 V.S.A. § 4572 is amended to read:

§ 4572. DEFINITIONS

(a) *As used in this subchapter, a minor fish and wildlife violation means:*

(1) a violation of 10 V.S.A. § 4145 (violation of access and landing area rules);

(2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish without a license);

(3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person or failure to exhibit license);

(4) a violation of 10 V.S.A. § 4267 (false statements in license application; altering license; transferring license to another person; using another person's license; or guiding an unlicensed person);

(5) a violation of 10 V.S.A. § 4713 (tree or ground stands or blinds); or

(6) [Repealed.]

(7) a violation of a biological collection rule adopted by the Board under part 4 of this title; or

(8) except for big game offenses and under revocation offenses, any fish and wildlife violation as defined by 10 V.S.A § 4551 and not otherwise listed in this section shall be charged as a minor violation, provided that:

(A) the offender has no prior history of fish and wildlife violations;

(B) no evidence was seized in relation to the violation;

(C) a criminal warrant was not used in relation to the violation; and

(D) there is no possibility of forfeiture.

(b) "Bureau" means the Judicial Bureau as created in 4 V.S.A. § 1102.

Sec. 13. 10 V.S.A. § 4085 is added to read:

§ 4085. REPTILES AND AMPHIBIANS; TAKING; POSSESSION

(a) A person shall not intentionally take a reptile or amphibian in the State unless authorized by rules adopted under subsection (b) of this section.

(b) The Commissioner may establish requirements for the following by rule:

(1) the collection or possession for commercial use, export, or sale of reptiles and amphibians specified by the Commissioner;

(2) the taking of reptiles or amphibians that have been classified as common, widespread, and abundant, known as S5 ranked species, with stable or increasing populations indicated by data collected or compiled by the Department of Fish and Wildlife;

(3) the taking of a reptile or amphibian that due to population, risk to other native species, or risk to ecosystems has been identified as requiring a reduction in population; or

(4) under specified criteria, the taking, collection, or possession of a specified reptile or amphibian for scientific, educational, or noncommercial cultural or ceremonial purposes.

(c) Rules adopted by the Commissioner of Fish and Wildlife under this section shall be designed to maintain the best health, population, and utilization levels of the regulated reptile or amphibian.

Sec. 14. IMPORT, POSSESSION, AND SALE OF REPTILES AND

AMPHIBIANS; ENDORSEMENTS

(a)(1) A person shall not import, possess, or sell in the State a pond slider turtle (Trachemys scripta), provided that:

(A) a person may continue to possess a turtle that was legally acquired as a pet prior to July 1, 2025 or that was legally acquired from a pet dealer or commercial collection permittee authorized to sell turtles under subdivision (1)(B) of this subsection; or

(B) a person with a valid pet dealer permit or commercial collection permit may possess and sell a turtle that the person can document they had possession of prior to July 1, 2025.

(2) A person is prohibited from releasing to the wild a pond slider retained as a pet under this subsection. A violation of the prohibition under this section shall be subject to enforcement as a fish and wildlife violation under Title 10 part 4.

(b) Subsection (a) of this section shall be repealed on the effective date of a rule adopted by the Commissioner of Fish and Wildlife under 10 V.S.A. § 4085 regulating the import, possession, or sale of the pond slider turtle (Trachemys scripta).

(c) When the Commissioner of Fish and Wildlife under 10 V.S.A. § 4085(b) authorizes the taking of a reptile or amphibian by hunting, a hunting license

issued under 10 V.S.A. part 4 that authorizes the taking of reptiles and amphibians under the license shall include an endorsement indicating the authorized taking.

Sec. 15. 10 V.S.A. § 4709 is amended to read:

§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING
OF WILD ANIMALS; POSSESSION OF WILD BOAR OR FERAL
SWINE

(a) A person shall not bring into, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, including reptiles, amphibians, or any manner of feral swine, without authorization from the Commissioner or ~~his or her~~ the Commissioner's designee. The importation permit may be granted under ~~such regulations therefor as~~ rules, requirements, or conditions that the Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as ~~she or he~~ the Commissioner may deem necessary. The Department may dispose of unlawfully possessed or imported wildlife as it may judge best, and the State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) No person shall bring into the State from another country, state, or province wildlife illegally taken, transported, or possessed contrary to the laws governing the country, state, or province from which the wildlife originated.

(c) No person shall place a Vermont-issued tag on wildlife taken outside the State. No person shall report big game in Vermont when the wildlife is taken outside the State.

(d) Nothing in this section shall prohibit the Commissioner or duly authorized agents of the Department of Fish and Wildlife from bringing into the State for the purpose of planting, introducing, or stocking or from planting, introducing, or stocking in the State any wild bird or animal.

(e) Any person who violates this section may be subject to the penalties set forth in section 4518 of this title and also may be required to pay additional penalties based on reasonable mitigation and potential economic benefit associated with commercial trade.

(f) The Commissioner may bring an action in the unit of the Criminal Division of the Superior Court having jurisdiction over the geographical area where the offense is stated to have occurred, or the Environmental Division of the Superior Court, to compel reasonable mitigation and recover economic benefits for commercial collection and trade violations under this subsection.

(g) Applicants shall pay a permit fee of \$100.00.

~~(f)~~(h)(1) The Commissioner shall not issue a permit under this section for the importation or possession of the following live species, a hybrid or genetic variant of the following species, offspring of the following species, or offspring or a hybrid of a genetically engineered variant of the following species: feral

swine, including wild boar, wild hog, wild swine, feral pig, feral hog, old world swine, razorback, Eurasian wild boar, or Russian wild boar (Sus scrofa Linnaeus). A feral swine is:

* * *

Sec. 16. 10 V.S.A. § 5403(a) is amended to read:

(a) Except as authorized under this chapter, a person shall not:

(1) take, possess, or transport wildlife or wild plants that are members of a threatened or endangered species; ~~or~~

(2) destroy or adversely impact critical habitat;

(3) sell or offer for sale in intrastate commerce a threatened or endangered species;

(4) deliver, receive, carry, transport, or ship a threatened or endangered species in intrastate commerce; or

(5) import a threatened or endangered species into or export a threatened or endangered species from Vermont.

Sec. 17. 10 V.S.A. § 5408 is amended to read:

§ 5408. AUTHORIZED TAKINGS; INCIDENTAL TAKINGS;

DESTRUCTION OF CRITICAL HABITAT

(a) Authorized taking. Notwithstanding any provision of this chapter, after obtaining the advice of the Endangered Species Committee, the Secretary may permit, under such terms and conditions as the Secretary may require as

necessary to carry out the purposes of this chapter; the taking of a threatened or endangered species, the destruction of or adverse impact on critical habitat, or any act otherwise prohibited by this chapter if done for any of the following purposes:

- (1) scientific purposes;*
- (2) to enhance the propagation or survival of a threatened or endangered species;*
- (3) zoological exhibition;*
- (4) educational purposes;*
- (5) noncommercial cultural or ceremonial purposes; or*
- (6) special purposes consistent with the purposes of the federal Endangered Species Act.*

(b) Incidental taking. After obtaining the advice of the Endangered Species Committee, the Secretary may permit, under such terms and conditions as necessary to carry out the purposes of this chapter; the incidental taking of a threatened or endangered species or the destruction of or adverse impact on critical habitat if:

- (1) the taking is necessary to conduct an otherwise lawful activity;*
- (2) the taking is attendant or secondary to, and not the purpose of, the lawful activity;*
- (3) the impact of the permitted incidental take is minimized; and*

(4) the incidental taking will not impair the conservation or recovery of any endangered species or threatened species.

** * **

(k) Public notice. ~~Prior~~ Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, prior to issuing a permit for an incidental taking and prior to the initial issuance or amendment of a general permit under this section, the Secretary shall provide for public notice of ~~no~~ not fewer than 30 days; opportunity for written comment; and opportunity to request a public informational hearing. The Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the Secretary shall post permit applications, permit decisions, and the initial or amended general permits on the website of the Agency of Natural Resources. The Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the Secretary also shall provide notice to interested persons who request notice of permit applications, permit decisions, and proposed general permits or proposed amendments to general permits.

(l) General permits.

(1) The Secretary may issue general permits for activities that will not affect the continued survival or recovery of a threatened or endangered species.

* * *

(6) ~~Prior~~ Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, prior to issuing an initial or amended general permit under this subsection, the Secretary shall:

- (A) *post a draft of the general permit on the Agency website;*
- (B) *provide public notice of at least 30 days; and*
- (C) *provide for written comments or a public hearing, or both.*

(7) *For applications for coverage under the terms of an issued general permit, the applicant shall provide notice on a form provided by the Secretary. ~~The~~ Except for threatened and endangered species listed by the Secretary in accordance with subsection 5410(b) of this title, the Secretary shall post notice of the application on the Agency website and shall provide an opportunity for written comment, regarding whether the application complies with the terms and conditions of the general permit, for ~~ten~~ 10 days following receipt of the application.*

* * *

Sec. 18. 10 V.S.A. § 5410 is amended to read:

§ 5410. LOCATION CONFIDENTIAL

(a) The Secretary shall not disclose information regarding the specific location of threatened or endangered species sites or habitats except ~~that the~~

Secretary shall disclose information regarding the location of the threatened or endangered species to:

- (1) to the owner of land upon which the species is located;*
- (2) to a potential buyer of land upon which the species is located who has a bona fide contract to buy the land and applies to the Secretary for disclosure of threatened or endangered species information; or*
- (3) to qualified individuals or organizations, public agencies, and nonprofit organizations for scientific research or for preservation and planning purposes when the Secretary determines that the preservation of the species is not further endangered by the disclosure; or*
- (4) during regulatory processes with the exception of threatened or endangered species listed under subsection (b) of this section.*

(b) The Secretary shall maintain a subset list of threatened and endangered species whose specific names shall not be included in regulatory planning. The subset list shall include threatened or endangered species for which the species names and locations shall not be disclosed because of the risk that the species will be significantly harmed by unauthorized take, such as illegal collection, commercial trade, human-caused mortality, or destruction of habitat. The list shall be based on the rarity of the species, known collection and commercial trade activities in Vermont and other states or countries,

incidents of human-caused mortality or destruction of habitat, and other factors that present a threat to the continued existence of the species.

(c) When the Secretary issues a permit under this chapter to take a threatened or endangered species or destroy or adversely impact critical habitat and when the Secretary designates critical habitat by rule under section 5402a of this title, the Secretary shall disclose only the municipality and general location where the threatened or endangered species or designated critical habitat is located. When the Secretary designates critical habitat under section 5402a of this title, the Secretary shall notify the municipality in which the critical habitat is located and shall disclose the general location of the designated critical habitat.

Sec. 19. 10 V.S.A. § 4829 is amended to read:

§ 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 up to an amount not to exceed \$5,000.00 per year, 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. [Repealed.]~~

Sec. 20. 10 V.S.A. § 599a is amended to read:

§ 599a. REPORTS; RULEMAKING

(a) On or before January 15, 2025, the Agency, in consultation with the State Treasurer, shall submit a report to the General Assembly detailing the feasibility and progress of carrying out the requirements of this chapter, including any recommendations for improving the administration of the Program.

(b) The Agency shall adopt rules necessary to implement the requirements of this chapter, including:

(1) adopting methodologies using available science and publicly available data to identify responsible parties and determine their applicable share of covered greenhouse gas emissions; and

(2) requirements for registering entities that are responsible parties and issuing notices of cost recovery demands under the Program; ~~and~~

~~(3) the Resilience Implementation Strategy, which shall include:~~

~~(A) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~

~~(B) practices to adapt infrastructure to the impacts of climate change;~~

~~(C) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;~~

~~(D) practices that support economic and environmental sustainability in the face of changing climate conditions; and~~

~~(E) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.~~

~~(c) On or before September 15, 2025, the Secretary shall submit to the House Committee on Environment and the Senate Committee on Natural Resources and Energy a report summarizing the Agency of Natural Resources' adoption of the Resilience Implementation Strategy. The Strategy shall include:~~

~~(1) practices utilizing nature-based solutions intended to stabilize floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~

~~(2) practices to adapt infrastructure to the impacts of climate change;~~

~~(3) practices needed to build out early warning mechanisms and support fast, effective response to climate-related threats;~~

(4) practices that support economic and environmental sustainability in the face of changing climate conditions; and

(5) criteria and procedures for prioritizing climate change adaptation projects eligible to receive monies from the Climate Superfund Cost Recovery Program.

(d) In adopting the Strategy, the Agency shall:

(1) consult with the Environmental Justice Advisory Council;

(2) in consultation with other State agencies and departments, including the Department of Public Safety's Division of Vermont Emergency Management, assess the adaptation needs and vulnerabilities of various areas vital to the State's economy, normal functioning, and the health and well-being of Vermonters;

(3) identify major potential, proposed, and ongoing climate change adaptation projects throughout the State;

(4) identify opportunities for alignment with existing federal, State, and local funding streams;

(5) consult with stakeholders, including local governments, businesses, environmental advocates, relevant subject area experts, and representatives of environmental justice focus populations;

(6) consider components of the Vermont Climate Action Plan required under section 592 of this title that are related to adaptation or resilience, as defined in section 590 of this title; and

(7) conduct public engagement in areas and communities that have the most significant exposure to the impacts of climate change, including disadvantaged, low-income, and rural communities and areas.

~~(d)~~(e) Nothing in this section shall be construed to limit the existing authority of a State agency, department, or entity to regulate greenhouse gas emissions or establish strategies or adopt rules to mitigate climate risk and build resilience to climate change.

Sec. 21. 2024 Acts and Resolves No. 122, Sec. 3 is amended to read:

Sec. 3. IMPLEMENTATION

(a) ~~On or before July 1, 2025, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on Administrative Rules the proposed rule for the adoption of the Resilience Implementation Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1, 2026, the Agency of Natural Resources shall adopt the final rule establishing the Resilience Implementation Strategy required pursuant to 10 V.S.A. § 599a(b)(3).~~ [Repealed.]

(b) On or before July 1, ~~2026~~ 2027, the Agency of Natural Resources pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on

Administrative Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2). On or before January 1, 2027 2028, the Agency of Natural Resources shall adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2).

Sec. 22. 10 V.S.A. § 596 is amended to read:

§ 596. DEFINITIONS

As used in this chapter:

** * **

(7) “Covered greenhouse gas emissions” means the total quantity of greenhouse gases released into the atmosphere ~~during the covered period~~, expressed in metric tons of carbon dioxide equivalent, resulting from the use of fossil fuels extracted or refined by an entity during the covered period.

** * **

(22) “Responsible party” means any entity or a successor in interest to an entity that during any part of the covered period was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the Agency attributable to for more than one billion metric tons of covered greenhouse gas emissions ~~during the covered period~~. The term responsible party does not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the U.S. Constitution.

** * **

Sec. 23. 10 V.S.A. § 598(b) is amended to read:

(b) With respect to each responsible party, the cost recovery demand shall be equal to an amount that bears the same ratio to the cost to the State of Vermont and its residents, as calculated by the State Treasurer pursuant to section 599c of this title, from ~~the emission of covered greenhouse gases during the covered period~~ gas emissions as the responsible party's applicable share of covered greenhouse gas emissions bears to the aggregate applicable shares of covered greenhouse gas emissions ~~resulting from the use of fossil fuels extracted or refined during the covered period.~~

Sec. 24. 10 V.S.A. § 599c is amended to read:

*§ 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF
COVERED GREENHOUSE GAS EMISSIONS*

On or before January 15, ~~2026~~ 2027, the State Treasurer, after consultation with the Interagency Advisory Board to the Climate Action Office, and with any other person or entity whom the State Treasurer decides to consult for the purpose of obtaining and utilizing credible data or methodologies that the State Treasurer determines may aid the State Treasurer in making the assessments and estimates required by this section, shall submit to the Senate Committees on Appropriations, on Finance, on Agriculture, and on Natural Resources and Energy and the House Committees on Appropriations; on Ways and Means; on Agriculture, Food Resiliency, and Forestry; and on

Environment and Energy an assessment of the cost to the State of Vermont and its residents of the emission of covered greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024 gas emissions. The assessment shall include:

* * *

(3) a categorized calculation of the costs that have been incurred and are projected to be incurred in the future within the State of Vermont to abate the effects of covered greenhouse gas emissions from between January 1, 1995 and December 31, 2024 on the State of Vermont and its residents.

Sec. 25. EFFECTIVE DATES

(a) This section and Secs. 20–24 (climate superfund act) shall take effect on passage.

(b) All other sections shall take effect on July 1, 2025, except that:

(1) Sec. 7 (free fishing license; person with developmental disabilities) shall take effect on January 1, 2026; and

(2) in Sec. 13, 10 V.S.A. § 4085(a) (related to the taking of reptiles and amphibians) shall take effect on January 1, 2027.