

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[Repealed.]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 [Repealed.]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

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

2 except as permitted under subsection 47059e); and

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

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

20 ~~(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.~~

1 ~~Sec. 7. EFFECTIVE DATE~~

2 ~~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.~~

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(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):

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~~(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~~

~~of a public highway. In no event shall the holder of a permit shoot across the traveled portion of a public highway.~~

~~(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:

** * **

(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.