

1 H.636

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife; enforcement

6 Statement of purpose of bill as introduced: This bill proposes to amend  
7 multiple provisions related to the authority of the Department of Fish and  
8 Wildlife to collect information, acquire property, issue licenses and lottery  
9 applications, and enforce violations.

10 An act relating to miscellaneous fish and wildlife subjects

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

12 \* \* \* Information Collection \* \* \*

13 Sec. 1. 16 V.S.A. § 4132 is amended to read:

14 § 4132. GENERAL DUTIES OF COMMISSIONER

15 (a) The Commissioner shall have charge of the enforcement of the  
16 provisions of this part.

17 \* \* \*

18 (f) The Commissioner may collect data, conduct scientific research, and  
19 contract with qualified consultants for the purposes of managing fish and

1 ~~wildlife in the State and achieving the requirements and policies of this part~~  
2 The Commissioner may designate as confidential any data, records, or  
3 information produced or acquired by staff or contractors in the conduct of  
4 study or research related to fish and wild flora and fauna, but only if such  
5 documents present a threat to a species. Examples include the disclosure of  
6 the location of furbearers and fish game species with fidelity to specific habitat  
7 locations and the GIS location of den sites. Such data, records, or information  
8 shall be disclosed if published or publicly released by the Department or its  
9 authorized agents.

10 \* \* \* Acquisition of Property; Grants \* \* \*

11 Sec. 2. 10 V.S.A. § 4144(a) is amended to read:

12 (a) The ~~secretary~~ Secretary with approval of the Governor may acquire for  
13 the use of the ~~State~~ Department of Fish and Wildlife by gift, purchase, or lease  
14 ~~in the name of the State, any and all rights and interests in~~ lands, ponds, or  
15 streams, and hunting and fishing rights and privileges in any lands or waters in  
16 the State, ~~with~~ and the necessary rights of ingress or egress to and from such  
17 lands and waters. The Secretary's authority to acquire property interests under  
18 this section shall include all of the interests that may be acquired under  
19 subsection 6303(a) of this title. Rights or interests in real property acquired by  
20 the Secretary through transactions funded in whole or in part by the Vermont  
21 Housing and Conservation Board are deemed as accepted by the Governor.

1 ~~Sec. 3. 10 V.S.A. § 4147 is amended to read:~~

2 § 4147. FISH AND WILDLIFE LANDS

3 (a) ~~Notwithstanding the provisions of 29 V.S.A. § 166, the Secretary with~~  
4 ~~the approval of the Governor, may convey, exchange, sell, or lease lands under~~  
5 ~~the Secretary's jurisdiction of the Department of Fish and Wildlife for one or~~  
6 ~~more of the following purposes:~~

7 ~~(1) resolving trespass issues and implementing boundary line~~  
8 ~~adjustments and right-of-way and deed corrections, provided that the transfers~~  
9 ~~are advantageous to the State;~~

10 ~~(2) implementing the acquisition of new lands for conservation and~~  
11 ~~public recreation when, in his or her judgment, it is advantageous to the State~~  
12 ~~to do so in the highest orderly development of such lands and management of~~  
13 ~~game thereon.~~

14 ~~(b) Provided, however, such lease~~ The lease, sale, or exchange of lands  
15 under this section shall not include oil and gas leases and shall not be contrary  
16 to the terms of any contract ~~which~~ that has been entered into by the State.  
17 Rights or interests in real property conveyed by the Secretary as a part of  
18 transactions funded in whole or in part by the Vermont Housing and  
19 Conservation Board are deemed as accepted by the Governor.

20 Sec. 4. 32 V.S.A. § 5 is amended to read:

21 § 5. ACCEPTANCE OF GRANTS

22 ~~(a) No original of any grant, gift, loan, or any sum of money or thing of~~

1 ~~value may be accepted by any agency, department, commission, board, or~~

2 other part of State government except as follows:

3 \* \* \*

4 (3)(A) This section shall not apply to the following items, if the  
5 acceptance of those items will not incur additional expense to the State or  
6 create an ongoing requirement for funds, services, or facilities:

7 (i) the acceptance of grants, gifts, donations, loans, or other things  
8 of value with a value of \$5,000.00 or less;

9 (ii) the acceptance by the Department of Forests, Parks and  
10 Recreation and the Department of Fish and Wildlife of grants, gifts, donations,  
11 loans, or other things of value with a value of \$15,000.00 or less; or

12 (iii) the acceptance by the Vermont Veterans' Home of grants,  
13 gifts, donations, loans, or other things of value with a value of \$10,000.00 or  
14 less; or

15 (iv) the acceptance by the Department of Fish and Wildlife of  
16 grants, gifts, donations, loans, or other things of value with a value of  
17 \$15,000.00 or less, except for real estate or grants related to the acquisition of  
18 real estate.

19 (B) The Secretary of Administration and Joint Fiscal Office shall be  
20 promptly notified of the source, value, and purpose of any items received

21 ~~under this subdivision (3). The Joint Fiscal Office shall report all such items~~

1 ~~to the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d)~~

2 (expiration of required reports) shall not apply to the report to be made under  
3 this subdivision.

4 \* \* \*

5 \* \* \* Licensing; Lottery Applications \* \* \*

6 Sec. 5. 10 V.S.A. § 4254(e) is amended to read:

7 (e) The Commissioner shall establish:

8 (1) license agencies, for the sale and distribution of licenses or lottery  
9 applications for licenses, including any town clerk who desires to sell licenses  
10 or process lottery applications for licenses;

11 (2) the number, type, and location of license agencies, other than town  
12 clerk agencies;

13 (3) the qualifications of all agencies and agents except town clerks;

14 (4) controls for the inventory, safeguarding, issue, and recall of all  
15 licensing materials;

16 (5) the times and methods for reporting the sale and issuance of all  
17 licenses;

18 (6) procedures for accounting for and return of all monies and  
19 negotiable documents due the Department from agencies in accordance with  
20 the provisions of this title and Title 32 of the Vermont Statutes Annotated;

21 ~~(7) procedures for the audit of all license programs and license agency~~

1 ~~transactions and the proper retention and inspection of all accounting and~~

2 inventory records related to the sale or issuance of licenses;

3 (8) procedures for the suspension of any license agent or agency,  
4 including a town clerk agent, for noncompliance with the provisions of this  
5 title, any written agreement between the agent and the Department, or any  
6 licensing rule established by the Department;

7 (9) that for each license or lottery application, \$1.50 of the fee is a filing  
8 fee that may be retained by the agent, except for the super sport license for  
9 which \$5.00 of the fee is a filing fee that may be retained by the agent; and

10 (10) that for licenses, lottery applications, and tags issued where the  
11 Department does not receive any part of the fee, \$1.50 may be charged as a  
12 filing fee and retained by the agent.

13 \* \* \* Migratory Waterfowl Stamp Program \* \* \*

14 Sec. 6. 10 V.S.A. § 4277 is amended to read:

15 § 4277. MIGRATORY WATERFOWL STAMP PROGRAM

16 (a) Definitions. As used in this section:

17 (1) "Migratory waterfowl" means all waterfowl species in the family  
18 anatidae, including wild ducks, geese, brant, and swans.

19 (2) "Stamp" means the State migratory waterfowl hunting stamp  
20 furnished by the Department of Fish and Wildlife as provided for in this  
21 section and the federal migratory waterfowl stamp furnished by the U.S.

22 Department of the Interior.

1     ~~(b) Waterfowl stamp required. No person 16 years of age or older shall~~  
2 attempt to take or take any migratory waterfowl in this State without first  
3 obtaining a State and federal migratory waterfowl stamp for the current year in  
4 addition to a regular hunting license as provided by section 4251 of this title.

5     A stamp shall not be transferable. The State stamp year shall run from  
6 January 1 to December 31.

7     (c) Waterfowl stamp design, production, and distribution. The  
8 Commissioner of Fish and Wildlife shall be responsible for the design,  
9 production, procurement, distribution, and sale of ~~all stamps~~ the State stamp  
10 and all marketable stamp ~~byproducts~~ by-products such as posters, artwork,  
11 calendars, and other items.

12     (d) Fee. ~~Stamps~~ State stamps shall be sold at the direction of the  
13 Commissioner for a fee of \$7.50. The issuing agent may retain a fee of \$1.00  
14 for each stamp and shall remit \$6.50 of each fee to the Department of Fish and  
15 Wildlife. The Commissioner shall establish a uniform sale price for all  
16 categories of ~~byproducts~~ by-products.

17     (e) Disposition of waterfowl receipts. All State waterfowl stamp receipts  
18 and all receipts from the sale of State stamp ~~byproducts~~ by-products shall be  
19 deposited in the Fish and Wildlife Fund. All State stamp and ~~byproducts~~ by-  
20 products receipts shall be expended through the appropriation process for  
21 ~~waterfowl acquisition and improvement projects.~~

1 ~~(f) Advisory committee. There is hereby created a the Migratory~~  
2 Waterfowl Advisory Committee which shall consist of five persons and up to  
3 three alternates appointed by and serving at the pleasure of the Commissioner  
4 of Fish and Wildlife. The Commissioner shall designate a the Chair. The  
5 Committee shall be consulted with and may make recommendations to the  
6 Commissioner in regard to all projects and activities supported with the funds  
7 derived from the implementation of this section. The Commissioner shall  
8 make an annual financial and progress report to the Committee with regard to  
9 all activities authorized by this section.

10 \* \* \* Forfeiture \* \* \*

11 Sec. 7. 10 V.S.A. § 4505 is amended to read:

12 § 4505. HEARING; FORFEITURE

13 The game warden or other officer shall retain possession of firearms, jacks,  
14 lights, motor vehicles, and devices taken until final disposition of the charge  
15 against the owner, possessor, or person using the same in violation of the  
16 provisions of section 4745, 4781, 4783, 4784, 4705(a), 4280, 4747, or 4606 of  
17 this title, in accordance with the provisions of section 4503 of this title. When  
18 the owner, possessor, or person using firearms, jacks, lights, motor vehicles,  
19 and devices in violation of the section is convicted of the offense, the court  
20 where the conviction is had shall cause the owner, if known, and possessor,  
21 ~~and all persons having the custody of or exercising any control over the~~



1 ~~firearms, jacks, lights, motor vehicles, and devices seized, either as principal,~~  
2 clerk, servant, or agent and the respondent to appear and show cause, if any  
3 they have, why a forfeiture or condemnation order should not issue. The  
4 hearings may be held as a collateral proceeding to the trial of the respondent in  
5 the discretion of the court.

6 \* \* \* Enforcement; Violations \* \* \*

7 Sec. 8. 10 V.S.A. § 4551 is amended to read:

8 § 4551. FISH AND WILDLIFE VIOLATION DEFINED

9 A violation of any provision of this part, other than a violation for which a  
10 term of imprisonment may be imposed, or a minor violation as defined in  
11 section 4572 of this title, ~~or a violation of a rule adopted under this part shall~~  
12 ~~be known as a fish and wildlife violation.~~

13 Sec. 9. 10 V.S.A. § 4705 is amended to read:

14 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;  
15 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

20 (b) A person shall not carry or possess while in or on a vehicle propelled  
21 by mechanical power or drawn by a vehicle propelled by mechanical power  
22 within the ~~right-of-way~~ right-of-way of a public highway a rifle or shotgun  
23 ~~containing a loaded cartridge or shell in the chamber, mechanism, or in a~~

1 ~~magazine, or clip within a rifle or shotgun, a crossbow, or a muzzle-loading~~  
2 rifle or muzzle-loading shotgun that has been charged with powder and  
3 projectile and the ignition system of which has been enabled by having an  
4 affixed or attached percussion cap, primer, battery, or priming powder, except  
5 as permitted under subsections (d) and (e) of this section. A person who  
6 possesses a rifle, crossbow, or shotgun, including a muzzle-loading rifle or  
7 muzzle-loading shotgun, in or on a vehicle propelled by mechanical power, or  
8 drawn by a vehicle propelled by mechanical power within a ~~right-of-way~~ right-  
9 of-way of a public highway shall upon demand of an enforcement officer  
10 exhibit the firearm for examination to determine compliance with this section.

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

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

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

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

6 \* \* \*

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

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

12 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING  
13 OF WILD ANIMALS; POSSESSION OF WILD BOAR

14 (a) A person shall not bring into the State, transport into, transport within,  
15 transport through, or possess in the State any live wild bird or animal of any  
16 kind, ~~unless, upon application in writing therefor, the person obtains~~ without a  
17 permit from the Commissioner ~~a permit to do so~~. The importation permit may  
18 be granted under such regulations therefor as the ~~Board~~ Commissioner shall  
19 prescribe and only after the Commissioner has made such investigation and  
20 inspection of the birds or animals as she or he may deem necessary. The  
21 Department may dispose of unlawfully possessed or imported wildlife as it  
22 ~~may judge best, and the State may collect treble damages from the violator of~~

1 ~~this subsection for all expenses incurred~~

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

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

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

12 ~~(e)~~(e) Applicants shall pay a permit fee of \$100.00.

13 ~~(d)~~(f)(1) The Commissioner shall not issue a permit under this section for  
14 the importation or possession of the following live species, a hybrid or genetic  
15 variant of the following species, offspring of the following species, or  
16 offspring or a hybrid of a genetically engineered variant of the following  
17 species: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old  
18 world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus scrofa*  
19 Linnaeus).

20 (2) This subsection shall not apply to the domestic pig (*Sus domesticus*)  
21 ~~involved in domestic hog production and shall not restrict or limit the authority~~

1 ~~of the Secretary of Agriculture, Food and Markets to regulate the importation~~  
2 ~~or possession of the domestic pig as livestock or as a domestic animal under~~  
3 ~~Title 6 of the Vermont Statutes Annotated.~~

4 \* \* \* Effective Date \* \* \*

5 Sec. 11. EFFECTIVE DATE

6 ~~This act shall take effect on July 1, 2018.~~

\* \* \* Information Collection \* \* \*

*Sec. 1. 10 V.S.A. § 4132 is amended to read:*

*§ 4132. GENERAL DUTIES OF COMMISSIONER*

*(a) The Commissioner shall have charge of the enforcement of the provisions of this part.*

\* \* \*

*(f) The Commissioner may collect data, conduct scientific research, and contract with qualified consultants for the purposes of managing fish and wildlife in the State and achieving the requirements and policies of this part. The Commissioner may designate as confidential any records produced or acquired by Department staff or contractors in the conduct of a study of or research related to fish, wildlife, wild plants, or the habitat or fish, wildlife, or wild plants, if release of the records would present a threat of harm to a species or the habitat of a species. Records designated as confidential under this subsection shall be exempt from inspection and copying under the Public Records Act. Records of Department staff or contractors that are not*

designated as confidential under this subsection shall be available for inspection and copying under the Public Records Act.

*\* \* \* Acquisition of Property; Grants \* \* \**

*Sec. 2. 10 V.S.A. § 4144(a) is amended to read:*

*(a) The ~~secretary~~ Secretary with approval of the Governor may acquire for the use of the State Department of Fish and Wildlife by gift, purchase, or lease ~~in the name of the State, any and all rights and interests in~~ lands, ponds, or streams, and hunting and fishing rights and privileges in any lands or waters in the State, ~~with~~ and the necessary rights of ingress or egress to and from such lands and waters. The Secretary's authority to acquire property interests under this section shall include all of the interests that may be acquired under subsection 6303(a) of this title.*

*Sec. 3. 10 V.S.A. § 4147 is amended to read:*

*§ 4147. FISH AND WILDLIFE LANDS*

*(a) Notwithstanding the provisions of 29 V.S.A. § 166, the Secretary with the approval of the Governor, may convey, exchange, sell, or lease lands under the Secretary's jurisdiction of the Department of Fish and Wildlife for one or more of the following purposes:*

*(1) resolving trespass issues and implementing boundary line adjustments and right-of-way and deed corrections, provided that the transfers are advantageous to the State;*

*(2) implementing the acquisition of new lands for conservation and*

*public recreation when, in his or her judgment, it is advantageous to the State to do so in the highest orderly development of such lands and management of game thereon.*

*(b) Provided, however, such The lease, sale, or exchange of lands under this section shall not include oil and gas leases and shall not be contrary to the terms of any contract ~~which~~ that has been entered into by the State.*

\* \* \*

\* \* \* *Licensing; Lottery Applications* \* \* \*

*Sec. 4. 10 V.S.A. § 4254(e) is amended to read:*

*(e) The Commissioner shall establish:*

*(1) license agencies, for the sale and distribution of licenses or lottery applications for licenses, including any town clerk who desires to sell licenses or process lottery applications for licenses;*

*(2) the number, type, and location of license agencies, other than town clerk agencies;*

*(3) the qualifications of all agencies and agents except town clerks;*

*(4) controls for the inventory, safeguarding, issue, and recall of all licensing materials;*

*(5) the times and methods for reporting the sale and issuance of all licenses;*

*(6) procedures for accounting for and return of all monies and*

*negotiable documents due the Department from agencies in accordance with the provisions of this title and Title 32 of the Vermont Statutes Annotated;*

*(7) procedures for the audit of all license programs and license agency transactions and the proper retention and inspection of all accounting and inventory records related to the sale or issuance of licenses;*

*(8) procedures for the suspension of any license agent or agency, including a town clerk agent, for noncompliance with the provisions of this title, any written agreement between the agent and the Department, or any licensing rule established by the Department;*

*(9) that for each license or lottery application, \$1.50 of the fee is a filing fee that may be retained by the agent, except for the super sport license for which \$5.00 of the fee is a filing fee that may be retained by the agent; and*

*(10) that for licenses, lottery applications, and tags issued where the Department does not receive any part of the fee, \$1.50 may be charged as a filing fee and retained by the agent.*

*\* \* \* Migratory Waterfowl Stamp Program \* \* \**

*Sec. 5. 10 V.S.A. § 4277 is amended to read:*

*§ 4277. MIGRATORY WATERFOWL STAMP PROGRAM*

*(a) Definitions. As used in this section:*

*(1) "Migratory waterfowl" means all waterfowl species in the family anatidae, including wild ducks, geese, brant, and swans.*

*(2) "Stamp" means the State migratory waterfowl hunting stamp*



*furnished by the Department of Fish and Wildlife as provided for in this section and the federal migratory waterfowl stamp furnished by the U.S. Department of the Interior.*

*(b) Waterfowl stamp required. No person 16 years of age or older shall attempt to take or take any migratory waterfowl in this State without first obtaining a State and federal migratory waterfowl stamp for the current year in addition to a regular hunting license as provided by section 4251 of this title. A stamp shall not be transferable. The State stamp year shall run from January 1 to December 31.*

*(c) Waterfowl stamp design, production, and distribution. The Commissioner of Fish and Wildlife shall be responsible for the design, production, procurement, distribution, and sale of ~~all stamps~~ the State stamp and all marketable stamp ~~byproducts~~ by-products such as posters, artwork, calendars, and other items.*

*(d) Fee. ~~Stamps~~ State stamps shall be sold at the direction of the Commissioner for a fee of \$7.50. The issuing agent may retain a fee of \$1.00 for each stamp and shall remit \$6.50 of each fee to the Department of Fish and Wildlife. The Commissioner shall establish a uniform sale price for all categories of ~~byproducts~~ by-products.*

*(e) Disposition of waterfowl receipts. All State waterfowl stamp receipts and all receipts from the sale of State stamp ~~byproducts~~ by-products shall be*

*deposited in the Fish and Wildlife Fund. All State stamp and byproducts by-products receipts shall be expended through the appropriation process for waterfowl acquisition and improvement projects.*

*(f) ~~Advisory committee~~ Committee. There is hereby created a the Migratory Waterfowl Advisory Committee which shall consist of five persons and up to three alternates appointed by and serving at the pleasure of the Commissioner of Fish and Wildlife. The Commissioner shall designate a the Chair. The Committee shall be consulted with and may make recommendations to the Commissioner in regard to all projects and activities supported with the funds derived from the implementation of this section. The Commissioner shall make an annual financial and progress report to the Committee with regard to all activities authorized by this section.*

*\* \* \* Forfeiture \* \* \**

*Sec. 6. 10 V.S.A. § 4505 is amended to read:*

*§ 4505. HEARING; FORFEITURE*

*The game warden or other officer shall retain possession of firearms, jacks, lights, motor vehicles, and devices taken until final disposition of the charge against the owner, possessor, or person using the same in violation of the provisions of section 4745, 4781, 4783, 4784, 4705(a), 4280, 4747, or 4606 of this title, in accordance with the provisions of section 4503 of this title. When the owner, possessor, or person using firearms, jacks, lights, motor vehicles,*

*and devices in violation of the section is convicted of the offense, the court where the conviction is had shall cause the owner, if known, and possessor, and all persons having the custody of or exercising any control over the firearms, jacks, lights, motor vehicles, and devices seized, either as principal, clerk, servant, or agent and the respondent to appear and show cause, if any they have, why a forfeiture or condemnation order should not issue. The hearings may be held as a collateral proceeding to the trial of the respondent in the discretion of the court.*

*\* \* \* Enforcement; Violations \* \* \**

*Sec. 7. 10 V.S.A. § 4551 is amended to read:*

*§ 4551. FISH AND WILDLIFE VIOLATION DEFINED*

*A violation of any provision of this part, other than a violation for which a term of imprisonment may be imposed, or a minor violation as defined in section 4572 of this title, ~~or a violation of a rule adopted under this part~~ shall be ~~known as~~ a fish and wildlife violation.*

*Sec. 8. 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 motor-propelled craft or any vehicle drawn by a ~~motor-propelled~~ 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~~ right-of-way of a public highway a rifle or shotgun containing a loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, or 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. 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~~ 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 duty.*

*\* \* \**

*Sec. 9. 10 V.S.A. § 4709 is amended to read:*

*§ 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING OF WILD ANIMALS; POSSESSION OF WILD BOAR*

*(a) A person shall not bring into the State, transport into, transport within, transport through, or possess in the State any live wild bird or animal of any kind, unless, upon application in writing therefor, the person obtains without authorization from the Commissioner a permit to do so or his or her designee.*  
*The importation permit may be granted under such regulations therefor as the ~~Board~~ Commissioner shall prescribe and only after the Commissioner has made such investigation and inspection of the birds or animals as she or he*

*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)~~(e) Applicants shall pay a permit fee of \$100.00.*

*~~(d)~~(f)(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: wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, Eurasian wild boar, or Russian wild boar (*Sus scrofo* Linnaeus).*

*(2) This subsection shall not apply to the domestic pig (*Sus domesticus*)*

*involved in domestic hog production and shall not restrict or limit the authority of the Secretary of Agriculture, Food and Markets to regulate the importation or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated.*

*\* \* \* Trapping \* \* \**

*Sec. 10. 10 V.S.A. § 4254c is amended to read:*

*§ 4254c. NOTICE OF TRAPPING; DOMESTIC PET*

*A person who incidentally traps a domestic pet found to be injured or killed shall notify a fish and wildlife warden if the contact identification for the owner of the domestic pet is readily available.*

*Sec. 11. 10 V.S.A. § 4828 is amended to read:*

*§ 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY*

*LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY*

*(a)(1) The provisions of law or ~~regulations~~ rules of the Board relating to the taking of rabbits or fur-bearing animals shall not apply to:*

*(A) an owner, the owner's employee, tenant, or caretaker of property protecting the property from damage by rabbits or fur-bearing animals; or*

*(B) to a member of the selectboard of a town protecting public highways or bridges from such damage or submersion with the permission of the owner of lands affected.*

*(2) A person who for compensation sets a trap for rabbits or furbearing animals on the property of another in defense of that property shall possess a*

valid trapping license.

~~(3)(A) However, if~~ If required by rule of the ~~board~~ Board, an owner; the  
owner's employee, tenant, or caretaker; or the members; a member of the  
selectboard; or a person who sets a trap for compensation who desire desires  
to possess during the closed season the skins of any fur-bearing animals taken  
in defense of property, highways, or bridges shall notify the Commissioner or  
the Commissioner's representative within 84 hours after taking ~~such~~ the  
animal, and shall hold ~~such~~ the pelts for inspection by such authorized  
representatives.

~~(b) Before disposing of such pelts~~ taken under this section, if required by  
rule of the Board, the property owner; the owner's employee, tenant, or  
caretaker; or; a member of the selectboard; or a person who sets a trap for  
compensation shall secure from the Commissioner or a designee a certificate  
describing the pelts, and showing that the pelts were legally taken during a  
closed season and in defense of property, highways, or bridges. In the event of  
storage, sale, or transfer; ~~such~~ the certificates shall accompany the pelts  
described therein.

Sec. 12. 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:*

\* \* \*



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

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

*\* \* \**

*(13) Rabbit: to include wild hare.*

*(14) Fur-bearing animals: beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat.*

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

*\* \* \**

*(23) Take and taking: pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts, such as disturbing, harrying ~~or~~ worrying, or wounding or placing, setting, drawing, or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in a lawful manner.*

*\* \* \**

*(27) Commissioner: Commissioner of Fish and Wildlife.*

\* \* \*

*(31) Big game: deer, bear, moose, wild turkey, caribou, elk, and anadromous Atlantic salmon taken in the Connecticut River Basin.*

\* \* \*

*(40) Domestic pet: domesticated dogs, domesticated cats, domesticated ferrets, psittacine birds, or any domesticated animal ~~that is kept for pleasure~~ rather than utility.*

*Sec. 13. FISH AND WILDLIFE BOARD RULES; TRAPPING*

*On or before January 1, 2019, the Fish and Wildlife Board shall adopt by rule those requirements of Fish and Wildlife Board Rule 44 regarding the trapping of fur-bearing animals that shall apply to persons trapping for compensation under 10 V.S.A. § 4828.*

*\* \* \* Antlerless Deer; Posting with Permission \* \* \**

*Sec. 14. 10 V.S.A. § 4081(g) is amended to read:*

*(g) If the Board finds that an antlerless season is necessary to maintain the health and size of the herd, the Department shall administer an antlerless deer program. Annually, the Board shall determine how many antlerless permits to issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for residents and \$25.00 for nonresidents, a person may apply for a permit. Each person may submit only one application for a permit. The Department shall*

*allocate the permits in the following manner:*

*(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by more than one individual, corporation, or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except with permission-only signs under section 5201 of this title or as a safety zone under the provisions of section 4710 of this title. As used in this section, “post” means any signage, other than permission-only signs authorized under section 5201 of this title, that would lead a reasonable person to believe that hunting is restricted on the land. If the number of landowners who apply exceeds the number of permits for that district, the Department shall award all permits in that district to landowners by lottery.*

*(2) Permits remaining after allocation pursuant to subdivision (1) of this subsection shall be issued by lottery.*

*(3) Any permits remaining after permits have been allocated pursuant to subdivisions (1) and (2) of this subsection shall be issued by the Department for a \$10.00 fee for residents. Ten percent of the remaining permits may be*

*issued to nonresident applicants for a \$25.00 fee.*

*\* \* \* Coyote Hunting \* \* \**

*Sec. 15. 10 V.S.A. § 4716 is added to read:*

*§ 4716. COYOTE-HUNTING COMPETITIONS; PROHIBITION*

*(a) As used in this section, “coyote-hunting competition” means a contest in which people compete in the capturing or taking of coyotes for a prize or public recognition.*

*(b) A person shall not hold or conduct a coyote-hunting competition in the State.*

*(c) A person shall not participate in a coyote-hunting competition in the State.*

*(d) A person who violates this section shall be fined not more than \$1,000.00 nor less than \$400.00 for a first offense. Upon a second and all subsequent convictions or any conviction while under license suspension related to the requirements of part 4 of this title, a person who violates this section shall be fined not more than \$4,000.00 nor less than \$2,000.00.*

*Sec. 16. 10 V.S.A. § 4502(b) is amended to read:*

*(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):*

*\* \* \**

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

*\* \* \**

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

*(3) Twenty points shall be assessed for:*

*\* \* \**

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

*Sec. 17. 10 V.S.A. § 4518 is amended to read:*

*§ 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED  
SPECIES; COYOTE-HUNTING COMPETITION VIOLATIONS;  
SUSPENSION; VIOLATIONS*

*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 holding or participating in a coyote-hunting competition; or relating to threatened or endangered species shall be fined not more than \$1,000.00 nor less than \$400.00 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 nor less than \$2,000.00 or imprisoned for not more than 60 days, or both.*

*Sec. 17. [Deleted.]*

*\* \* \* Fish and Wildlife Violations; Criminal or Civil \* \* \**

*Sec. 18. DEPARTMENT OF FISH AND WILDLIFE; REVIEW OF  
CRIMINAL OR CIVIL NATURE OF VIOLATIONS*

*The Department of Fish and Wildlife shall conduct a review of the potential criminal and civil charges for all fish and wildlife violations. On or before January 15, 2019, the Department shall submit to the House Committees on Natural Resources, Fish, and Wildlife and on Judiciary and the Senate Committees on Natural Resources and Energy and on Judiciary a report recommending changes to the criminal and civil charges for fish and wildlife violations. The report shall summarize the process the Department used to review the charges for fish and wildlife violations and shall explain the basis for the Department's recommendations. Prior to preparing the report required by this section, the Department shall consult with interested stakeholders, the Judiciary, State's Attorneys, criminal defense lawyers, and fish and game groups.*

*\* \* \* Effective Dates \* \* \**

~~*Sec. 19. EFFECTIVE DATES*~~

~~*(a) This section and Secs. 10 (incidental trapping), 12 (definitions), 13 (trapping rules amendment), and 15-17 (coyote-hunting competitions) shall take effect on January 1, 2019.*~~

~~*(b) Sec. 11 (trapping for compensation) shall take effect on January 1, 2020.*~~

~~(c) All other sections shall take effect on July 1, 2018.~~

*Sec. 19. EFFECTIVE DATES*

(a) Secs. 10 (incidental trapping), 12 (definitions), 13 (trapping rules amendment), and 15-16 (coyote-hunting competition prohibition; points) shall take effect on January 1, 2019.

(b) Sec. 11 (trapping for compensation) shall take effect on January 1, 2020.

(c) This section and all other sections shall take effect on July 1, 2018.