

1
2
3
4
5
6
7

8
9
10
11
12
13
14
15
16
17
18

H.570

Introduced by Representative Deen of Westminster

Referred to Committee on

Date:

Subject: Fish and wildlife; hunting; fishing; trapping

Statement of purpose of bill as introduced: This bill proposes to amend various requirements relating to hunting, fishing, or trapping in Vermont.

An act relating to hunting, fishing, and trapping

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

Sec. 1. 10 V.S.A. § 4083 is amended to read:

§ 4083. FISH

Any regulation or amendment thereto adopted pursuant to this subchapter ~~which that~~ relates to fish may apply to all or any portion of the State and may ~~do~~ address any or all of the following as to any species or varieties of fish:

(1) ~~Establish~~ establish, extend, shorten, or abolish open seasons; and closed seasons;

(2) ~~Establish~~ establish, change, or abolish daily limits, season limits, possession limits, and size limits;

1 (3) ~~Establish~~ establish and change territorial limits for the pursuit,
2 taking, or killing of any species or varieties, and close or open lakes, streams,
3 or parts thereof;

4 (4) ~~Prescribe~~ prescribe the manner and the means of pursuing, taking, or
5 killing any species or variety, including the prescribing of type or kinds of bait,
6 lures, tackle, equipment, traps, or any other means or devices for taking such
7 fish;

8 (5) ~~Prescribe~~ prescribe such rules relating to transportation and
9 exportation of fish as may be necessary for the enforcement of this part;

10 (6) establish rules regarding the purchase and sale of fish taken in
11 Vermont, including: prohibiting the sale of specified fish; seasons; limits;
12 reporting requirements; and the manner and means of pursuing taking fish, in
13 accordance with the requirements of part 4 of this title.

14 Sec. 2. 10 V.S.A. § 4611 is amended to read:

15 § 4611. SALE OF SALMON, TROUT, AND BLACK BASS

16 (a) A person shall not buy or sell a salmon, trout, lake trout, walleye,
17 northern pike, muskellunge, ~~or black bass,~~ or any other fish specified by rule
18 by the Board taken in this State, or imported from another state or country
19 where sale of such fish is prohibited, except such fish reared in licensed
20 propagation farms within the State.

1 (b) A person shall not sell fish taken in Vermont without a permit issued
2 by the Commissioner under the rules of the Board and the requirements of
3 part 4 of this title. A propagation farm with a valid permit issued under
4 10 App. V.S.A. § 117 shall not be required to obtain a permit under this
5 section.

6 Sec. 3. 10 V.S.A. § 4605 is amended to read:

7 § 4605. PLACING FISH IN WATERS; FISH IMPORTATION PERMITS

8 (a) A person shall not introduce or attempt to introduce:

9 ~~(1) pickerel or northern pike into any waters; or~~

10 ~~(2) any fish, except trout or salmon,~~ into any waters except private
11 ponds lacking access to other waters of the State without a permit issued by the
12 Commissioner under this section or rules adopted by the Commissioner under
13 subsection (c) of this section.

14 (b) A person shall not bring into the State for the purpose of planting or
15 introducing, or to plant or introduce, into any of the inland or outlying waters
16 of the State any live fish or the live spawn thereof, unless, upon application in
17 writing therefor, the person obtains from the Commissioner a permit so to do.
18 ~~The permit may include conditions which the Commissioner finds necessary to~~
19 ~~guard the health of Vermont's fish population.~~

20 (c) The Commissioner may, by rule,;

1 (1) Require a permit to introduce or attempt to introduce specific fish
2 species into a specific water of the State based on management purposes.

3 (2) Prohibit the introduction or attempt at introduction of fish to specific
4 waters of the State based on management purposes, ecosystem considerations,
5 or the health and safety of Vermont's fish population.

6 (3) adopt Adopt a list of fish which, if introduced into Vermont waters,
7 have the potential to cause harm to the fish population of the State. A person
8 shall not possess or bring into the State any fish on the list unless the person
9 has received a permit issued pursuant to this subsection. The Commissioner
10 may issue a permit allowing importation and possession of a fish on the list,
11 provided the fish is to be kept in a controlled situation and used for a public
12 purpose such as research or education. ~~A permit issued under this subsection~~
13 ~~shall include conditions that ensure the health and safety of Vermont's fish~~
14 ~~population.~~

15 (d) Applicants shall pay a permit fee of \$50.00. The Commissioner or duly
16 authorized agents, shall make such investigation and inspection of the fish as
17 they may deem necessary and then the importation permit may be granted
18 pursuant to regulations which the Board shall prescribe. The Commissioner
19 may waive the permit fee required under this subsection for organizations
20 cooperating or partnering with the Department. The Commissioner or duly
21 authorized agents shall make a determination on the permit within 10 days of

1 receiving the application. The Department may dispose of unlawfully
2 imported fish as it may judge best, and the State may collect damages from the
3 violator of this subsection for all expenses incurred.

4 (e) Nothing in this section shall prohibit the Board, the Commissioner, or
5 their duly authorized agents from bringing into the State for the purpose of
6 planting, introducing, or stocking, or from planting, introducing, or stocking
7 any fish in the State.

8 (f) In any permit issued under this section, the Commissioner may include
9 conditions that ensure the health and safety of Vermont's fish population.

10 Sec. 4. 10 V.S.A. § 4501 is amended to read:

11 § 4501. AIDING IN VIOLATIONS; SHARING IN PROCEEDS

12 A person who drives, transports, scouts, counsels, conspires, or otherwise
13 aids another person in a violation of a provision of this part, or who knowingly
14 possesses, consumes, or otherwise shares in the proceeds of such a violation by
15 receiving or possessing fish or wild animals, or any parts thereof, shall be
16 punished as a principal.

17 Sec. 5. 10 V.S.A. § 4502 is amended to read:

18 § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

19 * * *

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) Five points shall be assessed for any violation of statutes or rules
5 adopted under this part except those listed in subdivisions (2) and (3) of this
6 subsection.

7 (2) Ten points shall be assessed for:

8 * * *

9 (HH) § 4827. A Taking black bear doing damage

10 * * *

11 (NN) § 4826. Taking deer doing damage

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

13 (PP) § 35. Taking moose doing damage

14 (QQ) Appendix § 22, section 6.7; Appendix § 33, section 13.1(g);

15 Appendix § 37, section 7.7. Possession or transport of a cocked crossbow in or

16 on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled

17 vehicle

18 (RR) Appendix § 37, section 6.3(b). Hunting bear with any

19 unspecified dog not listed on the permit.

20 (3) Twenty points shall be assessed for:

21 * * *

1 fishing in Vermont. The remedial course shall be approved by the
2 Commissioner and conducted by the Department. The fee for the remedial
3 course shall be \$100.00. Funds collected for the course shall be deposited in
4 the Fish and Wildlife Fund.

5 Sec. 6. 10 V.S.A. § 4503 is amended to read:

6 § 4503. UNLAWFUL EQUIPMENT, VEHICLE, FORFEITURE

7 A person convicted of violating the provisions of section ~~4518, 4747 or~~
8 ~~4606, 4521, 4705(a), or 4280~~ of this title ~~relating to taking big game by illegal~~
9 ~~means~~, shall forfeit to the State Department of Fish and Wildlife the firearms,
10 jacks, artificial lights, motor vehicle, or any other device used in ~~the taking or~~
11 ~~transporting of big game~~ committing the violation. Forfeiture of a motor
12 vehicle under this section shall not apply to the illegal taking, possessing, or
13 transporting of wild turkey or anadromous Atlantic salmon ~~under this section~~
14 or to violations of section 4606 and subsection 4705(a) of this title. Proceeds
15 from the sale of items or equipment forfeited under this section shall be
16 deposited in the Fish and Wildlife Fund.

17 Sec. 7. 10 V.S.A. § 4514 is amended to read:

18 § 4514. POSSESSION OF FLESH OF GAME; RESTITUTION

19 (a) When legally taken, the flesh of a fish or wild animal may be possessed
20 for food for a reasonable time thereafter and such flesh may be transported and
21 stored in a public cold storage plant. Nothing in this section shall authorize the

1 possession of game birds or carcasses or parts thereof contrary to regulations
2 made pursuant to the Migratory Bird Treaty Act.

3 (b) Any person convicted of illegally taking, destroying, or possessing wild
4 animals or threatened or endangered species shall, in addition to other penalties
5 provided under this chapter, pay restitution in the following amounts into the
6 Fish and Wildlife Fund for each animal taken, destroyed, or possessed, ~~no~~
7 ~~more than the following amounts:~~

- | | |
|---|--|
| 8 (1) Big game | <u>no more than \$2,000.00</u> |
| | <u>and no less than \$500.00</u> |
| 10 | each |
| 11 (2) Endangered or threatened species | \$2,000 <u>no more than</u> |
| 12 as defined in section 5401 of this | <u>\$2,000.00 and no less than</u> |
| 13 title | <u>\$500.00</u> each |
| 14 (3) Small game | <u>no more than \$500.00 and</u> |
| 15 | <u>no less than \$50.00</u> each |
| 16 (4) Fish | <u>no more than \$50.00</u> |
| 17 | <u>and no less than \$25.00</u> |
| 18 | each |

19 (c) A person who damages or destroys a wildlife facsimile owned by the
20 Department of Fish and Wildlife in violation of the requirements of part 4 of

1 this title shall pay restitution for the replacement of the decoy into the Fish and
2 Wildlife Fund.

3 Sec. 8. 10 V.S.A. § 4517 is amended to read:

4 § 4517. DESTRUCTION OF STATE PROPERTY

5 (a) Whoever ~~wilfully or carelessly~~ intentionally or recklessly damages,
6 injures, interferes with, or destroys any property, real or personal, belonging to
7 or controlled by the State for fish, game, or wildlife purposes shall be fined not
8 more than \$2,500.00.

9 (b) A person convicted of intentionally or recklessly damaging, injuring,
10 interfering with, or destroying property belonging to or controlled by the State
11 for fish, game, or wildlife purposes shall, in addition to other penalties
12 provided under this chapter, pay restitution into the Fish and Wildlife Fund to
13 repair or replace the damaged property.

14 Sec. 9. 10 V.S.A. § 4518 is amended to read:

15 § 4518. BIG GAME VIOLATIONS; THREATENED AND ENDANGERED

16 SPECIES; SUSPENSION; VIOLATIONS

17 Whoever violates a provision of this part or orders or rules of the Board
18 relating to taking, possessing, transporting, buying, or selling of big game or
19 relating to threatened or endangered species shall be fined not more than
20 \$1,000.00 nor less than \$400.00 or imprisoned for not more than 60 days, or
21 both. Upon a second and all subsequent convictions or any conviction while

1 under license suspension related to the requirements of part 4 of this title, the
2 violator shall be fined not more than ~~\$2,000.00~~ \$4,000.00 nor less than
3 ~~\$1,000.00~~ \$2,000.00 or imprisoned for not less than five days but not more
4 than 60 days, or both.

5 Sec. 10. 10 V.S.A. § 4616 is amended to read:

6 § 4616. ~~FELT SOLED BOOTS AND WADERS; USE PROHIBITED~~

7 ~~It is unlawful to use external felt-soled boots or external felt-soled waders in~~
8 ~~the waters of Vermont, except that a state or federal employee or emergency~~
9 ~~personnel, including fire, law enforcement, and EMT personnel, may use~~
10 ~~external felt-soled boots or external felt-soled waders in the discharge of~~
11 ~~official duties. [Repealed.]~~

12 Sec. 11. 10 V.S.A. § 4708 is amended to read:

13 § 4708. INTERFERENCE WITH HUNTING, FISHING, OR TRAPPING

14 (a) A person shall not ~~intentionally~~ interfere with the lawful taking of fish
15 or wild animals by ~~another nor intentionally harass, drive, or disturb fish or any~~
16 ~~wild animal for the purpose of disrupting the lawful taking of the same.~~
17 ~~Nothing in this subsection shall be construed to prohibit any incidental~~
18 ~~interference arising from lawful activity by land users including farmers and~~
19 ~~recreationists.~~

20 (b) ~~A person shall not take, injure, destroy, or wilfully interfere with:~~

21 (1) ~~a trap, when lawfully set for the purpose of taking wild animals; or~~

1 ~~(2) wilfully interfere with a person in the act of trapping animals;~~

2 (1) tampering with traps, nets, bait, firearms, or any other thing used for
3 hunting, trapping, or fishing;

4 (2) placing himself or herself in a position, for the purpose of
5 interfering, that hinders or prevents hunting, trapping, or fishing; or

6 (3) engaging in an activity, for the purpose of interfering, that drives,
7 harasses, disturbs, or is likely to disturb wildlife or fish.

8 Sec. 12. 10 V.S.A. § 5201 is amended to read:

9 § 5201. NOTICES; POSTING

10 (a)(1) An owner, or a person having the exclusive right to take ~~fish or wild~~
11 ~~animals~~ game upon land or the waters thereon, who desires to protect his or her
12 land or ~~waters~~ private pond or propagation farm over which he or she has
13 exclusive control, may maintain notices stating that:

14 (A) the shooting, trapping, or taking of game or wild animals is
15 prohibited or is by permission only;

16 (B) fishing or the taking of fish is prohibited or is by permission
17 only;

18 (C) fishing, hunting, trapping, ~~and or~~ and or taking of ~~wild animals and fish~~
19 ~~are game~~ is prohibited or ~~are~~ is by permission only.

1 (2) "Permission only signs" authorized under this section shall contain
2 the owner's name and a method by which to contact the property owner or a
3 person authorized to provide permission to hunt, fish, or trap on the property.

4 (b) Notices prohibiting the taking of ~~wild animals~~ game shall be erected
5 upon or near the boundaries of lands to be affected with notices at each corner
6 and not over 400 feet apart along the boundaries thereof. ~~Notices prohibiting~~
7 ~~the taking of fish shall show the date that the waters were last stocked and shall~~
8 ~~be maintained upon or near the shores of the waters not over 400 feet apart.~~

9 Legible signs must be maintained at all times and shall be dated each year.

10 These signs shall be of a standard size and design as the Commissioner shall
11 specify.

12 (c) The owner or person posting the lands shall record this posting annually
13 in the town clerk's office of the town in which the land is located. The
14 recording form shall be furnished by the Commissioner and shall be filled out
15 in triplicate, one copy to be retained by the town clerk, one copy to the
16 Commissioner, and one copy to be retained by the person having the right to
17 post the lands. The forms shall contain the information as to the approximate
18 number of acres posted, location in town, date of posting, and signature of
19 person so posting the lands. The town clerk shall file the record and it shall be
20 open to public inspection. The town clerk shall retain a fee of \$5.00 for this
21 recording.

1 (d) Land posted as provided in subsection (b) of this section shall be
2 enclosed land for the purposes herein.

3 Sec. 13. 10 V.S.A. § 5202 is amended to read:

4 § 5202. PRIVATE PRESERVES PONDS, STOCKING, AFFIDAVIT

5 ~~(a) To post a stream as a private preserve under section 5201 of this title, a~~
6 ~~person annually shall:~~

7 ~~(1) Stock the waters of each half mile of stream with at least 1,000 fry,~~
8 ~~600 advanced fry, 300 fingerlings, or 150 fish, each not less than six inches in~~
9 ~~length.~~

10 ~~(2) File with the Commissioner and the town clerk of the town in which~~
11 ~~the waters lie, immediately after stocking the waters, a sworn affidavit~~
12 ~~declaring that the provisions of this section have been complied with. The~~
13 ~~affidavit shall identify the number and kind of fish placed in the waters, the~~
14 ~~date they were purchased, and the person from whom they were purchased.~~

15 ~~(b) When land or waters are stocked by the State with fish, wild animals, or~~
16 ~~game, with the knowledge and consent of the owner, the owner may not~~
17 ~~prohibit the taking of fish, wild animals, or game under section 5201 of this~~
18 ~~title. However, the The Commissioner may, at his or her discretion, stock a~~
19 ~~private fishing preserve which pond that allows some charitable or nonprofit~~
20 ~~organizations to use the area at no charge. In that case, the owner may prohibit~~
21 ~~the taking of fish or game by the general public under section 5201 of this title.~~

1 Sec. 14. EFFECTIVE DATES

2 This act shall take effect on July 1, 2016, except that Secs. 1 (regulation of
3 fish), 2 (commercial sale of fish), and 3 (importation and stocking of fish) shall
4 take effect on January 1, 2017.