

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 321 entitled “An act relating to miscellaneous fish and wildlife  
4 issues” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 \* \* \* Reciprocal Assistance Agreements \* \* \*

8 Sec. 1. 10 V.S.A. § 4199 is amended to read:

9 § 4199. RECIPROCAL ASSISTANCE AGREEMENTS

10 (a) ~~As used in~~ this section “officer” means a game warden, a  
11 conservation law enforcement officer, ~~or~~ a person in another state charged with  
12 enforcing the fish and wildlife laws of that state, or a law enforcement officer  
13 employed by the U.S. Fish and Wildlife Service, Office of Law Enforcement.

14 (b) The Commissioner may enter into a reciprocal assistance agreement  
15 with his or her counterpart in any other state or with the U.S. Fish and Wildlife  
16 Service. An agreement made under this section shall be for the sole purpose of  
17 cooperating and assisting each other in detecting and apprehending people  
18 violating the fish and wildlife or environmental laws of the State, subject to the  
19 limitations of section 4193 of this title.

20 (c) Pursuant to an agreement under this section, the Commissioner may  
21 send fish and wildlife wardens into another state for the purpose of assisting

1 the officers of that state or the U.S. Fish and Wildlife Service and may accept  
2 officers of another state into Vermont for the purpose of assisting Vermont  
3 wardens.

4 (d) Under an agreement pursuant to this section:

5 (1) When a Vermont game warden or an officer of one state enters  
6 another state for the purposes of assistance, he or she shall be under the  
7 operational control of the chief officer of the host state and shall have the same  
8 duties, rights, privileges, and immunities as officers of the host state. An  
9 officer of another state or the U.S. Fish and Wildlife Service operating in  
10 Vermont under this section shall have the same powers as a Vermont game  
11 warden provided the officer is certified by the Executive Director of the  
12 Vermont Criminal Justice Training Council as meeting the standards  
13 established in 20 V.S.A. § 2358 for Vermont law enforcement officers. This  
14 subsection does not nullify subsection 4193(b) of this title.

15 (2) When an officer is serving in another state under this section, the  
16 host state shall assume liability to third persons for actions of that officer taken  
17 on account of or in connection with a request for assistance hereunder but only  
18 to the extent that the host state would be liable for actions of one of its own  
19 officers. The home state of the officer shall be responsible for payment of  
20 salary, expenses, and injury and death benefits of the officer while on duty in  
21 another state.

1 (e) A reciprocal assistance agreement shall be executed in writing, shall set  
2 forth the terms and conditions under which assistance may be requested or  
3 rendered and shall remain in full force and effect until terminated by mutual  
4 consent of the parties to the agreement, or until 10 days after one of the parties  
5 has given notification to another party of intention to terminate the agreement.

6 \* \* \* Free Fishing Days \* \* \*

7 Sec. 2. 10 V.S.A. § 4251 is amended to read:

8 § 4251. TAKING WILD ANIMALS AND FISH; LICENSE

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

14 (b) The Commissioner of Fish and Wildlife may designate three days on  
15 Labor Day weekend each year and an additional two days each calendar year  
16 as “free fishing days” for which no license shall be required. ~~One~~ Of the  
17 additional two days of free fishing, one day shall occur in the open water  
18 fishing season and one day shall occur during the ice fishing season.

\* \* \* Replacement Licenses \* \* \*

Sec. 3. 10 V.S.A. § 4254(e)(10) is amended to read:

(10) that for licenses, including replacement; 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.

Sec. 4. 10 V.S.A. § 4261 is amended to read:

§ 4261. ~~LOST, REPLACEMENT, OR FREE LICENSE CERTIFICATE~~

~~(a) A person who has lost a license other than a lifetime license or permanent license may demand a lost license certificate from the agent of original issue. The fee shall be \$5.00 which the agent may retain. If the agent of original issue is no longer selling licenses, the applicant may apply directly to the Department. If available, replacement and free licenses may be obtained from a point of sale agent or online at the State's website. If requested from a point of sale agent, a \$1.50 filing fee may be charged and retained by the agent.~~

~~(b) A person who has lost a lifetime license or permanent license may obtain a new license upon application to the Department, payment of a \$5.00 fee and submission of proof of identification. If available, replacement and free licenses may be obtained from a point of sale agent or online at the State's website. If requested from a point of sale agent, a \$1.50 filing fee may be charged and retained by the agent. [Repealed.]~~

\* \* \* Uniform Point System; Forgiveness \* \* \*

Sec. 5. 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~~ 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 ~~which~~ 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:

\* \* \*

(H) § 4705. ~~Shooting~~ Transport and shooting from motor vehicles or aircraft

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

2 \* \* \*

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

5 \* \* \*

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

8 \* \* \*

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

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

15 (SS) ~~Appendix § 37, section 9.0.~~ Feeding deer.

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

17 (UU) § 5007(d) or (e). Failure to control dogs hunting black bear.

18 (VV) Appendix § 7, section 8.2.; Appendix § 33, section 14.7;

19 Appendix § 37, section 11.2. Failure to show warden the kill site.

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

\* \* \*

\* \* \*

(P) Appendix § 22. Turkey season, excluding: requirements for

\* \* \*

\* \* \*

~~(X) Appendix § 4. Hunting with a crossbow without a permit or~~

\* \* \*

1                    (DD) § 4706. Snaring animals

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

6                    (c) Licenses shall be suspended as follows:

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

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

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

13                   (d) The Commissioner shall establish a centralized registry of licensees and  
14                   shall track all convictions and the point accumulations, if any, against  
15                   licensees. The Commissioner shall provide adequate notice to licensees of  
16                   their point accumulations, and suspensions, if any.

17                   (e) When a person holding a license issued under this part has been  
18                   convicted of a violation of 13 V.S.A. § 1023(a)(2) or has been convicted of  
19                   manslaughter by the careless and negligent use of firearms, the Commissioner  
20                   shall revoke the person's hunting license, 20 points shall accumulate on the  
21                   person's license, and another license shall not be issued to the person within



1 five years from the date of the revocation or within five years from the date of  
2 the conviction if the person had no license. The court before which such  
3 person is convicted shall certify the conviction to the Commissioner. A  
4 revocation shall be deemed effective when notice is given, when made in  
5 person, or three days after the deposit of the notice in the U.S. mail, if made in  
6 writing.

7 (f) The Commissioner shall not reinstate a license suspended pursuant to  
8 subdivisions (c)(2) and (3) of this section until the licensee has successfully  
9 completed a remedial course designed to teach hunters, trappers, and anglers  
10 correct legal and ethical behavior while hunting, trapping, and fishing in  
11 Vermont. The remedial course shall be approved by the Commissioner and  
12 conducted by the Department. The fee for the remedial course shall be  
13 \$100.00. Funds collected for the course shall be deposited in the Fish and  
14 Wildlife Fund.

15 (g) The Commissioner may periodically implement a forgiveness program  
16 for unpaid monetary penalties to allow otherwise eligible persons to apply for  
17 and receive a hunting, fishing, or trapping license.

\* \* \* Fishing Tournaments \* \* \*

Sec. 6. 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. A tournament held on the Connecticut River, excluding Moore Reservoir and Comerford Reservoir, that does not utilize an access area in Vermont is 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 tournament may run multiple days, but in order for the tournament to be considered a single event, the tournament shall be held on consecutive days. 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 which 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~~ for each permit issued under this section based on the number of proposed participants and shall deposit the fee collected into the Fish and Wildlife Fund. The fees for a permit shall be:

(1) for tournaments of 1–25 participants: \$10.00;

(2) for 26–50 participants: \$30.00; or

(3) for more than 50 participants: \$100.00.

\* \* \* Air Guns in Motor Vehicles \* \* \*

Sec. **7**. 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)(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 one or more of the following:

(A) a rifle or a shotgun containing a loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip within a rifle or shotgun, ~~or;~~

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

6           (C) an air gun, air rifle, or air bow with a 200-feet-per second or  
7 greater rating or other pneumatic or gas-powered weapon, while cocked,  
8 charged, pumped, or containing any projectile, including a bb, pellet, bolt,  
9 arrow, or other projectile fitted to the weapon.

10           (2) Unless it is uncocked, a person shall not possess or transport a  
11 crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other  
12 motor-propelled craft or any vehicle drawn by a motor-propelled vehicle  
13 except as permitted under subsection 4705(e) of this title.

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

20           (c) A person while on or within 25 feet of the traveled portion of a public  
21 highway, except a public highway designated Class 4 on a town highway map,

1 shall not take or attempt to take any wild animal by shooting a firearm, a  
2 muzzle loader, a bow and arrow, an air gun, an air rifle, an air bow, or a  
3 crossbow. A person while on or within the traveled portion of a public  
4 highway designated Class 4 on a town highway map shall not take or attempt  
5 to take any wild animal by shooting a firearm, a muzzle loader, a bow and  
6 arrow, or a crossbow. A person shall not shoot a firearm, a muzzle loader, a  
7 bow and arrow, an air gun, an air rifle, an air bow, or a crossbow over or across  
8 the traveled portion of a public highway, except for a person shooting over or  
9 across the traveled portion of a public highway from a sport shooting range, as  
10 that term is defined in section 5227 of this title, provided that:

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

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

14 \* \* \*

15 \* \* \* Game Suppers \* \* \*

16 Sec. 8. 10 V.S.A. § 4786 is amended to read:

17 § 4786. GAME SUPPERS

18 (a) Notwithstanding any provision of law to the contrary, game suppers  
19 may be held at any time by a church, volunteer fire department, rod and game  
20 club, educational or cooperative organization, or ~~other~~ nonprofit organization  
21 under permit issued by a fish and wildlife warden, the Commissioner, or a

1 designee of the Commissioner. The Department may hold game suppers or  
2 similar fish and game food events without a permit issued under this section.

3 (b) Wild animals and fish legally taken in this State, or another state or  
4 country, may be transported and sold as part of a game supper authorized by  
5 permit. Big game provided by the Department may also be sold at such  
6 suppers. Migratory waterfowl and anadromous salmon shall not be sold.

7 (c) The permit for a game supper required by this section shall state the  
8 name of the organization holding the supper, and the date and place of the  
9 supper. The permit shall be applied for ~~no~~ not later than 10 days before the  
10 date of the supper.

11 \* \* \* **Feral** Swine \* \* \*

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

13 § 4709. TRANSPORT, IMPORTATION, POSSESSION, AND STOCKING  
14 OF WILD ANIMALS; POSSESSION OF WILD BOAR OR  
15 FERAL SWINE

16 (a) A person shall not bring into, transport into, transport within, transport  
17 through, or possess in the State any live wild bird or animal of any kind,  
18 including any manner of feral swine, without authorization from the  
19 Commissioner or his or her designee. The importation permit may be granted  
20 under such regulations therefor as the Commissioner shall prescribe and only  
21 after the Commissioner has made such investigation and inspection of the birds

1 or animals as she or he may deem necessary. The Department may dispose of  
2 unlawfully possessed or imported wildlife as it may judge best, and the State  
3 may collect treble damages from the violator of this subsection for all expenses  
4 incurred.

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

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

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

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

16 (f)(1) The Commissioner shall not issue a permit under this section for the  
17 importation or possession of the following live species, a hybrid or genetic  
18 variant of the following species, offspring of the following species, or  
19 offspring or a hybrid of a genetically engineered variant of the following  
20 species: feral swine, including wild boar, wild hog, wild swine, feral pig, feral

1 hog, ~~feral swine~~, old world swine, razorback, Eurasian wild boar, or Russian  
2 wild boar (*Sus scrofa* Linnaeus). A feral swine is:

3 (A) a domestic pig that is outside of an enclosure for more than 96  
4 hours and is free roaming on public or private land;

5 (B) an animal that exhibits at least one of the following skeletal  
6 characteristics:

7 (i) skull characteristics of an elongated snout or sloping  
8 appearance with little or no stop at the eye line;

9 (ii) a shoulder structure with a steep or predominate ridge along  
10 the back appearance, known as a razorback;

11 (iii) hindquarters proportionally smaller than the forequarters  
12 lacking natural muscling found in commercial species; or

13 (iv) visible tusks; or

14 (C) an animal that is genetically determined to be a Eurasian wild  
15 boar or Eurasian wild boar-domestic pig hybrid as characterized with an  
16 appropriate genome-wide molecular tool by the U.S. Department of  
17 Agriculture, Animal and Plant Health Inspection Service, Wildlife Services to  
18 be a feral swine hybrid based on results of genetic testing conducted at the  
19 National Wildlife Research Center.

20 (2) The definition of feral swine under subdivision (1) of this subsection  
21 shall not include feral swine collared and used by State or federal wildlife



1 damage management entities, such as the U.S. Department of Agriculture,  
2 Animal and Plant Health Inspection Service, Wildlife Services, to determine  
3 the location of free-ranging feral swine.

4 (3) This subsection shall not apply to the domestic pig (*Sus domesticus*)  
5 involved in domestic hog production and shall not restrict or limit the authority  
6 of the Secretary of Agriculture, Food and Markets to regulate the importation  
7 or possession of the domestic pig as livestock or as a domestic animal under  
8 Title 6 of the Vermont Statutes Annotated.

9 (4) Any feral swine may be removed or destroyed by the Department;  
10 the Agency of Agriculture, Food and Markets or a designee; or the U.S.  
11 Department of Agriculture, Animal and Plant Health Inspection Service,  
12 Wildlife Services. The Department shall notify the Agency of Agriculture,  
13 Food and Markets prior to removal of or destruction of the feral swine.

14 (5) The Department shall notify the Agency of Agriculture, Food and  
15 Markets of the disposition of the feral swine.

16 (6) Any person who kills a feral swine in Vermont shall report to a State  
17 game warden and shall present the carcass to the State game warden within 24  
18 hours.

19 (7) The State or its designee shall not be liable for damages or claims  
20 associated with the removal or destruction of feral swine provided that the

1 actions of the State agents or designees are reasonable. The removal or  
2 destruction of feral swine shall be deemed reasonable where:

3 (A) the Department has acted in accordance with subdivision (4) of  
4 this subsection; and

5 (B) the Department determines that the swine:

6 (i) is a threat to public safety;

7 (ii) has harmed or posed a threat to any person or domestic  
8 animal;

9 (iii) has damaged private or public property; or

10 (iv) has damaged or is damaging natural resources, including  
11 wetlands; vernal pools; wildlife and their habitats; rare and irreplaceable  
12 natural areas; or rare, threatened, or endangered species; or

13 (v) the Department determines that the swine constitutes or could  
14 establish a breeding feral swine population in Vermont. The Department shall  
15 consult with U.S. Department of Agriculture, Animal and Plant Health  
16 Inspection Service, Wildlife Services and the Agency of Agriculture, Food and  
17 Markets in making this determination.

18 Sec. 10. 13 V.S.A. § 351b is amended to read:

19 § 351b. SCOPE OF SUBCHAPTER

20 This subchapter shall not apply to:

1           (1) activities regulated by the Department of Fish and Wildlife pursuant  
2 to 10 V.S.A. Part 4, including the act of destroying feral swine in accordance  
3 with 10 V.S.A. § 4709(f);

4           (2) scientific research governed by accepted procedural standards  
5 subject to review by an institutional animal care and use committee;

6           (3) livestock and poultry husbandry practices for raising, management,  
7 and use of animals;

8           (4) veterinary medical or surgical procedures; and

9           (5) the killing of an animal as provided by 20 V.S.A. §§ 3809 and 3545.

10 Sec. 11. 20 V.S.A. § 3350 is added to read:

11 § 3350. THE DISPOSITION OF FERAL SWINE

12           (a) The General Assembly finds that feral swine, as defined in 10 V.S.A.  
13 § 4709, have the potential for spreading serious disease to domestic livestock,  
14 may cause devastating destruction to natural ecosystems, and pose a threat to  
15 human health and safety.

16           (b) In light of the potential impacts of feral swine, and notwithstanding the  
17 provisions of law in this chapter, the Department of Fish and Wildlife may  
18 destroy or euthanize a feral swine in accordance with the requirements of  
19 10 V.S.A. § 4709(f).

1        (c) The exercise by the Department of Fish and Wildlife of the authority  
2        under 10 V.S.A. § 4709 (f)(3) shall not prevent any person from pursuing or  
3        collecting the remedies set forth in this chapter.

4                    \* \* \* Retrieval, Disposal, and Use of Wild Animals \* \* \*

5        Sec. 12. 10 V.S.A. chapter 113, subchapter 7 is added to read:

6                    Subchapter 7. Retrieval, Disposal, and Use of Wild Animals

7        § 4921. DEFINITIONS

8                    As used in this subchapter, “covered wild animal” means an animal that is a  
9        big game animal, game quadruped, game bird, or fur-bearing animal.

10       § 4922. RETRIEVAL AND DISPOSAL OF COVERED WILD ANIMALS

11                    A person shall not intentionally or knowingly kill a covered wild animal  
12       and intentionally, knowingly, or recklessly fail to make a reasonable effort to  
13       retrieve the covered wild animal.

14       § 4923. WASTE OF COVERED WILD ANIMAL

15                    (a) A person shall not intentionally take a covered wild animal subject to a  
16       season and intentionally or knowingly leave the wounded or dead covered wild  
17       animal in the field or forest.

18                    (b) A person who retrieves a lawfully taken covered wild animal, or a  
19       person to whom the lawfully taken covered wild animal is transferred, shall  
20       retain the animal in the person’s possession until it is: processed; used as food;

1     used for its fur, hide, or feathers; or used for taxidermy, provided that this  
2     subsection shall not apply to covered wild animals that are unfit for  
3     consumption or use. As used in this subsection, “unfit for consumption or use”  
4     shall mean covered wild animals or their parts that are damaged, destroyed,  
5     decayed, rotting, diseased or infected.

6     (c) This section shall not apply to a person taking a coyote or a crow.

7     § 4924. EXCEPTIONS

8     The requirements of this subchapter shall not apply:

9     (1) when the failure to retrieve and dispose, the failure to salvage, or the  
10    failure to retain a covered wild animal is beyond the control of the person due  
11    to:

12         (A) theft of the covered wild animal by another person;

13         (B) unanticipated weather conditions or other acts of God that  
14    prevents salvage, retrieval, or retention;

15         (C) unavoidable loss in the field to a wild animal; or

16         (D) lack of legal access to property where a wounded or dead  
17    covered wild animal is located;

18         (2) when defending a person or in defense of property;

19         (3) when the covered wild animal is sick or diseased;

1           (4) to a law enforcement officer or State employee acting within the  
2           course of his or her employment; or

3           (5) when following generally accepted hunting, trapping, or fishing  
4           practices for retrieval of a covered wild animal, including requirements or  
5           practices under this part or rules adopted under this part.

6           § 4925. DISPOSAL

7           A person shall not place, leave, dump, or abandon the carcass or parts of a  
8           covered wild animal:

9           (1) along or upon a public right-of-way or highway;

10           (2) upon a private property, without permission of the owner or the  
11           owner's agent, except when following generally accepted hunting, trapping,  
12           and fishing practices; or

13           (3) where prohibited by State law.

14           § 4926. ENFORCEMENT DISCRETION

15           The Commissioner shall evaluate on a case by case basis, subject to the  
16           facts of each alleged violation, whether to pursue enforcement for a violation  
17           of this subchapter.

\* \* \* Fish and Wildlife Board; Governance \* \* \*

Sec. 13. FINDINGS

The General Assembly finds that:

(1) It is the policy of the State that:

(A) the fish and wildlife of Vermont are held in trust by the State for the benefit of the citizens of Vermont and shall not be reduced to private ownership;

(B) the protection, propagation control, management, and conservation of fish, wildlife, and fur-bearing animals in this State are in the interest of the public welfare; and

(C) the Commissioner of Fish and Wildlife is required to safeguard the fish, wildlife, and fur-bearing animals of the State for all of the persons of the State.

(2) How Vermonters' interactions with, recreation with, and appreciation for wildlife in Vermont have shifted significantly and quantifiably over recent decades.

(A) The number of Vermonters participating in hunting, fishing, and trapping is steadily declining as evidenced by the reduction in resident license sales.

1           (B) Since 1985, resident hunting license sales have decreased by  
2           56 percent, resident trapping license sales have decreased by 43 percent, and  
3           resident fishing license sales have decreased by 23 percent.

4           (C) Since 2006, U.S. Fish and Wildlife Service data indicate that the  
5           number of Vermonters identifying as wildlife watchers has increased to  
6           86 percent of the population, in contrast to 11.5 percent of the population who  
7           identify as hunters.

8           (3) The Department of Fish and Wildlife has recognized that, according  
9           to demographic projections, Vermont's population will continue to age and, as  
10          a result, Department revenues from the sale of licenses and permits will  
11          continue to decline.

12          (A) As a result of declining license and fee revenue, the General  
13          Assembly has increased, and may need to further increase, the amount of  
14          General Fund dollars annually appropriated to the Department of Fish and  
15          Wildlife.

16          (B) To address declining license and permit fee revenue while also  
17          reducing the need for additional General Fund appropriations, the Department  
18          of Fish and Wildlife must find a predictable, long-term source of revenue to  
19          pay for the costs of managing the fish, wildlife, and fur-bearing animals of the  
20          State for all of the persons of the State.



1           (4) The General Assembly should form a working group on wildlife  
2           governance to:

3                   (A) assess how the principles and priorities for the management of  
4           fish, wildlife, and fur-bearing animals of the State will evolve in the near  
5           future;

6                   (B) recommend how the statutes, rules, and policies of the State  
7           regarding the management of fish, wildlife, and fur-bearing animals should be  
8           amended for the benefit of all of the persons of the State;

9                   (C) recommend whether the membership and authority of the Fish  
10          and Wildlife Board should be amended to align the authority of the Board with  
11          the diversification of the values the persons of the State have regarding the  
12          fish, wildlife, and fur-bearing animals of the State;

13                  (D) recommend new or additional programs at the Department of  
14          Fish and Wildlife to serve the citizens of Vermont who value the fish, wildlife,  
15          and fur-bearing animals of the State, but who are not hunters, fishers, or  
16          trappers;

17                  (E) recommend sustainable funding sources for the long-term  
18          operation of the Department of Fish and Wildlife that are not dependent on  
19          license and permit sales for hunting, fishing, or trapping; and

20                  (F) assess the cost to the Department, including personnel and  
21          resources, of providing services or assistance for functions or services outside

1 the scope of the Department's statutory powers and duties, including wildlife  
2 assessments, search and rescue assistance, and enforcement of laws that are not  
3 fish and wildlife violations.

4 Sec. 14. VERMONT WORKING GROUP ON WILDLIFE GOVERNANCE;  
5 REPORT

6 (a) Creation. There is created the Vermont Working Group on Wildlife  
7 Governance to advise the General Assembly regarding the management of  
8 fish, wildlife, and fur-bearing animals of the State in a manner that serves the  
9 interests and values of all of the persons of the State.

10 (b) Membership. The Vermont Working Group on Wildlife Governance  
11 shall be composed of the following members:

12 (1) three current members of the House of Representatives, who shall be  
13 appointed by the Speaker of the House and who shall include:

14 (A) the Chair of the Committee on Natural Resources, Fish, and  
15 Wildlife or designee;

16 (B) the Chair of the Committee on Appropriations or designee; and

17 (C) the Chair of the Committee on Government Operations or  
18 designee; and

19 (2) three current members of the Senate, who shall be appointed by the  
20 Committee on Committees and who shall include:

1           (A) the Chair of the Committee on Natural Resources and Energy or  
2           designee;

3           (B) the Chair of the Committee on Appropriations or designee; and

4           (C) a member of the Senate at large.

5           (c) Powers and duties. The Vermont Working Group on Wildlife  
6           Governance shall review and analyze the funding, management, governance,  
7           and policies of the Department of Fish and Wildlife (Department) under statute  
8           and rule and shall:

9           (1) provide an accounting of existing funding of the Department and  
10          how funding and staffing are allocated according to Department program,  
11          function, or audience served;

12          (2) recommend additional funding necessary for the Department to  
13          adequately serve all of the citizens of Vermont who value the fish, wildlife,  
14          and fur-bearing animals of the State, including proposed sustainable, stable,  
15          and sufficient funding sources for all Department programs;

16          (3) analyze whether the purposes and guiding policy of the Department  
17          reflect the current values of the public regarding the management of fish,  
18          wildlife, and fur-bearing animals, including whether Vermont statutes, rules,  
19          and policies are consistent with 21st century wildlife governance principles,  
20          such as those stated in the North American Model of Wildlife Conservation as  
21          updated;

1           (4) identify additional opportunities for increased participation by all  
2           members of the public in the governance of fish, wildlife, and fur-bearing  
3           animals of the State through proposed changes to the structure, culture, or  
4           operation of the Department or the Fish and Wildlife Board; and

5           (5) propose new Department or State programs or opportunities to meet  
6           the needs or interests of citizens of the State who value the fish, wildlife, and  
7           fur-bearing animals of the State, but who are not hunters, fishers, or trappers.

8           (d) Assistance. The Vermont Working Group on Wildlife Governance  
9           shall have the administrative, technical, and legal assistance of the Office of  
10          Legislative Council. The Working Group shall have the assistance of the Joint  
11          Fiscal Office on fiscal issues and the Department of Fish and Wildlife on  
12          issues related to the jurisdiction of the Department.

13          (e) Report. On or before January 15, 2021, the Vermont Working Group  
14          on Wildlife Governance shall report to the House Committees on Natural  
15          Resources, Fish, and Wildlife, on Appropriations, and on Government  
16          Operations and the Senate Committees on Natural Resources and Energy, on  
17          Appropriations, and on Government Operations with its findings and any  
18          recommendations for legislative action.

19          (f) Meetings.

1           (1) The Office of Legislative Council shall call the first meeting of the  
2           Vermont Working Group on Wildlife Governance to occur on or before  
3           August 1, 2020.

4           (2) The Vermont Working Group on Wildlife Governance shall select a  
5           chair from among its members at the first meeting.

6           (3) A majority of the membership of the Vermont Working Group on  
7           Wildlife Governance shall constitute a quorum.

8           (4) The Vermont Working Group on Wildlife Governance shall cease to  
9           exist on February 1, 2021.

10          (g) Compensation and reimbursement.

11           (1) For attendance at meetings during adjournment of the General  
12           Assembly, a legislative member of the Vermont Working Group on Wildlife  
13           Governance serving in his or her capacity as a legislator shall be entitled to per  
14           diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406  
15           for not more than eight meetings. These payments shall be made from monies  
16           appropriated to the General Assembly.

17           (2) Payments to members of the Vermont Working Group on Wildlife  
18           Governance authorized under this subsection shall be made from monies  
19           appropriated to the General Assembly.

\* \* \* Hunting Bear with Dogs \* \* \*

Sec. 15. 10 V.S.A. § 5001 is amended to read:

§ 5001. HUNTING DOGS; FIELD TRAINING

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

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

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

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

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

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

(c) A person training a hunting dog under this section may possess a handgun while training the hunting dog, provided that the person shall not take game by any method while training the hunting dog. As used in this section,

1 “handgun” means a pistol or revolver ~~which~~ that will expel a projectile by the  
2 action of an explosive.

3 Sec. **16**. 10 V.S.A. § 5007 is amended to read:

4 § 5007. HUNTING BLACK BEAR WITH DOGS

5 (a) No person shall pursue black bear with the aid of dogs, either for  
6 training or taking purposes, without a permit issued by the Commissioner. The  
7 number of permits issued to nonresidents in any given year shall not exceed  
8 10 percent of the number of permits issued to residents in the preceding year.  
9 The Commissioner shall establish a process for determining which  
10 nonresidents are to receive a permit if there are more nonresident applicants  
11 than nonresident permits. A nonresident may train dogs to hunt bear only  
12 while training season is in effect in the nonresident’s home state and subject to  
13 the laws and regulations of this State.

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

15 (c) Application fees for nonresidents shall be \$10.00 with a permit fee of  
16 \$200.00 for successful applicants.

17 (d)(1) A person hunting black bear with dogs under a permit issued under  
18 this section shall be in control of the dogs at all times.

19 (2) As used in this subsection, “control” means that while a person is  
20 hunting black bear with dogs on property:

1           (A) without the permission of the landowner, the person maintains  
2           visual contact with the dogs; or

3           (B) with the permission of the landowner, the person has visual  
4           contact with the dogs or uses telemetry or GPS to locate or track dogs.

5           (e) The requirement under subsection (d) of this section that a person shall  
6           have visual contact with dogs used by a person hunting black bear shall not  
7           apply if the person hunting black bear with dogs is accompanied by an  
8           employee of the Department of Fish and Wildlife for the purpose of studying  
9           bear or for the control of bears or bear populations.

10       Sec. 17. 10 App. V.S.A. § 7(3.6) is amended to read:

11           3.6 “Control of Dog/Dogs” means ~~the transportation, loading, or~~  
12           ~~unloading of dogs from vehicle(s); the handling, catching, restraining or~~  
13           ~~releasing dogs; and the use of~~ that while a person is hunting black bear with  
14           dogs on property:

15           (A) without the permission of the landowner, the person maintains  
16           visual contact with the dogs; or

17           (B) with the permission of the landowner, the person has visual  
18           contact with the dogs or uses telemetry or GPS to locate or track dogs.



\* \* \* Fishing and Boating Access Areas \* \* \*

Sec. 18. 10 V.S.A § 4001(41) is added to read:

(41) Nonmotorized vessel: every description of nonmotorized watercraft, including sailboats, rowboats, paddleboats, paddleboards, rafts, canoes, kayaks, or inflatable rafts and kayaks, used or capable of being used as a means of transportation on unfrozen water. Nonmotorized vessel does not mean a single air mattress, single inner tube, or other water toy used for flotation.

Sec. 19. 10 V.S.A. § 4145 is amended to read:

§ 4145. ACCESS, LANDING AREA RULES

(a)(1) The Board may adopt rules, under 3 V.S.A. chapter 25, to regulate the use by the public of fishing and boating access areas, landing areas, parking areas, or of other lands or waters acquired or maintained pursuant to section 4144 of this title. ~~Such~~ The rules shall be posted in the areas affected ~~and~~. This statute and the rules adopted under this statute shall permit the launching of the following types of vessels:

(A) all vessels that have a Vermont registration certificate required by 23 V.S.A. chapter 29 ~~and the parking of vehicles and boat trailers used by these vessels. The rules shall not preclude the authorization to launch vessels not registered in Vermont. These rules also shall permit the launching of all nonmotorized vessels not used for commercial purposes and the parking of~~

1 ~~vehicles and boat trailers used by these vessels.~~ or a valid vessel registration  
2 from another state;

3 (B) all vessels the owner or operator of which holds a valid Vermont  
4 fishing, hunting, or trapping license, or the owner or operator is in possession  
5 of a fish and wildlife access area license issued under section 4281 of this title.

6 (2) The rules shall allow the parking of vehicles and boat trailers for any  
7 vessel permitted under this section to use a fishing and boating access area,  
8 landing area, parking area, or other land or water acquired or maintained  
9 pursuant to section 4144 of this title.

10 \* \* \*

11 (c) The Commissioner shall keep account of funds, including private  
12 donations and State appropriations, which are deposited into the Fish and  
13 Wildlife Fund for the purpose of building and maintaining access areas and  
14 shall annually, on or before January 15, report to the House Committee on  
15 ~~Fish, Wildlife and Water Resources~~ Natural Resources, Fish, and Wildlife, the  
16 Senate Committee on Natural Resources and Energy, and the Senate and  
17 House Committees on Appropriations, concerning the use of those funds in the  
18 past year and plans for use of the funds for the coming year. The provisions of  
19 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to  
20 be made under this subsection.

1 (d) The Board shall allow the Commissioner of Environmental  
2 Conservation to post aquatic nuisance signs pursuant to subdivision 1453(b)(6)  
3 of this title.

4 Sec. 20. 10 V.S.A. § 4252 is amended to read:

5 § 4252. ACTIVITIES PERMITTED UNDER LICENSES

6 (a) Subject to provisions of this part and rules of the Board:

7 (1) A fishing license shall entitle the holder to take fish.

8 (2) A hunting license shall entitle the holder to take wild animals, other  
9 than fish, except by trapping and for those species that require a separate big  
10 game license, and to shoot and spear pickerel.

11 (3) A trapping license shall entitle the holder to take animals other than  
12 fish with the use of traps.

13 (4) A combination fishing and hunting license shall entitle the holder to  
14 take fish and wild animals, except by trapping and for those species that  
15 require a separate big game license, and to shoot and spear pickerel.

16 (5) An archery license shall entitle the holder to take wild deer by bow  
17 and arrow or crossbow.

18 (6) A muzzle loader license shall entitle the holder to take deer with a  
19 muzzle loading firearm.

20 (7) A turkey license shall entitle the holder to take wild turkey.

(8) A small game license shall entitle the holder to take small game by any lawful means other than a trap.

(11) A moose license shall entitle the holder who has been issued a moose permit under the authority of the Fish and Wildlife Board under subsection 4081(b) and sections 4082 and 4084 of this title to take moose.

(19) A fish and wildlife access license issued under section 4281 of this title shall entitle the holder to use or be present on a fishing access area, landing area, wildlife management area, or riparian lands, or other land or water acquired or maintained pursuant to section 4144 of this title unless otherwise prohibited under 10 V.S.A. App. § 115 regarding the use of State controlled fishing access areas and 10 V.S.A. App. § 15, regarding the public use of Department of Fish and Wildlife lands.

\* \* \*

(c) In addition to the activities authorized under subsection (a) of this section and the rules authorized under this part, the holder of a valid license listed under subsection (a) of this section is authorized to use or be present on,

1 including the launch or removal of a motorized and nonmotorized vessel, an  
2 access area, landing area, parking area, or of other land or water acquired or  
3 maintained pursuant to section 4144 of this title.

4 Sec. 21. 10 V.S.A. § 4281 is added to read:

5 § 4281. FISH AND WILDLIFE ACCESS LICENSE

6 (a) A person using or present on an access area, landing area, parking area,  
7 or other land or water acquired or maintained pursuant to section 4144 of this  
8 title shall have a current fish and wildlife access license on their person at all  
9 times, except if the person:

10 (1) is under 15 years of age;

11 (2) has on their person a current Vermont hunting, fishing, trapping,  
12 combination, term, annual, lifetime, or permanent license;

13 (3) is the owner of, operator of, or passenger in a valid registered  
14 motorboat;

15 (4) is participating in an activity or is present at any site, facility, or  
16 event listed in in the Fish and Wildlife Access License Exemptions List  
17 published by the Department annually;

18 (5) has a permanent license purchased prior to January 1, 2021; or

19 (6) has a permanent license purchased after January 1, 2021, who is  
20 actively engaged in hunting, fishing, or trapping.

1       (b) A fish and wildlife access license shall be valid for not more than one  
2       year and shall expire on December 31 of each year. The license shall be issued  
3       in the form of a paper license.

4       (c) A fish and wildlife access license issued under this section shall be  
5       issued to a specific person and shall not be transferrable to any other  
6       individual.

7       (d) The Commissioner may waive the requirement for a fish and wildlife  
8       access license under appropriate circumstances, including for:

9           (1) contractors and subcontractors employed by or on behalf of the  
10       Department of Fish and Wildlife;

11          (2) persons who are participating in a Department-sponsored event or  
12       training;

13          (3) persons who are engaged in volunteer activities such as facility or  
14       trail maintenance, habitat management, or aquatic nuisance control;

15          (4) persons engaged in scientific study whose access has been approved  
16       by the Commissioner; and

17          (5) participants in a terrestrial recreation corridor, trail-based activity on  
18       a Corridor Trail for which the Commissioner of Fish and Wildlife or Secretary  
19       of Natural Resources has executed a Corridor Management Agreement,  
20       license, or other authorization for trail use by an organization and its members.





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

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

## Sec. 24. EFFECTIVE DATES

VT LEG #346134 v.1

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Senator \_\_\_\_\_

FOR THE COMMITTEE