

1 H.589

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife; hunting; fishing; trapping

6 Statement of purpose of bill as introduced: This bill proposes to amend
7 various requirements relating to hunting, fishing, or trapping in Vermont. The
8 bill would clarify the scope of activities allowed under a landowner's authority
9 to hunt on his or her property without a permit. The bill would lower from 100
10 percent to 60 percent the level of disability required for a Vermont veteran to
11 receive a free hunting or fishing license. The bill would authorize the Fish and
12 Wildlife Board (Board) to schedule the deer rifle season by rule. The bill also
13 would authorize the Board to establish by procedure the annual harvest
14 numbers for migrating game birds. In addition, the bill would amend the
15 prohibitions regarding shooting a firearm, muzzle loader, bow and arrow, or
16 crossbow in the proximity of or across a public highway. The bill would
17 repeal the prohibition on the snaring of animals. The bill also would amend
18 how the proceeds from the sale and renewal of motor vehicle conservation
19 registration plates are allocated.

20 An act relating to hunting, fishing, and trapping

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

2 * * * Transport, Possession, or Fencing of Nonnative or Native Species * * *

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

4 § 4001. DEFINITIONS

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

7 * * *

8 (38) Captive hunt facility: any enclosure created by the use of fences,
9 man-made structures, or natural barriers where animals are confined for the
10 purpose of taking or attempting to take an animal by hunting. Captive hunt
11 facility shall not mean activities covered by the Commissioner of Fish and
12 Wildlife's rules for the training of beagles or for the regulation of regulated
13 shooting grounds.

14 (39) Enclosure: means a structure designed to restrict the free
15 movement of animals and the area within that structure.

16 Sec. 2. 10 V.S.A. § 4253 is amended to read:

17 § 4253. LANDOWNER; FAMILY; EXCEPTION

18 (a) A resident owner of lands, his or her spouse, and their minor children
19 may, without procuring a license under this chapter, take fish from the waters
20 therein, shoot pickerel, and take wild animals or wild birds therein subject to
21 the provisions of this part.

1 (b) A nonresident owner of lands, his or her spouse, and their minor
2 children, may without procuring a license under this chapter, take fish from the
3 waters therein, shoot pickerel, and take wild animals or wild birds thereon
4 subject to the provisions of this part, except if the lands are posted under
5 provisions other than section 4710 of this title.

6 (c) As used in this section, "post" means any signage that would lead a
7 reasonable person to believe that hunting is prohibited on the land.

8 (d) Nothing in this section shall be construed to:

9 (1) exempt a captive hunt facility from the permitting requirements
10 adopted under the rules of the Fish and Wildlife Board; or

11 (2) allow any person, including a hunt club, hunting association, or
12 multiple landowners, to transport, possess, or fence any animal for the purpose
13 of taking or attempting to take the animal by hunting.

14 * * * Hunting or Fishing License For Disabled Veterans * * *

15 Sec. 3. 10 V.S.A. § 4255(c) is amended to read:

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

18 * * *

19 (4) A Vermont resident who is a veteran of the ~~armed forces of the~~
20 ~~United States~~ U.S. Armed Forces and who is, or ever has been, ~~100~~ 60 percent
21 disabled as a result of a service-connected disability may receive a free fishing,

1 hunting, or combination hunting and fishing license which shall include all big
2 game licenses, except for a moose license, upon presentation of a certificate
3 issued by the veterans' administration so certifying. A resident of a state
4 which provides a reciprocal privilege for Vermont veterans and who would
5 qualify for a free license under this subdivision if the person were a Vermont
6 resident, may receive a free one-year fishing, hunting, or combination hunting
7 and fishing license.

8 * * *

9 * * * Fish and Wildlife Board Rules; Migrating Game Birds * * *

10 Sec. 4. 10 V.S.A. § 4082 is amended to read:

11 § 4082. VERMONT FISH AND WILDLIFE REGULATIONS

12 (a) The Board may adopt rules, under 3 V.S.A. chapter 25, to be known as
13 the "Vermont Fish and Wildlife Regulations" for the regulation of fish and
14 wild game and the taking thereof except as otherwise specifically provided by
15 law. The rules shall be designed to maintain the best health, population, and
16 utilization levels of the regulated species and of other necessary or desirable
17 species which are ecologically related to the regulated species. The rules shall
18 be supported by investigation and research conducted by the Department on
19 behalf of the Board.

20 (b)(1) ~~The~~ Except as provided for under subdivision (2) of this subsection,
21 the Board annually may adopt rules relating to the management of migrating

1 game birds, and shall follow the procedures for rulemaking contained in
2 3 V.S.A. chapter 25. For each such rule, the Board shall conduct a hearing but,
3 when necessary, may schedule the hearing for a day before the terms of the
4 rule are expected to be determined.

5 (2) Beginning with the 2015 hunting season, the Board may set by
6 procedure the number of migrating game birds that may be harvested in each
7 waterfowl hunting zone annually without following the procedures for
8 rulemaking contained in 3 V.S.A. chapter 25. The annual number of migrating
9 game birds shall be consistent with federal requirements. Prior to setting the
10 migrating game bird permit harvest numbers, the Board shall provide a period
11 of not less than 30 days of public notice and shall conduct at least three public
12 informational hearings. The final migrating game bird harvest numbers shall
13 be enforceable by the Department under its enforcement authority in part 4 of
14 this title. Annually, on or before January 15, the Department shall submit the
15 final migrating game bird harvest permit numbers to the House Committee on
16 Fish, Wildlife and Water Resources and the Senate Committee on Natural
17 Resources and Energy.

18 (c) The Board may set by procedure the annual number of antlerless deer
19 that can be harvested in each wildlife management unit and the annual number
20 of moose that can be harvested in each wildlife management unit without
21 following the procedures for rulemaking contained in 3 V.S.A. chapter 25.

1 The annual numbers of antlerless deer and moose that can be harvested shall be
2 supported by investigation and research conducted by the Department on
3 behalf of the Board. Prior to setting the antlerless deer and moose permit
4 numbers, the Board shall provide a period of not less than 30 days of public
5 notice and shall conduct at least three public informational hearings. The
6 public informational hearings may be conducted simultaneously with the
7 regional antlerless deer meetings required by 10 V.S.A. App. § 2b. The final
8 annual antlerless deer and moose harvest permit numbers shall be enforceable
9 by the Department under its enforcement authority in part 4 of this title. The
10 final annual antlerless deer and moose harvest permit numbers shall be
11 reported to the House Committee on Fish, Wildlife and Water Resources and
12 the Senate Committee on Natural Resources and Energy as part of the annual
13 deer report required under section 4084 of this title.

14 * * * Fish and Wildlife Board Rules; Deer Season * * *

15 Sec. 5. 10 V.S.A. § 4084 is amended to read:

16 § 4084. GAME

17 (a) Rules concerning wild game may:

18 (1) establish open seasons; however, rules regarding taking of deer
19 adopted under this subdivision shall make provision for a regular rifle hunting
20 season ~~pursuant to section 4741 of this title and~~, for an archery season, and a
21 muzzle loader season unless there is a scientific reason not to do so;

- 1 (2) establish daily, season, and possession limits;
- 2 (3) establish territorial limits for any rule under this subchapter;
- 3 (4) prescribe the manner and means of taking any species or variety, and
- 4 including reporting and tagging of game;
- 5 (5) establish restrictions on taking based upon sex, maturity, or other
- 6 physical distinction of the species or variety pursued; and
- 7 (6) designate wildlife management units for various species or varieties.

8 (b)(1) On or before July 1 of each year, the Commissioner shall publish a

9 report showing all the wildlife management units and proposed deer seasons.

10 The reports shall include supporting data for the proposed actions.

11 (2) Each January, the Commissioner shall publish an annual deer report.

12 (c) The Board may alter the outer boundary of a wildlife management unit

13 no more frequently than every ten years without approval of the General

14 Assembly; however, the Board shall have authority to subdivide established

15 wildlife management units.

16 (d), (e) [Repealed.]

17 Sec. 6. 10 V.S.A. § 4741 is amended to read:

18 § 4741. ~~REGULAR DEER SEASON~~

19 ~~For the 16 consecutive calendar days commencing 12 days prior to~~

20 ~~Thanksgiving day, a person may take by lawful means one wild deer as~~

21 ~~prescribed by the Vermont fish and wildlife regulations. [Repealed.]~~

1 Sec. 7. 10 V.S.A. § 4742a is amended to read:

2 § 4742a. YOUTH DEER HUNTING WEEKEND

3 (a) The Saturday and Sunday prior to opening day of the regular deer
4 season established by Board rule shall be youth deer hunting weekend.

5 (b) A person who is ~~age 15 and~~ years of age or under on the weekend of the
6 hunt, who has successfully completed a hunter safety course, may take one
7 wild deer during youth deer hunting weekend in accordance with the rules of
8 the ~~board~~ Board. In order to hunt under this section, a young person shall also
9 hold a valid hunting license under section 4255 of this title, hold a youth deer
10 hunting tag, and be accompanied by an unarmed adult who holds a valid
11 Vermont hunting license and who is over 18 years of age. An adult
12 accompanying a youth under this section shall accompany no more than two
13 young people at one time.

14 (c) Each year, the ~~board~~ Board shall determine whether antlerless deer may
15 be taken under this section in any deer management unit or units. A
16 determination under this subsection shall be made by rule, shall be based on
17 the game management study conducted pursuant to section 4081 of this title,
18 and, notwithstanding subsection (g) of that section, may allow taking of
19 antlerless deer.

20 (d) No person shall hunt under this section on privately owned land without
21 first obtaining the permission of the owner or occupant.

1 (e) Before the first youth deer hunting weekend and after each fall hunting
2 season, the ~~department~~ Department shall collect information on youth deer
3 hunting weekend during the regional public hearings held pursuant to
4 subsection 4081(f) of this title. Information relative to the public's knowledge
5 and concerns about the deer herd shall be gathered. The ~~board~~ Board shall
6 administer youth deer hunting weekend, by deer management unit, based on
7 public input and scientific information.

8 (f) The scheduled amount of a fine under section 4555 of this title shall be
9 doubled for a violation of this section, and the fine shall be assessed against the
10 licensed adult who is accompanying the youth pursuant to subsection (b) of
11 this section and who has the youth hunter in his or her charge.

12 (g) ~~For the purposes of~~ As used in this section, "accompany,"
13 "accompanied," or "accompanying" means direct control and supervision,
14 including the ability to see and communicate with the youth hunter without the
15 aid of artificial devices such as radios or binoculars, except for medically
16 necessary devices such as hearing aids or eyeglasses. While hunting, an
17 individual who holds a valid hunting license under subsection 4254(b) of this
18 title shall accompany no more than two youth hunters at a time.

1 * * * Shooting From or Across Highway * * *

2 Sec. 8. 10 V.S.A. § 4705 is amended to read:

3 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

4 SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

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

9 (b) A person shall not carry or possess while in or on a vehicle propelled by
10 mechanical power or drawn by a vehicle propelled by mechanical power
11 within the right of way of a public highway a rifle or shotgun containing a
12 loaded cartridge or shell in the chamber, mechanism, or in a magazine, or clip
13 within a rifle or shotgun, or a muzzle-loading rifle or shotgun that has been
14 charged with powder and projectile and the ignition system of which has been
15 enabled by having an affixed or attached percussion cap, primer, battery, or
16 priming powder, except as permitted under subsections (d) and (e) of this
17 section. A person who possesses a rifle or shotgun in or on a vehicle propelled
18 by mechanical power, or drawn by a vehicle propelled by mechanical power
19 within a right of way of a public highway shall upon demand of an
20 enforcement officer exhibit the firearm for examination to determine
21 compliance with this section.

1 (c) A person while on or within ~~25~~ 10 feet of the traveled portion of a
2 public highway shall not take or attempt to take any wild animal by shooting a
3 firearm, a muzzle loader, a bow and arrow, or a crossbow, except that after
4 alighting from a motor vehicle that is located on a traveled portion of a public
5 highway, a person shall be at least 75 feet from the traveled portion of a public
6 highway before taking or attempting to take any wild animal by shooting a
7 firearm, muzzle loader, a bow and arrow, or a crossbow. A No person shall
8 ~~not shoot~~ take or attempt to take a wild animal by knowingly shooting a
9 firearm, muzzle loader, a bow and arrow, or a crossbow over or across the
10 traveled portion of a public highway so as to endanger any other users of the
11 public highway or while the wild animal is within the right of way of the
12 public highway.

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

15 (e) ~~Subsection (a)~~ Subsections (a) and (c) of this section shall not apply to a
16 licensed hunter who is a paraplegic or is certified by a physician to be unable
17 to pursue game because of permanent severe physical disability, if he or she
18 obtains a permit as provided in this subsection. The Commissioner on receipt
19 of satisfactory proof of the disability of an applicant may issue a permit under
20 this subsection. This permit shall be attached to the license, and shall remain
21 in effect until the death of the holder, unless the Commissioner has reason to

1 believe the permit is misused. The holder of the permit shall carry it at all
2 times while hunting, and shall produce it on demand for inspection by any
3 game warden or other law enforcement officer authorized to make arrests. The
4 holder of the permit may take game from a vehicle or boat but only if it is
5 stationary and ~~off~~ is not within 10 feet of the traveled portion of a public
6 highway. In no event shall the holder of a permit shoot across the traveled
7 portion of a public highway.

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

12 * * * Snaring of Animals * * *

13 Sec. 9. 10 V.S.A. § 4706 is amended to read:

14 § 4706. ~~SNARING ANIMALS~~

15 ~~A person shall not take an animal by snaring nor shall he possess a snare~~
16 ~~with intent to use the same.~~ [Repealed.]

17 * * * Conservation Motor Vehicle Registration Plates * * *

18 Sec. 10. 23 V.S.A. § 304b is amended to read:

19 § 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

20 (a) The Commissioner shall, upon application, issue conservation
21 registration plates for use only on vehicles registered at the pleasure car rate,

1 on trucks registered for less than 26,001 pounds, and on vehicles registered to
2 State agencies under section 376 of this title, but excluding vehicles registered
3 under the International Registration Plan. Plates so acquired shall be mounted
4 on the front and rear of the vehicle. The Commissioner of Motor Vehicles and
5 the Commissioner of Fish and Wildlife shall determine the graphic design of
6 the special plates in a manner which serves to enhance the public awareness of
7 the State's interest in restoring and protecting its wildlife and major watershed
8 areas. The Commissioner of Motor Vehicles and the Commissioner of Fish
9 and Wildlife may alter the graphic design of these special plates provided that
10 plates in use at the time of a design alteration shall remain valid subject to the
11 operator's payment of the annual registration fee. Applicants shall apply on
12 forms prescribed by the Commissioner and shall pay an initial fee of \$23.00 in
13 addition to the annual fee for registration. In following years, in addition to the
14 annual registration fee, the holder of a conservation plate shall pay a renewal
15 fee of \$23.00. The Commissioner may adopt rules under 3 V.S.A. chapter 25
16 to implement the provisions of this subsection.

17 (b) Initial fees collected under subsection (a) of this section shall be
18 allocated as follows:

19 (1) \$11.00 to the Transportation Fund.

20 (2) \$6.00 to the Department of Fish and Wildlife for deposit into the
21 Nongame Wildlife Account created in 10 V.S.A. § 4048.

1 (3) \$6.00 to the Department of Fish and Wildlife for deposit into the
2 Watershed Management Account created in 10 V.S.A. § 4050.

3 (c) Renewal fees collected under subsection (a) of this section shall be
4 allocated as follows:

5 (1) \$10.00 to the Department of Fish and Wildlife for deposit into the
6 Nongame Wildlife Account created in 10 V.S.A. § 4048.

7 (2) \$10.00 to the Department of Fish and Wildlife for deposit into the
8 Watershed Management Account created in 10 V.S.A. § 4050.

9 (3) \$3.00 to the Transportation Fund.

10 (d) The Commissioner of Fish and Wildlife is authorized to deposit fees
11 collected under subsections (b) and (c) of this section into the Conservation
12 Camp Fund when the fees collected exceed the annual funding needs of the
13 Nongame Wildlife Account and the Watershed Management Account.

14 Sec. 11. PROPOSED NEW CONSERVATION MOTOR VEHICLE
15 REGISTRATION PLATES

16 On or before January 15, 2015, the Commissioner of Motor Vehicles and
17 the Commissioner of Fish and Wildlife under the authority of 23 V.S.A.
18 § 304b shall submit to the House Committee on Fish, Wildlife and Water
19 Resources, the Senate Committee on Natural Resources and Energy, and the
20 House and Senate Committees on Transportation at least two new graphic
21 designs for proposed conservation registration plates.

1 * * * Effective Dates * * *

2 Sec. 12. EFFECTIVE DATES

3 (a) This section and Secs. 1–2 (landowner exception; captive hunt;
4 definitions), 3 (license for disabled veteran), and 8 (shooting from or across
5 highway) shall take effect on passage.

6 (b) Secs. 4 (migrating game bird harvest numbers), 9 (snaring), and 11
7 (conservation registration plates report) shall take effect on July 1, 2014.

8 (c) Secs. 5–7 (deer season rules) and 10 (conservation plates; proceeds)
9 shall take effect on January 1, 2015.