

1 H.101

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Fish and wildlife conservation; notices; posting; access to land

6 Statement of purpose of bill as introduced: This bill proposes to clarify
7 provisions related to the posting of land and access to land and water for
8 hunting, fishing, and trapping.

9 ~~An act relating to the clarification of provisions regarding the posting of~~
10 ~~land and access to land and water for hunting, fishing, and trapping.~~ *An act*
11 *relating to hunting, fishing, and trapping*

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

13 ~~Sec. 1. 10 V.S.A. § 4081 is amended to read:~~

14 § 4081. POLICY

15 * * *

16 (g) If the ~~board~~ Board finds that an antlerless season is necessary to
17 maintain the health and size of the herd, the ~~department~~ Department shall
18 administer an antlerless deer program. Any open season on antlerless deer
19 shall be held following the regular deer season held pursuant to section 4741 of
20 this title, except as provided in section 4086 of this title. Annually, the ~~board~~
21 Board shall determine how many antlerless permits to issue in each deer

1 ~~management district. For a nonrefundable fee of \$10.00 for residents and~~
2 \$25.00 for nonresidents a person may apply for a permit. Each person may
3 submit only one application for a permit. The ~~department~~ Department shall
4 allocate the permits in the following manner:

5 (1) A Vermont landowner, as defined in section 4253 of this title, who
6 owns 25 or more contiguous acres and who applies shall receive a permit for
7 antlerless hunting in the management unit on which the land is located before
8 any are given to people eligible under subdivision (2) of this subsection. If the
9 land is owned by more than one individual, corporation or other entity, only
10 one permit shall be issued. Landowners applying for antlerless permits under
11 this subdivision shall not, at the time of application or thereafter during the
12 regular hunting season, post their lands except under the provisions of section
13 4710 of this title. As used in this section, "post" means any signage that would
14 lead a reasonable person to believe that hunting is restricted on the land. If the
15 number of landowners who apply exceeds the number of permits for that
16 district, the department shall award all permits in that district to landowners by
17 lottery.

18 * * *

1 ~~Sec. 2. 10 V.S.A. 4251 is amended to read:~~

2 § 4251. TAKING WILD ANIMALS AND FISH; LICENSE

3 * * *

4 (b) ~~The commissioner of fish and wildlife~~ Commissioner of Fish and
5 Wildlife may designate ~~one day~~ two days each calendar year as a “free fishing
6 day” days” for which no license shall be required. One day shall occur in the
7 open water fishing season and one day shall occur during the ice fishing
8 season.

9 Sec. 3. 10 V.S.A. § 4280 is amended to read:

10 § 4280. TAKING WILDLIFE DURING A PERIOD OF LICENSE

11 SUSPENSION

12 A person shall not hunt, fish, or trap while a license or right to obtain a
13 license is under suspension, including those persons who could otherwise hunt,
14 fish, or trap pursuant to section 4253 of this title.

15 Sec. 4. 10 V.S.A. § 5201 is amended to read:

16 § 5201. NOTICES; POSTING

17 (a)(1) An owner, or a person having the exclusive right to take fish or wild
18 animals upon land or the waters thereon, who desires to protect his or her land
19 or waters over which he or she has exclusive control, may maintain notices
20 stating, if he or she wishes to prohibit the;

1 ~~(A) taking of game and wild animals, that shooting and trapping are~~
2 ~~prohibited, or, or are by permission only;~~

3 ~~(B) if he or she wishes to prohibit the taking of fish, that fishing is~~
4 ~~prohibited, or, or is by permission only;~~

5 ~~(C) if he or she wishes to prohibit the taking of fish and wild animals,~~
6 ~~that fishing, hunting, and trapping are prohibited or are by permission only.~~

7 ~~(2) “Permission only signs” authorized under this section shall contain the~~
8 ~~owner’s name and telephone contact information.~~

9 * * *

10 Sec. 5. 10 V.S.A. § 4701 is amended to read:

11 § 4701. USE OF GUN, BOW AND ARROW; LEGAL DAY; DOGS

12 A person shall not take game except with a gun fired at arm’s length or with
13 a bow and arrow, unless otherwise provided. A person shall not take game
14 between one-half hour after sunset and one-half hour before sunrise unless
15 otherwise provided. A person may take game and fur-bearing animals during
16 the open season therefor, with the aid of a dog, unless otherwise prohibited. A
17 person shall not shoot a firearm or bow and arrow over or across the traveled
18 portion of a public highway or driveway.

1 ~~Sec. 6. 10 V.S.A. § 4705 is amended to read:~~

2 § 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT; PERMIT

3 * * *

4 (c) A person while on or within ~~ten~~ 100 feet of the traveled portion of a
5 public highway or driveway shall not take or attempt to take any wild animal
6 by shooting with a firearm or bow and arrow.

7 * * *

8 (e) Subsection (a) of this section shall not apply to a licensed hunter who is
9 a paraplegic or is certified by a physician to be unable to pursue game because
10 of permanent severe physical disability, if he or she obtains a permit as
11 provided in this subsection. ~~The commissioner~~ Commissioner on receipt of
12 satisfactory proof of the disability of an applicant may issue a permit under this
13 subsection. This permit shall be attached to the license, and shall remain in
14 effect until the death of the holder, unless the ~~commissioner~~ Commissioner has
15 reason to believe the permit is misused. The holder of the permit shall carry it
16 at all times while hunting, and shall produce it on demand for inspection by
17 any game warden or other law enforcement officer authorized to make arrests.
18 The holder of the permit may take game from a vehicle or boat but only if it is
19 stationary and off of a public highway. In no event shall the holder of a permit
20 shoot across the traveled portion of a public highway or driveway.

21 * * *

1 ~~Sec. 7. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2013.~~

Sec. 1. 10 V.S.A. § 4047a is added to read:

§ 4047a. RAFFLES; DEPARTMENT AUTHORITY

(a) Notwithstanding the provisions of 13 V.S.A. chapter 51, the Department may organize and execute raffles to dispose of property, and a person may participate in raffles executed by the Department, provided that the proceeds of raffles executed under this section shall be used solely to fund actions fulfilling or consistent with the purposes of the Department.

(b) All moneys received by the Department under this section shall be deposited in the Fish and Wildlife Fund to be used for the purposes of that fund.

Sec. 2. 10 V.S.A. § 4081 is amended to read:

§ 4081. POLICY

* * *

(g) If the ~~board~~ Board finds that an antlerless season is necessary to maintain the health and size of the herd, the ~~department~~ Department shall administer an antlerless deer program. Any open season on antlerless deer shall be held following the regular deer season held pursuant to section 4741 of this title, ~~except as provided in section 4086 of this title.~~ Annually, the ~~board~~ Board shall determine how many antlerless permits to issue in each deer

management district. 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~~ 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 under the provisions of section 4710 of this title. As used in this section, "post" means any signage 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~~ Department shall award all permits in that district to landowners by lottery.

* * *

Sec. 3. 10 V.S.A. § 4082 is amended to read:

§ 4082. VERMONT FISH AND WILDLIFE REGULATIONS

(a) The ~~board~~ Board may adopt rules, under 3 V.S.A. chapter 25 of Title 3, to be known as the “Vermont fish and wildlife regulations” for the regulation of fish and wild game and the taking thereof except as otherwise specifically provided by law. The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species which are ecologically related to the regulated species. The rules shall be supported by investigation and research conducted by the ~~department~~ Department on behalf of the ~~board~~ Board.

(b) The ~~board~~ Board annually may ~~annually~~ adopt ~~temporary~~ rules relating to the management of migrating game birds, and shall follow the procedures for rulemaking contained in 3 V.S.A. chapter 25 of Title 3 to the extent ~~reasonably possible~~. For each such rule, the ~~board~~ Board shall conduct a hearing but, when necessary, may schedule the hearing for a day before the terms of the rule are expected to be determined.

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

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

Sec. 4. 10 V.S.A. § 4084 is amended to read:

§ 4084. GAME

(a) Rules concerning wild game may:

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

(2) ~~Establish~~ establish daily, season, and possession limits;

(3) ~~Establish~~ establish territorial limits for any rule under this subchapter;

(4) ~~Prescribe~~ prescribe the manner and means of taking any species or variety, ~~and~~ including reporting and tagging of game;

(5) ~~Establish~~ establish restrictions on taking based upon sex, maturity, or other physical distinction of the species or variety pursued; and

(6) ~~Designate~~ designate wildlife management ~~districts~~ units for various species or varieties.

(b)(1) On or before July 1 of each year, the ~~commissioner~~ Commissioner shall publish a report showing all the wildlife management ~~districts~~ units and proposed deer seasons. The reports shall include supporting data for the proposed actions.

(2) Each January, the ~~commissioner~~ Commissioner shall publish an annual deer report showing the specific programs, plans, and operational goals of the department and shall include a progress report of each deer management district.

(c) ~~After management districts have been established by the board under the authority of this section, the districts shall not thereafter be altered~~ The Board may alter the outer boundary of a wildlife management unit no more frequently than every ten years without approval of the general assembly General Assembly; however, the ~~board~~ Board shall have authority to subdivide

~~established districts wildlife management units. This subsection shall not apply to special management zones created under section 4086 of this title.~~

Sec. 5. 10 V.S.A. 4251 is amended to read:

§ 4251. TAKING WILD ANIMALS AND FISH; LICENSE

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

(b) ~~The commissioner of fish and wildlife~~ Commissioner of Fish and Wildlife may designate ~~one day~~ two days each calendar year as a “free fishing day” days for which no license shall be required. One day shall occur in the open water fishing season and one day shall occur during the ice fishing season.

Sec. 6. 10 V.S.A. § 4252 is amended to read:

§ 4252. ACTIVITIES PERMITTED UNDER LICENSES

(a) Subject to provisions of this part and regulations of the ~~board~~ Board:

* * *

(5) An archery license shall entitle the holder to take one deer by bow and arrow ~~pursuant to section 4744 of this title.~~

(6) A muzzle loader license shall entitle the holder to take deer with a muzzle loading firearm ~~pursuant to section 4743 of this title.~~

* * *

(9) A second muzzle loader license, which may only be purchased by a holder of a muzzle loader license, shall entitle the holder to take one wild deer, in addition to the number allowed to a holder of a muzzle license, with a muzzle loading firearm ~~pursuant to section 4743 of this title.~~

(10) A second archery license, which may only be purchased by a holder of an archery license, shall entitle the holder to take one deer, in addition to the number allowed to a holder of an archery license, with a bow and arrow ~~pursuant to section 4744 of this title.~~

* * *

(12) A super sport license shall entitle the holder to take fish, shoot pickerel, take wild animals pursuant to chapter 113 of this title, take wild animals as allowed under a combination hunting and fishing license and the following big game licenses: archery, muzzle loader, turkey, second archery, and second muzzle loader. ~~The commissioner~~ Commissioner may establish procedures to encourage purchasers of a super sport license to make a stewardship donation of \$10.00 to the ~~fish and wildlife fund~~ Fish and Wildlife Fund for the purpose of habitat improvement.

* * *

(b) In addition to the activities authorized under subsection (a) of this section and the rules authorized thereunder, the holder of an archery license, second archery license, or super sport license may possess a handgun while archery hunting, provided that the license holder shall not take game by firearm while archery hunting. As used in this section, "handgun" means a pistol or revolver which will expel a projectile by the action of an explosive.

Sec. 7. 10 V.S.A. § 4254(i)(1) is amended to read:

(i)(1) If the ~~board~~ Board establishes a moose hunting season, up to five moose permits shall be set aside to be auctioned. The moose permits set aside for auction shall be in addition to the number of annual moose permits authorized by the Board. The ~~board~~ Board shall adopt rules necessary for the ~~department~~ Department to establish, implement, and run the auction process. The Commissioner annually may establish a minimum dollar amount of not less than \$1,500.00 for any winning bid for a moose permit auctioned under this subdivision. Proceeds from the auction shall be deposited in the ~~fish and wildlife fund~~ Fish and Wildlife Fund and used for conservation education programs run by the ~~department~~ Department. Successful bidders must have a Vermont hunting or combination license in order to purchase a moose permit. Beginning with the 2006 hunting season, the five moose permits set aside for auction shall be in addition to the number of annual moose permits authorized by the board.

Sec. 8. 10 V.S.A. § 4254b is added to read:

§ 4254b. THERAPEUTIC GROUP FISHING LICENSE

(a) As used in this section:

(1) “Health care professional” means an individual licensed or certified or otherwise authorized by Vermont law to provide professional health services.

(2) “Health service” means any treatment or procedure delivered by a health care professional to maintain an individual’s physical or mental health or to diagnose or treat an individual’s physical or mental health condition, including services ordered by a health care professional, chronic care management, preventive care, wellness services, and medically necessary services to assist in activities of daily living.

(3) “Individual representing a long-term care facility” means an employee of a long-term care facility or a person recognized as an official volunteer by the long-term care facility.

(4) “Long-term care facility” means any facility required to be licensed under 33 V.S.A. chapter 71.

(b) The Commissioner may issue an annual therapeutic group fishing license to a health care professional or an individual representing a long-term care facility. A therapeutic group fishing license shall allow up to four persons per day to fish at one time provided that:

(1) the persons are under the care of a health care professional or are residing in a long-term care facility; and

(2) while fishing the persons are supervised by the health care professional or the individual representing a long-term care facility who was issued the therapeutic group fishing license.

(c) A person fishing under a therapeutic group fishing license shall not be required to obtain a fishing license under section 4251 of this title but shall be required to comply with all other requirements of this chapter, chapter 111 of this title, and the rules of the Board. When a person or group of persons is fishing under a therapeutic group fishing license, the person or group shall be accompanied at all times by the health care professional or the individual representing a long-term care facility to which the license was issued. The health care professional or individual representing a long-term care facility may assist persons fishing under the license with all aspects of fishing activity. The health professional or individual representing a long-term care facility shall carry the license at all times while a person is fishing under the license and shall produce the license on demand by any fish and wildlife warden.

Sec. 9. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

* * *

(j) If the ~~board~~ Board determines that a moose season will be held in accordance with the rules adopted under sections 4082 and 4084 of this title, the ~~commissioner~~ Commissioner annually may issue three no-cost moose licenses to a ~~child or young adult age 21 years or under~~ person who has a ~~life threatening~~ life-threatening disease or illness and who is sponsored by a qualified charitable organization, provided that at least one of the no-cost annual moose licenses awarded each year shall be awarded to a child or young adult age 21 years of age or under who has a life-threatening illness. The child or ~~young adult~~ must shall comply with all other requirements of this chapter and the rules of the ~~board~~ Board. Under this subsection, a person may receive only one no-cost moose license in his or her lifetime. The ~~commissioner~~ Commissioner shall adopt rules in accordance with 3 V.S.A. chapter 25 of Title 3 to implement this subsection. The rules shall define the child or ~~young~~ adult qualified to receive the no-cost license, shall define a qualified sponsoring charitable organization, and shall provide the application process and criteria for issuing the no-cost moose license.

* * *

(m) The fee for a therapeutic group fishing license issued under section 4254b of this title shall be \$50.00 per year, provided that the Commissioner may waive the fee under this section if the applicant for a therapeutic group fishing license completes instructor certification under the Department's Let's

Go Fishing Program. The Commissioner may, at his or her discretion, issue a free therapeutic fishing license to an applicant.

Sec. 10. 10 V.S.A. § 4278 is amended to read:

§ 4278. FALCONRY LICENSE

(a) In this section, “raptor” means species of the orders ~~strigiformes and falconiformes~~ Strigiformes, Falconiformes, and Accipitriformes.

(b)(1) A Vermont resident may obtain, sell, transport, possess, and train raptor species allowable under state and federal laws and regulations for hunting, provided the person has first obtained a state falconry license from the ~~commissioner~~ Commissioner. ~~Possession of a federal license is required to validate a state license. Applicants for~~ The Commissioner may issue a state falconry license shall receive a license, provided that the applicant:

(1)(A) pays an initial licensing fee of \$250.00 for a license valid for three years, or a renewal fee of \$50.00 for a license valid for each year thereafter, as appropriate, to the ~~department~~ Department;

(2)(B) meets the minimum age and experience requirements for each of apprentice, general, or master falconry licenses;

(3)(C) has completed a supervised examination relating to basic biology, care, and handling of raptors, has correctly answered a minimum of ~~80~~ 85 percent of the questions; and

~~(4)(D)~~ *possesses raptor housing facilities and falconry equipment that meet state and federal standards.*

(2) The ~~commissioner~~ Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 that will establish requirements for ensuring that holders of falconry licenses will be properly qualified and that the birds will be legally acquired and appropriately cared for. Such rules shall further define required raptor housing facilities and falconry equipment, legal means of taking, lawful species, ages, and numbers of raptors to be taken and possessed, banding requirements, and any other further restrictions on taking and possession.

* * *

Sec. 11. 10 V.S.A. § 4280 is amended to read:

§ 4280. TAKING WILDLIFE DURING A PERIOD OF LICENSE

SUSPENSION

A person shall not hunt, fish, or trap while a license or right to obtain a license is under suspension, including those persons who could otherwise hunt, fish, or trap pursuant to section 4253 of this title.

Sec. 12. 10 V.S.A. § 4701 is amended to read:

§ 4701. USE OF GUN, BOW AND ARROW, AND CROSSBOW; LEGAL

DAY; DOGS

(a) A Unless otherwise provided by statute, a person shall not take game except with;

(1) a gun fired at arm's length ~~or with~~;

(2) a bow and arrow ~~unless otherwise provided~~; or

(3) a crossbow as authorized under section 4711 of this title or as authorized by the rules of the Board.

(b) A person shall not take game between one-half hour after sunset and one-half hour before sunrise unless otherwise provided by statute or by the rules of the Board.

(c) A person may take game and fur-bearing animals during the open season therefor, with the aid of a dog, unless otherwise prohibited by statute or by the rules of the Board.

Sec. 12a. 10 V.S.A. § 4705 is amended to read:

§ 4705. SHOOTING FROM MOTOR VEHICLES OR AIRCRAFT;

SHOOTING FROM OR ACROSS HIGHWAY; PERMIT

* * *

(c) A person while on or within ~~ten~~ 25 feet of the traveled portion of a public highway shall not take or attempt to take any wild animal by shooting ~~with a firearm or~~ a bow and arrow, or a crossbow. A person shall not shoot a firearm, a bow and arrow, or a crossbow over or across the traveled portion of a public highway.

* * *

Sec. 13. 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 Title 10 of Vermont Statutes Annotated):

(1) 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:

** * **

(HH) § 4827. A black bear doing damage

** * **

(MM) § 4827a. Feeding a black bear.

(3) Twenty points shall be assessed for:

** * **

(G) § 4743(c). ~~Muzzle loader deer season~~ [Repealed.]

** * **

*Sec. 14. DEPARTMENT OF FISH AND WILDLIFE WORKING GROUP ON
ILLEGAL TAKING OF GAME FROM VEHICLES OR PUBLIC
HIGHWAY*

(a) The Commissioner of Fish and Wildlife shall convene a working group to review and recommend methods for addressing illegal taking of game from motor vehicles or public highways in Vermont. The working group shall

consist of the Commissioner or his or her designee and the following members to be appointed by the Commissioner:

(1) two members of the Fish and Wildlife Board;

(2) two State Game Wardens, Deputy State Game Wardens, other appropriate law enforcement officers, or a combination thereof; and

(3) two persons who hold a valid Vermont hunting license.

(b) On or before December 15, 2013, the Commissioner shall report to the House Committee on Fish, Wildlife and Water Resources and the Senate Committee on Natural Resources and Energy with the recommendations of the working group.

(c) The report shall include a summary, based on the number of citations issued and on the number of complaints tabulated by the Department, of the incidence of illegal taking of game from motor vehicles or public highways in Vermont and shall make recommendations on potential measures by which to reduce such incidents. The report shall include recommendations regarding:

(1) whether and to what extent the State should regulate the distance from the traveled portion of public highways or other roadways at which hunters may take or attempt to take game;

(2) a prohibition on shooting of a firearm or bow and arrow over or across the traveled portion of a public highway or other roadways;

(3) increasing enforcement, increasing fines, or both; and

(4) any other appropriate measures supporting the purpose of the working group.

Sec. 15. 10 V.S.A. § 4709 is amended to read:

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

(a) A person shall not bring into the ~~state~~ State or possess any live wild bird or animal of any kind, unless, upon application in writing therefor, the person obtains from the ~~commissioner~~ Commissioner a permit to do so. The importation permit may be granted under such regulations therefor as the ~~board~~ Board shall prescribe and only after the ~~commissioner~~ Commissioner has made such investigation and inspection of the birds or animals as she or he may deem necessary. The ~~department~~ Department may dispose of unlawfully imported wildlife as it may judge best, and the ~~state~~ State may collect treble damages from the violator of this subsection for all expenses incurred.

(b) Nothing in this section shall prohibit the ~~commissioner~~ Commissioner or duly authorized agents of the ~~fish and wildlife department~~ Department of Fish and Wildlife from bringing into the ~~state~~ State for the purpose of planting, introducing, or stocking, or from planting, introducing, or stocking in the ~~state~~ State, any wild bird or animal.

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

(d)(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.

Sec. 16. 10 V.S.A. § 4827 is amended to read:

§ 4827. BLACK BEAR DOING DAMAGE

(a) A (1) Except as provided in subdivision (2) of this subsection and in subsection 4827a(b) of this title, a person, an authorized member of the person's family, or the person's authorized regular on-premise employee may, after attempting reasonable nonlethal measures to protect his or her property, take, on land owned or occupied by the person, a bear which he or she can prove was doing damage to the following:

(1)(A) livestock, a pet, or another domestic animal;

(2)(B) bees or bee hives;

~~(3)(C)~~ a vehicle, building, shed, or any dwelling; or

~~(4)(D)~~ a crop or crop-bearing plant other than grass.

~~(2)(A) The requirements of subdivision (1) of this subsection shall not apply in exigent circumstances. As used in this subdivision, "exigent circumstances" means the need for immediate protection of a person, livestock, pet, domestic animal, or occupied dwelling.~~

~~(B) Landowners or lessees subject to bear damage in unharvested cornfields shall be exempt from having to first use nonlethal control measures prior to taking a black bear doing damage under subdivision (a)(1) of this section.~~

~~(b) A person authorized to take a bear under subsection (a) of this section may designate one individual who holds a resident Vermont hunting license as an agent to take a bear doing damage on his or her behalf. The person may not offer or accept any form of payment to or from the agent under this subsection except as allowed in subsection (e) of this section.~~

* * *

~~(f) If a person has intentionally placed bait or food, which may include fruit, grain, salt, or other materials, including within a bird feeder, to entice or lure wildlife onto the property within the past 30 days:~~

~~(1) the person may not kill a bear causing damage pursuant to this section; and~~

~~(2) the commissioner is authorized to issue an order requiring the person to remove the bait or food if the luring may result in harm to a person, a domestic animal, a crop, or property [Repealed.]~~

* * *

~~(h) A person who shoots a bear in violation of subsection (f) or (g) of this section or subsection 4827a(b) of this title may be fined up to \$1,000.00 \$2,000.00. A person who does not remove bait or contain food following an order issued under subsection (f) or (g) of this section or subsection 4827a(b) may be fined up to \$500.00 \$1,000.00.~~

~~Sec. 17. 10 V.S.A. § 4827a is added to read:~~

~~§ 4827a. FEEDING BEAR; PROHIBITION~~

~~(a) A person shall not knowingly feed a bear and shall not knowingly give, place, expose, deposit, distribute, or scatter any bait, food, or other edible material in a manner intended to lure a bear to feed except:~~

~~(1) under a license or permit issued under section 4152 of this title by the Commissioner for bona fide scientific research, mitigation of wildlife damage, nuisance problems, or wildlife population reduction program;~~

~~(2) by planting, cultivating, or harvesting of crops directly associated with bona fide agricultural practices, including planted wildlife food plots; or~~

~~(3) by distribution of feed material for livestock directly associated with bona fide agricultural practices.~~

(b) A person who has intentionally placed bait, food, or other edible material, including placing food within a bird feeder, to lure wildlife, as that term is defined to include birds and other animals under subdivision 4001(15) of this title, onto the property within the past 30 days shall be prohibited from taking a bear doing damage under the authority set forth in section 4827 of this title. The Commissioner or his or her designee may issue an order requiring a person to remove or contain the bait, food, or edible material if the placing of bait or food results in the feeding of a bear.

(c) As used in this section, "bait, food, or other edible material" means fruit, grain, salt, grease, garbage, or other materials intended to feed or lure wildlife.

Sec. 18. 10 V.S.A. § 4829 is amended to read:

§ 4829. PERSON SUFFERING DAMAGE BY DEER OR BLACK BEAR

(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or bee hives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage, and may apply to the ~~department of fish and wildlife~~ Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As

used in this section, “post” means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.

(b) As used in this section, a person is “engaged in the business of farming” if he or she earns at least one-half of the farmer’s annual gross income from the business of farming, as that term is defined in the Internal Revenue Code, 26 C.F.R. § 1.175-3.

~~*Sec. 19. 10 V.S.A. § 4832 is amended to read:*~~

~~*§ 4832. APPEAL*~~

~~*A person who is denied reimbursement under this subchapter or who is dissatisfied with the amount of the reimbursement granted may appeal to the superior court of the county in which he resides. [Repealed.]*~~

~~*Sec. 20 19. 10 V.S.A. § 5001 is amended to read:*~~

~~*§ 5001. HUNTING DOGS; FIELD TRAINING*~~

~~*(a) While accompanying the dog, a person without a firearm may train a hunting dog to hunt and pursue:*~~

~~*(1) Bear during the period from June 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 to the last Saturday in September at any time of the day or night;*~~

(4) Bobcat and fox during the period June 1 to March 15, except during regular deer season as prescribed in ~~10 V.S.A. §~~ section 4741 of this title.

(b) ~~The commissioner~~ Commissioner may permit a person ~~without a gun~~ to train and condition a hunting dog between the second Monday in March and June 1. ~~The board~~ 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, "handgun" means a pistol or revolver which will expel a projectile by the action of an explosive.

Sec. ~~21~~ 20. 10 V.S.A. § 5201 is amended to read:

§ 5201. NOTICES; POSTING

(a)~~(1)~~ An owner, or a person having the exclusive right to take fish or wild animals upon land or the waters thereon, who desires to protect his or her land or waters over which he or she has exclusive control, may maintain notices stating, ~~if he or she wishes to prohibit the taking of game and wild animals, that the shooting and trapping are~~ that:

(A) the shooting, trapping, or taking of game or wild animals is prohibited, or, if he or she wishes to prohibit the taking of fish, that or is by permission only;

(B) fishing or the taking of fish is prohibited, ~~or, if he or she wishes to prohibit the taking of fish and wild animals, that~~ or is by permission only;

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

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

* * *

Sec. ~~22~~ 21. EFFECTIVE DATES

(a) This section and Sec. 15 (importation, stocking wild animals; possession of wild boar) of this act shall take effect on passage.

(b) Sec. 10 (falconry license) of this act shall take effect on January 1, 2014, provided that the Fish and Wildlife Board may, prior to January 1, 2014, adopt rules to implement 10 V.S.A. § 4278 as effective on January 1, 2014.

(c) All other sections of the act shall take effect on July 1, 2013.