

1 H.136

2 Introduced by Representative Brennan of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Fish and Wildlife; Native American affairs; trapping; fish and wildlife
6 access area license

7 Statement of purpose of bill as introduced: This bill proposes to grant free
8 permanent trapping licenses to members of the Abenaki. It also proposes to
9 require a person to possess a fish and wildlife access area license when using a
10 State access area, landing area, or parking area unless the person is less than
11 15 years of age; holds a valid fishing, hunting, or trapping license; is the owner
12 of, operator of, or passenger in a validly registered vessel; or is approved by
13 the Commissioner of Fish and Wildlife.

14 An act relating to Abenaki trapping licenses

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

16 Sec. 1. 10 V.S.A. § 4255 is amended to read:

17 § 4255. LICENSE FEES

18 * * *

19 (c) A permanent or free license may be secured on application to the
20 Department by a person qualifying as follows:

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(7) A certified citizen of a Native American Indian tribe that has been recognized by the State pursuant to 1 V.S.A. chapter 23 may receive a free permanent fishing license or, if the person qualifies for a hunting license, a free permanent combination hunting and fishing license, and if the person qualifies for a trapping license, a free permanent trapping license upon submission of a current and valid tribal identification card.

* * *

Sec. 2. 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. 3. 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 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

1 rules adopted under this statute shall permit the launching of only one or more
2 of the following types of vessels:

3 (A) all vessels that have a Vermont registration certificate required
4 by 23 V.S.A. chapter 29 ~~and the parking of vehicles and boat trailers used by~~
5 ~~these vessels. The rules shall not preclude the authorization to launch vessels~~
6 ~~not registered in Vermont. These rules also shall permit the launching of all~~
7 ~~nonmotorized vessels not used for commercial purposes and the parking of~~
8 ~~vehicles and boat trailers used by these vessels.~~ or a valid vessel registration
9 from another state;

10 (B) all vessels the owner or operator of which holds a valid Vermont
11 fishing, hunting, or trapping license; or

12 (C) a person in possession of a fish and wildlife access area license
13 issued under section 4281 of this title.

14 (2) The rules shall allow the parking of vehicles and boat trailers for any
15 vessel permitted under this section to use an access area, landing area, parking
16 area, or other land or water acquired or maintained pursuant to section 4144 of
17 this title.

18 * * *

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

20 § 4252. ACTIVITIES PERMITTED UNDER LICENSES

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

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

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

5 * * *

6 (19) A fish and wildlife access license issued under section 4281 of this
7 title shall entitle the holder to use or be present on an access area, landing area,
8 parking area, or other land or water acquired or maintained pursuant to section
9 4144 of this title.

10 * * *

11 (c) In addition to the activities authorized under subsection (a) of this
12 section and the rules authorized under this part, the holder of a valid license
13 listed under subsection (a) of this section is authorized to use or be present on,
14 including the launch or removal of a motorized and nonmotorized vessel, an
15 access area, landing area, parking area, or of other land or water acquired or
16 maintained pursuant to section 4144 of this title.

17 Sec. 5. 10 V.S.A. § 4281 is added to read:

18 § 4281. FISH AND WILDLIFE ACCESS LICENSE

19 (a) A person using or present on an access area, landing area, parking area,
20 or other land or water acquired or maintained pursuant to section 4144 of this

1 title shall have a current fish and wildlife access license on their person at all
2 times, except if the person:

3 (1) is under 15 years of age;

4 (2) has on their person a current Vermont hunting, fishing, or trapping
5 license;

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

8 (4) is a corridor manager, as that term is defined by the Commissioner
9 by procedure, who contributes to trail management, including members of
10 VAST.

11 (b) A fish and wildlife access license shall be valid for one year and shall
12 expire on December 31 of each year. The license shall be issued in the form of
13 a paper license.

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

17 (d) The Commissioner may waive the fee for a fish and wildlife access
18 license under appropriate circumstances, including for:

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

1	<u>(17) Annual fish and wildlife access license</u>	<u>\$40.00</u>
2	<u>(18) One-day fish and wildlife access license</u>	<u>\$ 6.00</u>
3	<u>(19) Three-day fish and wildlife access license</u>	<u>\$12.00</u>
4	<u>(20) One-week fish and wildlife access license</u>	<u>\$20.00</u>

5 * * *

6 Sec. 7. 10 V.S.A. § 4572 is amended to read:

7 § 4572. DEFINITIONS

8 (a) As used in this subchapter, a minor fish and wildlife violation means:

9 (1) a violation of 10 V.S.A. § 4145 (violation of access and landing area
10 rules);

11 (2) a violation of 10 V.S.A. § 4251 (taking wild animals and fish
12 without a license);

13 (3) a violation of 10 V.S.A. § 4266 (failure to carry a license on person
14 or failure to exhibit license);

15 (4) a violation of 10 V.S.A. § 4267 (false statements in license
16 application; altering license; transferring license to another person; using
17 another person's license; or guiding an unlicensed person);

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

19 * * *

20 (7) a violation of a biological collection rule adopted by the Board under
21 part 4 of this title; or

1 (8) a violation of 10 V.S.A. § 4281 (failure to possess a fish and wildlife
2 access license when using an access area).

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

4 Sec. 8. EFFECTIVE DATE

5 This act shall take effect on July 1, 2021.