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H.262

Introduced by Representative McCullough of Williston

Referred to Committee on

Date:

Subject: Fish and game; trapping; nuisance wildlife control

Statement of purpose of bill as introduced: This bill proposes to require persons engaged in nuisance wildlife control services to obtain a permit from the Commissioner of Fish and Wildlife.

An act relating to the licensing of nuisance wildlife control operators

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

Sec. 1. 10 V.S.A. § 4828 is amended to read:

§ 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY

LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY

(a) The provisions of law or ~~regulations~~ rules of the Board relating to the taking of rabbits or fur-bearing animals shall not apply to an owner; or the owner's employee, tenant, or caretaker of property protecting the property from damage by rabbits or fur-bearing animals, or to the selectboard of a town protecting public highways or bridges from such damage or submersion with the permission of the owner of lands affected. A nuisance wildlife control operator is subject to the requirements of section 4828a of this title and rules

1 adopted thereunder relating to the taking of rabbits, fur-bearing animals, and  
2 other wildlife for the purpose of nuisance wildlife control to protect property  
3 from damage from rabbits, fur-bearing animals, and other wildlife. However,  
4 if If required by rule of the ~~board~~ Board, an owner, employee, tenant, or  
5 nuisance wildlife control operator, caretaker, or the members of the  
6 selectboard, who desire to possess during the closed season the skins of any  
7 fur-bearing animals taken in defense of property, highways, or bridges shall  
8 notify the Commissioner or the Commissioner's representative within 84 hours  
9 after taking such animal, and shall hold such pelts for inspection by such  
10 authorized representatives.

11 (b) Before disposing of ~~such~~ pelts taken in defense of property, highways,  
12 or bridges, if required by rule of the Board, the property owner, employee,  
13 tenant, nuisance wildlife control operator, caretaker, or selectboard shall secure  
14 from the Commissioner or a designee a certificate describing the pelts, and  
15 showing that the pelts were legally taken during a closed season and in defense  
16 of property, highways, or bridges. In the event of storage, sale, or transfer,  
17 ~~such~~ the certificates shall accompany the pelts described therein.

18 Sec. 2. 10 V.S.A. § 4828a is added to read:

19 § 4828a. NUISANCE WILDLIFE CONTROL OPERATORS; PERMIT

20 (a) Definitions. As used in this section:

1           (1) “Nuisance wildlife” means wildlife that causes or may cause damage  
2           or threat to agriculture, human health or safety, property, or natural resources,  
3           except that “nuisance wildlife” shall not mean rats or mice.

4           (2) “Nuisance wildlife control” means to harass, repel, evict, exclude,  
5           possess, transport, liberate, reunite, rehome, take, or euthanize nuisance  
6           wildlife.

7           (3) “Nuisance wildlife control operator” means a person who is  
8           permitted to perform nuisance wildlife control services for compensation that  
9           involves charging a fee for the service of nuisance wildlife control.

10          (b) Permit required. No person shall engage in the business of nuisance  
11          wildlife control without a permit from the Commissioner of Fish and Wildlife.  
12          A nuisance wildlife control permit shall be valid for a term of two years and  
13          may be renewed according to a schedule established by the Commissioner by  
14          rule. The act of controlling or taking wildlife when directed by the  
15          Commissioner of Fish and Wildlife shall not constitute engaging in the  
16          business of controlling nuisance wildlife.

17          (c) Conditions for issuance. The Commissioner shall not issue a nuisance  
18          wildlife control permit under this section unless, prior to issuance, an applicant  
19          presents to the Commissioner:

20               (1) proof of possession of a valid, current hunting license and a current  
21               trapping license issued by the State; and

1           (2) a certificate of satisfactory completion of a Vermont nuisance  
2 wildlife control training course.

3           (d) Training course. The Commissioner of Fish and Wildlife shall establish  
4 a nuisance wildlife control course. The course shall provide training or  
5 instruction addressing:

6               (1) evaluation of a site where nuisance wildlife may be present;

7               (2) methods of nonlethal control or management of nuisance wildlife or  
8 problems posed by nuisance wildlife, including training that addresses devices  
9 to frighten nuisance wildlife, repellants, one-way door exclusion, and other  
10 methods of exclusion, habitat modification, and live trapping;

11               (3) conditions and methods of approved lethal control of nuisance  
12 wildlife; and

13               (4) techniques or measures to prevent recurrence of nuisance wildlife or  
14 problems posed by nuisance wildlife.

15           (e) Rule. The Commissioner of Fish and Wildlife shall adopt rules  
16 regarding the permitting of nuisance wildlife control operators. The rules shall  
17 include requirements for eligibility, qualification, and training.

18           (f) Procedure. The Commissioner of Fish and Wildlife shall establish by  
19 procedure requirements for the capture, handling, transport, and euthanasia of  
20 nuisance wildlife by nuisance wildlife control operators. The procedure shall  
21 include the recommendations of the 2013 report of the American Veterinary

1 Medical Association Panel on Euthanasia, provided that the procedure may  
2 allow for the use of specific alternatives to the Panel's recommendations when  
3 the killing of nuisance wildlife is necessary to address an imminent threat to  
4 human health or safety and only if the method for killing the animals has been  
5 approved by the American Veterinary Medical Association and is designed to  
6 kill the nuisance wildlife as quickly and painlessly as practicable.

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on January 1, 2018.