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H.411

Introduced by Representative Sheldon of Middlebury

Referred to Committee on

Date:

Subject: Fish and wildlife; hunting; retrieval and disposal of wildlife

Statement of purpose of bill as introduced: This bill proposes to establish standards for the retrieval and disposal of certain wild animals that are intentionally killed.

~~An act relating to the retrieval and disposal of wild animals~~ *An act relating to the retrieval and use of covered wild animals*

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

~~Sec. 1. 10 V.S.A., chapter 113, subchapter 7 is added to read:~~

Subchapter 7. Retrieval and Disposal of Covered Wild Animals

§ 4921. RETRIEVAL AND DISPOSAL OF COVERED WILD ANIMALS

(a) As used in this section, “covered wild animal” means an animal that is a big game animal, game quadruped, game bird, fur-bearing animal, or crow.

(b)(1) A person shall not intentionally kill a covered wild animal and intentionally, knowingly, or recklessly fail to retrieve and dispose of the

1 ~~covered wild animal. Any covered wild animal taken must be immediately~~
2 made part of the daily or seasonal bag limit, if applicable.

3 (2) It shall not be considered lawful disposal for any person to place,
4 leave, dump, or abandon a covered wild animal or parts of the carcass of a
5 covered wild animal along or upon:

6 (A) a public right-of-way or highway;

7 (B) private property, without permission of the owner or the owner's
8 agent; or

9 (C) public property where hunting is prohibited.

10 (c) In addition to the requirements above, a person shall not intentionally
11 take a covered wild animal during regulated open season and intentionally,
12 knowingly, or recklessly fail to salvage for human use the edible portions of
13 the carcass of the covered wild animal or usable portions of the fur or hide of
14 the covered wild animal.

15 (d) Subsections (b) and (c) of this section shall not apply:

16 (1) when the failure to retrieve and dispose or failure to salvage the
17 edible portion of the carcass of the covered wild animal or usable portion of
18 the fur of the covered wild animal is beyond the control of the person due to:

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

1 ~~(B) unanticipated weather conditions or other act of God that~~
2 ~~prevents salvage or retrieval of the covered wild animal;~~

3 ~~(C) unavoidable loss of the covered wild animal or its carcass or fur~~
4 ~~in the field to a wild animal; or~~

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

7 ~~(2) in order to defend a person or property, including defense of~~
8 ~~property authorized under this part or rules adopted under this part;~~

9 ~~(3) when the covered wild animal is sick, diseased, or injured;~~

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

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

15 Sec. 2. EFFECTIVE DATE

16 ~~This act shall take effect on July 1, 2021.~~

Sec. 1. 10 V.S.A. chapter 113, subchapter 7 is added to read:

Subchapter 7. Retrieval and Use of Covered Wild Animals

§ 4921. DEFINITION

As used in this subchapter:

(1) “Covered wild animal” means an animal that is a big game animal, game quadruped, game bird, fur-bearing animal, or crow.

(2) “Process” or “processed” means the act of slaughtering or butchering a covered wild animal for its edible meat or usable parts.

(3) “Unfit for consumption or use” means a part of the covered wild animal or the covered wild animal itself is decayed, rotting, diseased, or infected.

§ 4922. RETRIEVAL OF COVERED WILD ANIMALS

A person shall not ~~intentionally, knowingly, or recklessly~~ intentionally or knowingly kill a covered wild animal and intentionally or knowingly fail to make a reasonable effort to retrieve the covered wild animal and use the covered wild animal as provided under this subchapter.

§ 4923. USE OF COVERED WILD ANIMAL

(a) A person who retrieves a lawfully taken covered wild animal, or a person to whom the lawfully taken covered wild animal is transferred, shall retain the animal in the person’s possession until it is processed as food; processed for its fur, hide, or feathers; or used for taxidermy. The inedible or unusable parts or portions of a covered wild animal produced from processing of the covered wild animal shall be disposed of pursuant to the requirements of this subchapter.

(b) The requirements of subsection (a) of this section shall not apply:

(1) when a covered wild animal is unfit for consumption or use; or
(2) to coyote taken by a lawful means other than trapping provided that
the coyote is retrieved and disposed of pursuant to the requirements of this
subchapter.

§ 4924. EXCEPTIONS

The requirements of sections 4922 and 4923 of this title shall not apply:

(1) when the failure to retrieve, the failure to salvage, or the failure to
retain the covered wild animal is beyond the control of the person due to:

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

(B) unavoidable loss in the field to a wild animal;

(C) lack of legal access to property where a wounded or dead
covered wild animal is located, including when signage on the property would
lead a reasonable person to believe that hunting is prohibited on the land; or

(D) other circumstances that prevent salvage, retrieval, or retention;

(2) in order to defend a person or property, including defense of
property authorized under this part or rules adopted under this part;

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

(4) to a State, federal, or municipal law enforcement officer or employee
when the law enforcement officer or employee is acting within the course of the
officer's or employee's employment; or

(5) when following generally accepted hunting or trapping practices for retrieval of a covered wild animal when a practice is:

(A) set forth under this part or rules adopted under this part; or

(B) approved as a best practice by the Commissioner of Fish and Wildlife.

§ 4925. DISPOSAL

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

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

(2) upon a private property posted in accordance with section 4710 or 5201 of this title without permission of the owner or the owner's agent; or

(3) where prohibited by State or municipal law.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.