

1
2
3
4
5
6
7
8
9
10
11

12
13
14
15
16
17
18
19

S.111

Introduced by Senators Campion, Baruth, Chittenden, Gulick, Hashim, Ram
Hinsdale, Vyhovsky and White

Referred to Committee on

Date:

Subject: Fish and Wildlife; trapping; nuisance control operators

Statement of purpose of bill as introduced: This bill proposes to prohibit the trapping of fur-bearing animals unless the person trapping is authorized to trap in order to defend property or agricultural crops or the trapping is conducted by a licensed nuisance wildlife control operator. The bill would establish a nuisance wildlife trapping license.

An act relating to trapping

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

Sec. 1. 10 V.S.A. § 4001(42) and (43) are added to read:

(42) “Domestic animal” has the same meaning as “animal” or “domestic animal” in 6 V.S.A. §1151.

(43) “Trap” means a mechanical device used to capture, kill, or restrain fur-bearing animals or other animals, excluding firearms, muzzleloaders, and archery equipment.

1 Sec. 2. 10 V.S.A. § 4707 is amended to read:

2 § 4707. ~~TRAPS; NOTICE~~ TRAPPING; PROHIBITED

3 ~~A person who intends to set a trap for any animal on the property of another~~
4 ~~shall, prior to setting the trap, notify the owner of the property of his or her~~
5 ~~intention to set the trap and of the prospective location of the trap. The owner~~
6 ~~of the property may, at any time, refuse to grant permission to set a trap or~~
7 ~~revoke the permission if previously granted~~ No person shall use a trap to take a
8 fur-bearing animal except when authorized under section 4828 of this title.

9 Sec. 3. 10 V.S.A. § 4828 is amended to read:

10 § 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY

11 ~~LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY~~

12 ~~(a)(1) The provisions of law or rules of the Board relating to the taking of~~
13 ~~rabbits or fur-bearing animals shall not apply to~~ Notwithstanding the
14 prohibition under section 4707 of this title on the use of a trap to take fur-
15 bearing animals, a person may take a fur-bearing animal or a rabbit in the
16 following circumstances:

17 ~~(A)(1) an owner, or the owner's employee, tenant, or caretaker of~~
18 ~~property protecting the property from damage by~~ agent may use a trap or other
19 authorized means to take rabbits or fur-bearing animals attacking, worrying, or
20 wounding that person's domestic or companion animals, destroying that

1 person's property, or destroying or damaging that person's agricultural
2 cropland; or

3 ~~(B) a member of the selectboard of a town protecting public~~
4 ~~highways or bridges from such damage or submersion with the permission of~~
5 ~~the owner of lands affected~~

6 (2) State, federal, or municipal government officials may use a trap
7 or other authorized means to take fur-bearing animals when necessary to
8 address an imminent public health or safety threat or an imminent threat to
9 property; or

10 (3) State, federal, or municipal government officials may use a trap
11 or other authorized means to take fur-bearing animals when necessary for
12 conservation work specific to the protection of a threatened or endangered
13 species.

14 ~~(2)(b)~~ A person who for compensation sets a trap for rabbits or fur-
15 bearing animals on the property of another in defense of that property under
16 this section shall possess a valid nuisance wildlife trapping license from the
17 Department of Fish and Wildlife.

18 ~~(3) if required by rule of the Board, an owner; the owner's employee,~~
19 ~~tenant, or caretaker; a member of the selectboard; or a person who sets a trap~~
20 ~~for compensation who desires to possess during the closed season the skins of~~
21 ~~any fur bearing animals taken in defense of property, highways, or bridges~~

1 ~~shall notify the Commissioner or the Commissioner's representative within 84~~
2 ~~hours after taking the animal, and shall hold the pelts for inspection by such~~
3 ~~authorized representatives.~~

4 ~~(b) Before disposing of pelts taken under this section, if required by rule of~~
5 ~~the Board, the property owner; the owner's employee, tenant, or caretaker; a~~
6 ~~member of the selectboard; or a person who sets a trap for compensation shall~~
7 ~~secure from the Commissioner or a designee a certificate describing the pelts,~~
8 ~~and showing that the pelts were legally taken during a closed season and in~~
9 ~~defense of property, highways, or bridges. In the event of storage, sale, or~~
10 ~~transfer, the certificates shall accompany the pelts.~~

11 (c) A State or municipal official who takes a fur-bearing animal or rabbit
12 with a trap or the owner of property where a fur-bearing animal or rabbit is
13 taken with a trap as authorized under this section shall, after consultation with
14 the Department of Fish and Wildlife, take all practicable nonlethal measures to
15 prevent the recurrence of damage from fur-bearing animals or rabbits. The
16 requirement of this subsection shall also apply to a State or municipal official
17 or property owner who orders the taking.

18 (d) All traps authorized for use under this section, including live animal
19 cage traps, shall be checked every 24 hours and any trapped animal shall either
20 be released if uninjured or killed by gunshot, except that in a jurisdiction where
21 the discharge of a firearm is unlawful, a species-specific method approved by

1 the American Veterinary Medical Association in its Guidelines for the
2 Euthanasia of Animals: 2020 Edition or a later edition shall be used to kill the
3 animal.

4 (e) A person who takes a fur-bearing animal, rabbit, or nontarget animal
5 under this section shall, within 12 hours after discovery of the animal, report
6 all facts relative to the trapping of the animal to the Commissioner. A report to
7 the Commissioner shall include the time and place of the taking.

8 (f) When the Commissioner receives notice under subsection (e) of this
9 section of the trapping of an animal, the Commissioner may investigate the
10 report to determine whether the fur-bearing animal, rabbit, or nontarget species
11 was trapped, as reported and in accordance with the requirements of this
12 section.

13 (g)(1) An owner or an owner's agent who desires to possess the pelt of any
14 fur-bearing animal taken in defense of property, highways, or bridges shall
15 notify the Commissioner or the Commissioner's representative pursuant to
16 subsection (e) of this section and shall hold the pelt for inspection by such
17 authorized representative. Possession of pelts shall be restricted to personal,
18 noncommercial use.

19 (2) Before disposing of pelts taken under this section, an owner, an
20 owner's agent, or a person authorized by a government official or selectboard
21 shall secure from the Commissioner a certificate describing the pelts and

1 showing that the pelts were legally taken during a closed season and in defense
2 of property, highways, bridges, or other infrastructure. In the event of storage
3 or transfer, the certificates shall accompany the pelts.

4 (h) As used in this section, “owner’s agent” means the owner’s employee,
5 tenant, a professional caretaker employed to maintain the buildings and
6 grounds, or a licensed nuisance wildlife trapper.

7 Sec. 4. 10 V.S.A. § 4254a is amended to read:

8 § 4254a. NUISANCE WILDLIFE TRAPPING LICENSES; TRAINING
9 CERTIFICATE

10 ~~(a) A resident, resident youth aged 17 or under on the date of license~~
11 ~~purchase, or nonresident trapping license may be issued to any person,~~
12 ~~provided that the applicant prior to issue first presents:~~

13 ~~(1) a certificate of satisfactory completion of a trapper education course~~
14 ~~or its equivalent approved by the Commissioner; or~~

15 ~~(2) a certificate of satisfactory completion of a trapper education course~~
16 ~~in another state or a province of Canada that is approved by the Commissioner;~~
17 ~~or~~

18 ~~(3) a trapping license issued for this State or any other state or province~~
19 ~~of Canada and valid for any license year; or~~

20 ~~(4) other satisfactory proof that the applicant has previously held a valid~~
21 ~~trapping license~~ A resident or nonresident nuisance wildlife trapping license

1 shall be issued to any person 18 years of age or older who traps for
2 compensation under the requirements of section 4828 of this title, provided
3 that the applicant prior to issuance of the permit presents a certificate of
4 satisfactory completion of a nuisance wildlife trapping education course or its
5 equivalent approved by the Commissioner.

6 (b)(1) ~~The Commissioner shall provide for a course of basic instruction in~~
7 ~~trapper education. For this purpose, the Commissioner may cooperate with~~
8 ~~any reputable association, organization, or agency and may designate any~~
9 ~~person found by the Commissioner to be competent to give such instruction. A~~
10 ~~person so designated shall give such instruction and upon the successful~~
11 ~~completion thereof shall issue to a person satisfactorily completing the course~~
12 ~~of instruction a certificate in evidence thereof. No fee may be charged for~~
13 ~~taking a course of instruction provided for under this subsection. instruction in~~
14 nuisance wildlife trapping education for individuals who trap for compensation
15 under a nuisance wildlife trapping license. The course shall provide training or
16 instruction addressing the following:

17 (A) evaluation of a site where nuisance wildlife may be present;

18 (B) methods of nonlethal control or management of nuisance wildlife
19 or problems posed by nuisance wildlife, including training that addresses
20 devices to frighten nuisance wildlife, repellants, one-way door exclusion, and
21 other methods of exclusion, habitat modification, and live trapping;

1 (C) conditions and methods approved for lethal control of nuisance
2 wildlife;

3 (D) techniques or measures to prevent recurrence of nuisance wildlife
4 or problems posed by nuisance wildlife; and

5 (E) relevant biological information about common nuisance wildlife
6 species.

7 (2) The Commissioner may cooperate with any reputable association,
8 organization, or agency providing the course required under subdivision (1) of
9 this subsection and may designate any person found by the Commissioner to
10 be competent to provide the course. A person designated shall give such
11 instruction and, upon the successful completion, shall issue to a person
12 satisfactorily completing the course of instruction a certificate of completion.
13 The Commissioner shall charge a fee for persons taking the course.

14 (c) The Commissioner shall not designate any person to give a course of
15 instruction under this section if the person:

16 (1) has been convicted of or pleaded guilty to a violation of this part or
17 rules adopted under this part within the previous three years; or

18 (2) has been convicted of any misdemeanor or felony within the
19 previous three years.

1 areas. Proceeds from the sale of promotional items shall be deposited in the
2 Fish and Wildlife Fund.

3 * * *

4 Sec. 8. 10 V.S.A. § 4252 is amended to read:

5 § 4252. ACTIVITIES PERMITTED UNDER LICENSES

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

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

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

11 ~~(3) A trapping license shall entitle the holder to take animals other than~~
12 ~~fish with the use of traps. [Repealed.]~~

13 * * *

14 (19) A nuisance wildlife trapping license shall entitle the holder to trap
15 rabbits and fur-bearing animals in defense of property.

16 * * *

17 Sec. 9. REPEAL

18 10 V.S.A. § 4863 (trapping tags; fees) is repealed.

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

2 § 4255. LICENSE FEES

3 (a) Vermont residents may apply for licenses on forms provided by the
4 Commissioner. Fees for each license shall be:

5 * * *

6 (5) ~~Trapping~~ Nuisance wildlife trapping license \$23.00

7 * * *

8 (7) ~~Trapping license for persons 17 years of age or under~~ \$10.00

9 [Repealed.]

10 * * *

11 (b) Nonresidents may apply for licenses on forms provided by the
12 Commissioner. Fees for each license shall be:

13 * * *

14 (8) ~~Trapping license~~ \$305.00

15 [Repealed.]

16 * * *

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

19 (1) A Vermont resident 66 years of age or older may receive one or all
20 of the following licenses for \$60.00:

21 (A) a permanent fishing license;

1 (B) if the person qualifies for a hunting license, a permanent
2 combination fishing and hunting license, which shall include all big game
3 licenses except for a moose license;

4 ~~(C) if the person qualifies for a trapping license, a permanent~~
5 ~~trapping license; and~~

6 ~~(D)~~(C) if the person qualifies for an archery license, a permanent
7 archery license.

8 * * *

9 (6) In each year a permanent license holder intends to hunt, ~~trap,~~ or fish,
10 the permanent license holder shall notify the Department that ~~he or she~~ the
11 permanent license holder will exercise ~~his or her~~ the permanent license
12 holder's hunting, ~~trapping,~~ or fishing privileges. Failure to notify the
13 Department as required by this subdivision ~~(e)(6)~~ shall not result in the
14 assessment of points under section 4502 of this title.

15 (7) A certified citizen of a Native American Indian tribe that has been
16 recognized by the State pursuant to 1 V.S.A. chapter 23 may receive free of
17 charge one or all of the permanent fishing, or hunting, ~~or trapping~~ licenses set
18 forth in subdivisions (1)(A) ~~(D)~~(C) of this subsection if qualified for the
19 license and upon submission of a current and valid tribal identification card.

20 * * *

1 (k) The Commissioner may issue ~~multi-year~~ multiyear hunting, fishing,
2 ~~trapping~~, or combination hunting and fishing licenses of up to five years'
3 duration. The cost of these licenses shall be the sum of the license fee
4 established by this section for the first year, plus the cost of each additional
5 year minus the filing fee established by subdivision 4254(e)(9) of this title for
6 each year.

7 * * *

8 Sec. 11. 10 V.S.A. § 4502 is amended to read:

9 § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

10 * * *

11 (b) A person violating provisions of this part shall receive points for
12 convictions in accordance with the following schedule (all sections are in this
13 title of the Vermont Statutes Annotated):

14 * * *

15 (2) Ten points shall be assessed for:

16 * * *

17 (J) § 4707. ~~Traps; notice~~ Trapping; prohibited

18 (K) § 4708. Interference with hunting, or fishing, ~~or trapping~~

19 * * *

1 (GG) Appendix § 44. Trapping, ~~except for violations of Appendix §~~
2 ~~44, sections 4.3, 4.4, 4.6, 4.9, 4.10, 4.11, 4.12, 4.14(e), and 4.14(e)~~
3 requirements for nuisance wildlife trappers

4 * * *

5 (f) The Commissioner shall not reinstate a license suspended pursuant to
6 subdivisions (c)(2) and (3) of this section until the licensee has successfully
7 completed a remedial course designed to teach hunters, ~~trappers,~~ and anglers
8 correct legal and ethical behavior while hunting, ~~trapping,~~ and fishing in
9 Vermont. The remedial course shall be approved by the Commissioner and
10 conducted by the Department. The fee for the remedial course shall be
11 \$100.00. Funds collected for the course shall be deposited in the Fish and
12 Wildlife Fund.

13 Sec. 12. 10 V.S.A. § 4553(d) is amended to read:

14 (d) The uniform fish and wildlife information shall contain the following
15 two paragraphs:

16 (1) Failure to comply with the instructions contained on this information
17 will result in the suspension of your hunting, and fishing, ~~and trapping~~ license
18 or your privilege to take wild animals in this State.

19 (2) If you admit you have committed a violation of a provision of part 4
20 of this title relating to the conservation of fish and wildlife you will be liable

1 for a fine and, in addition, your license to hunt, or fish, ~~or trap~~ or privilege to
2 hunt, or fish, ~~or trap~~ is subject to suspension or revocation as provided by law.

3 Sec. 13. 10 V.S.A. § 4554 is amended to read:

4 § 4554. PROCEDURE ON FAILURE TO APPEAR; NOTICE

5 If a defendant fails to appear or answer an information or summons served
6 upon ~~him or her~~ the defendant, the court shall immediately report the name of
7 the defendant and other pertinent facts to the Commissioner. The
8 Commissioner shall mail a notice to the defendant at the address stated in the
9 information notifying the defendant that ~~his or her~~ the defendant's failure to
10 appear has resulted in the suspension or revocation of ~~his or her~~ the
11 defendant's hunting, or fishing, ~~and trapping~~ license and ~~his or her~~ the
12 defendant's privilege to take wild animals in this State. Nothing in this
13 subchapter shall prevent the court from issuing an arrest warrant or punishing
14 the defendant for contempt.

15 Sec. 14. 10 V.S.A. § 4555(c) is amended to read:

16 (c) If a defendant fails to answer or appear as directed on the uniform fish
17 and wildlife information or by the Criminal Division of the Superior Court
18 judge or fails to pay the fine after judgment, the Commissioner shall suspend
19 the hunting, and fishing, ~~and trapping~~ license or the privilege of the defendant
20 to take wild animals in this State until the defendant answers, appears, or pays
21 the fine.

1 Sec. 15. 10 V.S.A. § 4708 is amended to read:

2 § 4708. INTERFERENCE WITH HUNTING, OR FISHING, ~~OR TRAPPING~~

3 (a) A person shall not intentionally interfere with the lawful taking of fish
4 or wild animals by:

5 (1) tampering with ~~traps~~, nets, bait, firearms, or any other thing used for
6 hunting, ~~trapping~~, or fishing;

7 (2) placing himself or herself in a position, for the purpose of
8 interfering, that hinders or prevents hunting, ~~trapping~~, or fishing; or

9 (3) engaging in an activity, for the purpose of interfering, that drives,
10 harasses, disturbs, or is likely to disturb wildlife or fish.

11 (b) Nothing in this subsection shall be construed to prohibit an incidental
12 interference arising from lawful activity by landowners or users of land,
13 including farmers and recreationists.

14 Sec. 16. 10 V.S.A. § 4829(a) is amended to read:

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

1 damage for reimbursement for the damage. As used in this section, “post”
2 means any signage that would lead a reasonable person to believe that hunting
3 is prohibited on the land.

4 Sec. 17. 10 V.S.A. § 4861 is amended to read:

5 § 4861. FUR BEARING ANIMALS; TAKING; POSSESSION

6 (a) Fur-bearing animals shall not be taken except in accordance with the
7 provisions of this part and of rules of the Board. The fur or skins of fur-
8 bearing animals may be possessed ~~at any time unless otherwise provided~~ when
9 authorized by this part, rules of the Board, or orders of the Commissioner.

10 ~~(b) On or before January 1, 2024, the Fish and Wildlife Board shall revise~~
11 ~~the rules regulating the trapping of fur bearing animals in the State. The~~
12 ~~revised rules shall be at least as stringent as best management practices for~~
13 ~~trapping recommended by the Department of Fish and Wildlife to the General~~
14 ~~Assembly.~~

15 ~~(c) On or before January 1, 2024 and annually thereafter, the~~
16 ~~Commissioner of Fish and Wildlife shall submit in writing to the House~~
17 ~~Committee on Natural Resources, Fish, and Wildlife and the Senate~~
18 ~~Committee on Natural Resources and Energy information regarding the species~~
19 ~~and number of nontarget animals killed or injured by trapping in the preceding~~
20 ~~calendar year.~~

1 Sec. 18. 10 V.S.A. § 4923 is amended to read:

2 § 4923. USE OF COVERED WILD ANIMAL

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

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

11 (1) when a covered wild animal is unfit for consumption or use; or

12 (2) to coyote taken by a lawful means ~~other than trapping provided that~~
13 ~~the coyote is retrieved and disposed of pursuant to the requirements of this~~
14 ~~subchapter.~~

15 Sec. 19. 10 V.S.A. § 4924(5) is amended to read:

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

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

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

20 Wildlife.

