

1 H.191

2 Introduced by Representatives Satcowitz of Randolph, Bluemle of Burlington,  
3 Bongartz of Manchester, Bos-Lun of Westminster, Burke of  
4 Brattleboro, Burrows of West Windsor, Casey of Montpelier,  
5 Chesnut-Tangerman of Middletown Springs, Cina of  
6 Burlington, Elder of Starksboro, Goldman of Rockingham,  
7 Headrick of Burlington, Hooper of Burlington, Jerome of  
8 Brandon, Logan of Burlington, McCann of Montpelier,  
9 Mrowicki of Putney, Mulvaney-Stanak of Burlington, Patt of  
10 Worcester, Scheu of Middlebury, Sheldon of Middlebury,  
11 Squirrel of Underhill, Stebbins of Burlington, Torre of  
12 Moretown, and Troiano of Stannard

13 Referred to Committee on

14 Date:

15 Subject: Fish and Wildlife; trapping; nuisance wildlife control operators

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

1 An act relating to trapping

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

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

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

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

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

10 § 4707. ~~TRAPS; NOTICE~~ TRAPPING; PROHIBITED

11 ~~A person who intends to set a trap for any animal on the property of another~~  
12 ~~shall, prior to setting the trap, notify the owner of the property of his or her~~  
13 ~~intention to set the trap and of the prospective location of the trap. The owner~~  
14 ~~of the property may, at any time, refuse to grant permission to set a trap or~~  
15 ~~revoke the permission if previously granted~~ No person shall use a trap to take a  
16 fur-bearing animal or rabbit for recreation or commerce except when  
17 authorized under section 4828 of this title.

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

19 § 4828. ~~TAKING OF RABBIT OR FUR-BEARING ANIMALS BY~~

20 ~~LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY~~

21 ~~(a)(1) The provisions of law or rules of the Board relating to the taking of~~  
22 ~~rabbits or fur bearing animals shall not apply to~~ Notwithstanding the

1 prohibition under section 4707 of this title on the use of a trap to take fur-  
2 bearing animals or rabbits, a person may take a fur-bearing animal or a rabbit  
3 in the following circumstances:

4 ~~(A)(1) an owner, or the owner's employee, tenant, or caretaker of~~  
5 ~~property protecting the property from damage by agent may use a trap or other~~  
6 ~~authorized means to take rabbits or fur-bearing animals attacking, worrying, or~~  
7 ~~wounding that person's domestic animals, destroying that person's property, or~~  
8 ~~destroying or damaging that person's agricultural cropland; or~~

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

12 (2) State, federal, or municipal government officials may use a trap  
13 or other authorized means to take animals when necessary to address an  
14 imminent public health or safety threat or an imminent threat to property; or

15 (3) State, federal, or municipal government officials may use a trap  
16 or other authorized means to take animals when necessary for conservation  
17 work specific to the protection of a threatened or endangered species.

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

1           ~~(3) if required by rule of the Board, an owner; the owner's employee,~~  
2           ~~tenant, or caretaker; a member of the selectboard; or a person who sets a trap~~  
3           ~~for compensation who desires to possess during the closed season the skins of~~  
4           ~~any fur-bearing animals taken in defense of property, highways, or bridges~~  
5           ~~shall notify the Commissioner or the Commissioner's representative within 84~~  
6           ~~hours after taking the animal, and shall hold the pelts for inspection by such~~  
7           ~~authorized representatives.~~

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

15          (c) A State or municipal employee who takes a fur-bearing animal, rabbit,  
16          or other animal with a trap or the owner of property where a fur-bearing  
17          animal, rabbit, or other animal is taken with a trap as authorized under this  
18          section shall, after consultation with the Department of Fish and Wildlife, take  
19          all practicable nonlethal measures to prevent the recurrence of damage from  
20          fur-bearing animals or rabbits.

21          (d) All traps authorized for use under this section, including live animal  
22          cage traps, shall be checked every 24 hours and any trapped animal shall either

1 be released if uninjured or killed by gunshot, except that in a jurisdiction where  
2 the discharge of a firearm is unlawful, a species-specific method approved by  
3 the American Veterinary Medical Association in its Guidelines for the  
4 Euthanasia of Animals: 2020 Edition or a later edition shall be used to kill the  
5 animal.

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

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

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

21 (2) Before disposing of pelts taken under this section, an owner, an  
22 owner's agency, or a person authorized by a selectboard shall secure from the

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

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

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

9 § 4254a. NUISANCE WILDLIFE TRAPPING LICENSES; TRAINING

10 CERTIFICATE

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

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

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

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

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

1 shall be issued to any person who traps for compensation under the  
2 requirements of section 4828 of this title, provided that the applicant prior to  
3 issuance of the permit presents a certificate of satisfactory completion of a  
4 nuisance wildlife trapping education course or its equivalent approved by the  
5 Commissioner or a certificate of satisfactory completion of a nuisance wildlife  
6 trapping education course in another state or a province of Canada that is  
7 approved by the Commissioner.

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

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

20 (B) methods of nonlethal control or management of nuisance wildlife  
21 or problems posed by nuisance wildlife, including training that addresses

1 devices to frighten nuisance wildlife, repellants, one-way door exclusion, and  
2 other methods of exclusion, habitat modification, and live trapping;

3 (C) conditions and methods approved for lethal control of nuisance  
4 wildlife;

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

7 (E) relevant biological information about common nuisance wildlife  
8 species.

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

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

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

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



1 Sec. 5. 10 V.S.A. § 4279 is amended to read:

2 § 4279. LIFETIME LICENSES

3 \* \* \*

4 (g) In each year a lifetime license holder intends to hunt, ~~trap~~, or fish, the  
5 lifetime license holder shall notify the Department that ~~he or she~~ the lifetime  
6 license holder will exercise ~~his or her~~ the lifetime license holder's hunting,  
7 ~~trapping~~, or fishing privileges. Failure to notify the Department as required by  
8 this subsection shall not result in the assessment of points under section 4502  
9 of this title.

10 Sec. 6. 10 V.S.A. § 4280 is amended to read:

11 § 4280. TAKING WILDLIFE DURING A PERIOD OF LICENSE

12 SUSPENSION

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

16 Sec. 7. 10 V.S.A. § 4132 is amended to read:

17 § 4132. GENERAL DUTIES OF COMMISSIONER

18 \* \* \*

19 (d) The Commissioner of Fish and Wildlife may develop promotional  
20 programs to include the sale of promotional items at a reasonable profit; to  
21 promote hunting, and fishing, ~~and trapping~~ and the use of wildlife management

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, eligible for Vermont residents  
15 18 years of age or older on the date of the license purchase, shall entitle the  
16 holder to trap bear, rabbits, and fur-bearing animals in defense of property.

17 \* \* \*

18 Sec. 9. REPEAL

19 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 \* \* \*

21 (k) The Commissioner may issue ~~multi-year~~ multiyear hunting, fishing,  
22 ~~trapping~~, or combination hunting and fishing licenses of up to five years'

1 duration. The cost of these licenses shall be the sum of the license fee  
2 established by this section for the first year, plus the cost of each additional  
3 year minus the filing fee established by subdivision 4254(e)(9) of this title for  
4 each year.

5 \* \* \*

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

7 § 4502. UNIFORM POINT SYSTEM; REVOCATION OF LICENSE

8 \* \* \*

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

12 \* \* \*

13 (2) Ten points shall be assessed for:

14 \* \* \*

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

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

17 \* \* \*

18 (GG) Appendix § 44. ~~Trapping, except for violations of Appendix §~~  
19 ~~44, sections 4.3, 4.4, 4.6, 4.9, 4.10, 4.11, 4.12, 4.14(c), and 4.14(e)~~  
20 requirements for nuisance wildlife trappers

21 \* \* \*

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

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

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

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

15 (2) If you admit you have committed a violation of a provision of part 4  
16 of this title relating to the conservation of fish and wildlife you will be liable  
17 for a fine and, in addition, your license to hunt, or fish, ~~or trap~~ or privilege to  
18 hunt, or fish, ~~or trap~~ is subject to suspension or revocation as provided by law.

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

20 § 4554. PROCEDURE ON FAILURE TO APPEAR; NOTICE

21 If a defendant fails to appear or answer an information or summons served  
22 upon ~~him or her~~ the defendant, the court shall immediately report the name of

1 the defendant and other pertinent facts to the Commissioner. The  
2 Commissioner shall mail a notice to the defendant at the address stated in the  
3 information notifying the defendant that ~~his or her~~ the defendant's failure to  
4 appear has resulted in the suspension or revocation of ~~his or her~~ the  
5 defendant's hunting, or fishing, ~~and trapping~~ license and ~~his or her~~ the  
6 defendant's privilege to take wild animals in this State. Nothing in this  
7 subchapter shall prevent the court from issuing an arrest warrant or punishing  
8 the defendant for contempt.

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

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

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

17 § 4708. INTERFERENCE WITH HUNTING, OR FISHING, ~~OR TRAPPING~~

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

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

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

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

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

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

9 (a) A person engaged in the business of farming who suffers damage by  
10 deer to the person's crops, fruit trees, or crop-bearing plants on land not posted  
11 against the hunting of deer; or a person engaged in the business of farming who  
12 suffers damage by black bear to the person's cattle, sheep, swine, poultry, or  
13 bees or bee hives on land not posted against hunting ~~or trapping~~ of black bear  
14 is entitled to reimbursement for the damage; and may apply to the Department  
15 of Fish and Wildlife within 72 hours ~~of~~ following the occurrence of the  
16 damage for reimbursement for the damage. As used in this section, "post"  
17 means any signage that would lead a reasonable person to believe that hunting  
18 is prohibited on the land.

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

20 § 4861. FUR BEARING ANIMALS; TAKING; POSSESSION

21 ~~(a)~~ Fur-bearing animals shall not be taken except in accordance with the  
22 provisions of this part and of rules of the Board. The fur or skins of fur-



1 bearing animals may be possessed ~~at any time unless otherwise provided~~ when  
2 authorized by this part, rules of the Board, or orders of the Commissioner.

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

8 ~~(c) On or before January 1, 2024 and annually thereafter, the~~  
9 ~~Commissioner of Fish and Wildlife shall submit in writing to the House~~  
10 ~~Committee on Natural Resources, Fish, and Wildlife and the Senate~~  
11 ~~Committee on Natural Resources and Energy information regarding the species~~  
12 ~~and number of nontarget animals killed or injured by trapping in the preceding~~  
13 ~~calendar year.~~

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

15 § 4923. USE OF COVERED WILD ANIMAL

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

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

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

3 (2) to coyote taken by a lawful means ~~other than trapping provided that~~

4 ~~the coyote is retrieved and disposed of pursuant to the requirements of this~~

5 ~~subchapter.~~

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

7 (5) when following generally accepted hunting ~~or trapping~~ practices for

8 retrieval of a covered wild animal when a practice is:

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

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

11 Wildlife.

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

13 § 5201. NOTICES; POSTING

14 (a)(1) An owner, or a person having the exclusive right to take game upon

15 land or the waters thereon, who desires to protect ~~his or her~~ the owner's land or

16 private pond or propagation farm over which ~~he or she~~ the owner has exclusive

17 control may maintain notices stating that:

18 (A) the shooting, ~~trapping,~~ or taking of game or wild animals is

19 prohibited or is by permission only;

20 (B) fishing or the taking of fish is prohibited or is by permission

21 only; or

1 (C) fishing, hunting, ~~trapping~~, or taking of game is prohibited or is by  
2 permission only.

3 (2) “Permission only signs” authorized under this section shall contain  
4 the owner’s name and a method by which to contact the property owner or a  
5 person authorized to provide permission to hunt; or fish; ~~or trap~~ on the  
6 property.

7 \* \* \*

8 Sec. 21. EFFECTIVE DATE

9 This act shall take effect on July 1, 2023.