

1 H.590

2 Introduced by Representatives Yantachka of Charlotte and McCullough of
3 Williston

4 Referred to Committee on

5 Date:

6 Subject: Fish and wildlife; trapping; incidental trapping

7 Statement of purpose of bill as introduced: This bill proposes to require a
8 person who incidentally traps a fur-bearing animal or other wildlife to notify
9 the Commissioner of Fish and Wildlife within 24 hours of discovery of the
10 incidentally trapped fur-bearing animal or other wildlife. The bill would also
11 require a person taking nuisance wildlife to notify the Commissioner of Fish
12 and Wildlife of any taken fur-bearing animal or other wildlife.

13 An act relating to the incidental trapping of fur-bearing animals or other
14 wildlife

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

16 Sec. 1. 10 V.S.A. § 4254a is amended to read:

17 § 4254a. TRAPPING LICENSES

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

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

3 (2) a certificate of satisfactory completion of a trapper education course
4 in another state or a province of Canada ~~which~~ that is approved by the
5 Commissioner; or

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

8 (4) other satisfactory proof that the applicant has previously held a valid
9 trapping license.

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

18 (c) Any person who incidentally traps any fur-bearing animal for which the
19 trapping season is closed, any wildlife for which trapping is not a legal manner
20 of taking, or any domestic animal shall, in the event of live capture of the fur-
21 bearing animal or wildlife, release the fur-bearing animal, wildlife, or domestic

1 animal immediately. In the event of a live capture of a domestic animal, the
2 person who incidentally trapped the animal shall contact the owner of the
3 domestic animal if the owner's contact identification is readily available.

4 (d) In the event of mortality resulting from the trapping of a fur-bearing
5 animal, wildlife, or domestic animal, the person who set the trap shall notify
6 the Commissioner of Fish and Wildlife within 24 hours after discovery of the
7 trapped fur-bearing animal, other wildlife, or domestic animal and, if
8 requested, shall deliver the carcass of the fur-bearing animal, wildlife, or
9 domestic animal to the Department.

10 (e) The Commissioner of Fish and Wildlife shall establish by procedure
11 requirements for the killing of live captured fur-bearing animals and other
12 wildlife, provided that the requirements:

13 (1) shall incorporate the recommendations of the 2013 report of the
14 American Veterinary Medical Association panel on euthanasia; and

15 (2) shall allow for the use of specific alternatives to the
16 recommendations of the American Veterinary Medical Association when use
17 of a method of killing approved by the American Veterinary Medical
18 Association would present an imminent threat to human health or safety and
19 only if the allowed alternative is designed to kill the animal as quickly and
20 painlessly as practicable while protecting human health and safety.

1 Sec. 2. 10 V.S.A. § 4828 is amended to read:

2 § 4828. ~~TAKING OF RABBIT OR FUR-BEARING ANIMALS~~ NUISANCE
3 WILDLIFE BY LANDOWNER; SELECTBOARD; CERTIFICATE;
4 PENALTY

5 (a)(1) The provisions of law or ~~regulations~~ rules of the Board relating to the
6 taking of ~~rabbits or fur-bearing animals~~ nuisance wildlife shall not apply to:

7 (A) an owner, the owner's employee, a tenant, or a caretaker of
8 property protecting the property from damage by ~~rabbits or fur-bearing~~
9 ~~animals~~, nuisance wildlife;

10 (B) a person protecting a domestic animal, domestic fowl, or
11 domestic pet from attack, worrying, or wounding by a nuisance wildlife; or

12 (C) ~~to~~ the selectboard of a town protecting public highways or
13 bridges from ~~such~~ damage or submersion with the permission of the owner of
14 lands affected.

15 (2) ~~However, if required by rule of the board, an~~ A property owner,
16 employee, tenant, ~~or~~ caretaker, owner of a domestic animal, domestic fowl, or
17 domestic pet, or ~~the members~~ a member of the selectboard, who ~~desire to~~
18 ~~possess during the closed season the skins of any fur-bearing animals taken~~
19 takes a nuisance or other wildlife in defense of property, highways, or bridges
20 or in defense of domestic animals, domestic fowl, or domestic pets shall notify
21 the Commissioner or the Commissioner's representative within ~~84~~ 24 hours

1 after taking ~~such animal~~ the nuisance or other wildlife, and shall hold ~~such~~
2 ~~pelts~~ the pelt of the nuisance or other wildlife for inspection by ~~such~~ the
3 Commissioner's authorized representatives.

4 (b) Before disposing of ~~such~~ pelts taken under this section, ~~if required by~~
5 ~~rule of the Board~~, the property owner, employee, tenant, caretaker, or
6 selectboard shall secure from the Commissioner or a designee a certificate
7 describing the pelts; and showing that the pelts were legally taken during a
8 closed season and in defense of property, highways, or bridges or in defense of
9 domestic animals, domestic fowl, or domestic pets. In the event of storage,
10 sale, or transfer, ~~such~~ the certificates shall accompany the pelts ~~described~~
11 ~~therein~~.

12 Sec. 3. 10 V.S.A. § 4001 is amended to read:

13 § 4001. DEFINITIONS

14 Words and phrases used in this part, unless otherwise provided, shall be
15 construed to mean as follows:

16 * * *

17 (9) Game: game birds or game quadrupeds, or both.

18 (10) Game birds: quail, partridge, woodcock, pheasant, plover of any
19 kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild
20 geese, and wild turkey.

21 * * *

1 (13) Rabbit: to include wild hare.

2 (14) Fur-bearing animals: beaver, otter, marten, mink, raccoon, fisher,
3 fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat.

4 (15) Wild animals or wildlife: all animals, including birds, fish,
5 amphibians, and reptiles, other than domestic animals, domestic fowl, or
6 domestic pets.

7 * * *

8 (23) Take and taking: pursuing, shooting, hunting, killing, capturing,
9 trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts,
10 such as disturbing, harrying, or worrying, or wounding or placing, setting,
11 drawing, or using any net or other device commonly used to take fish or wild
12 animals, whether they result in the taking or not; and shall include every
13 attempt to take and every act of assistance to every other person in taking or
14 attempting to take fish or wild animals, provided that when taking is allowed
15 by law, reference is had to taking by lawful means and in a lawful manner.

16 * * *

17 (27) Commissioner: Commissioner of Fish and Wildlife.

18 * * *

19 (31) Big game: deer, bear, moose, wild turkey, caribou, elk, and
20 anadromous Atlantic salmon taken in the Connecticut River Basin.

21 * * *

1 (40) Domestic animal: cattle, sheep, goats, equines, deer, American
2 bison, swine, poultry, camelids, and water buffalo.

3 (41) Domestic fowl: laying-hens, broilers, ducks, turkeys, pheasant,
4 Chukar partridge, Coturnix quail, ratites, and any other birds kept for their
5 eggs, flesh, or pleasure.

6 (42) Domestic pet: domesticated dogs, domesticated cats, domesticated
7 ferrets, psittacine birds, or any domesticated animal that is kept for pleasure
8 rather than utility.

9 (43) Nuisance wildlife: rabbit or fur-bearing species that causes or may
10 cause damage or threat to property, highways, or bridges or to domestic
11 animals, domestic fowl, or domestic pets.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on passage.