

HB 202 - AS INTRODUCED

2025 SESSION

25-0041

07/08

HOUSE BILL            **202**

AN ACT                relative to the duties of the fish and game commission.

SPONSORS:            Rep. C. Harvey, Ches. 6; Rep. Almy, Graf. 17; Sen. Fenton, Dist 10

COMMITTEE:          Fish and Game and Marine Resources

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ANALYSIS

This bill changes the duties of the fish and game commission which provide for consent, approval, or joint duties with the executive director of fish and game to be made as advisory or in consultation with the executive director.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to the duties of the fish and game commission.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Land Conservation Investment Program; Management; Reference to Fish and Game  
2 Commission. Amend RSA 162-C:9, II to read as follows:

3 II. No lands purchased in fee for permanent state ownership under the former RSA 221-A  
4 shall be posted to prohibit hunting or fishing, unless the council, by a majority vote of the voting  
5 members, deems such posting to be necessary to protect the interests of the state and the safety of  
6 its citizens, or upon recommendation of the fish and game ~~commission~~ **department** or the division  
7 of forests and lands.

8 2 Name of Department. Amend RSA 206:1 to read as follows:

9 206:1 Commission Created; Name of Department. There shall be an agency of the state to be  
10 known hereafter as the fish and game department under ~~[a commission to be known as]~~ **an**  
11 **executive director and** the fish and game commission.

12 3 Duties of the Commission. Amend RSA 206:4-a to read as follows:

13 206:4-a Duties. In addition to other duties provided by law, it shall be the duty of the fish and  
14 game commissioners, as the citizens' representatives, to ~~[be the]~~ **assist the department as**  
15 stewards of the fish, wildlife, and marine resources of the state of New Hampshire and to ~~[set]~~  
16 **advise the executive director on** general policy in the following areas:

17 4 Power of the Executive Director. Amend RSA 206:15-b to read as follows:

18 206:15-b Power of Executive Director. Notwithstanding the provisions of this chapter, the  
19 executive director, with the ~~[consent]~~ **advice** of the commission, shall have the power and authority  
20 to extend any season on fish, game, and game birds, including migratory birds and fur-bearing  
21 animals, when a season has been closed by an act of fire ban or other proclamation or any  
22 unpredictable cause. Such extension shall not exceed the total number of days permitted under the  
23 regular statutory season.

24 5 Cooperation with Other Parties. Amend RSA 206:23-a to read as follows:

25 206:23-a Cooperation with Private Parties. The executive director, with the ~~[consent]~~ **advice** of  
26 the commission, shall have the power and authority to enter into agreements with individuals,  
27 partnerships and corporations whether resident or nonresident for the purpose of implementing  
28 fishways or fish ladders and any other matters relative to the protection, propagation and  
29 preservation of fish, game and fur-bearing animals of this state.

30 6 Wildlife Population Reductions. Amend RSA 206:23-c, I to read as follows:

1 I. The executive director, with the ~~[approval]~~ **advice** of the commission, may conduct  
2 wildlife population reductions and initiate management actions necessary to protect against disease,  
3 genetic, ecological, environmental, health, safety, or welfare risks to persons or wildlife. The  
4 executive director may exercise such authority only on Long Island, town of Moultonborough; and to  
5 the species, sex, age, number, and timing of the population reduction or management action.

6 7 Conservation Officers; Compensation for Injuries. Amend RSA 206:26-c to read as follows:

7 206:26-c Compensation for Injuries in Line of Duty. Any injury, which is due to a hostile or  
8 overt act or an act caused by another during the performance of duties which are considered  
9 dangerous in nature, received by the executive director, any conservation officer, or any deputy  
10 conservation officer while on assignment, patrol, or official active duty which requires that the officer  
11 or executive director be hospitalized, or to the extent that the officer or executive director is unable  
12 to perform normal or routine duties, shall not be charged against annual leave or sick leave for the  
13 time lost due to the injury. During such time the officer or executive director shall remain on the  
14 active payroll. The **executive director** of fish and game ~~[commission]~~ shall make any determination  
15 as to whether an injury is in the line of duty and due to a hostile or overt act or an act caused by  
16 another during the performance of duties which are considered dangerous in nature, and, after  
17 approval by governor and council, the determination shall be final.

18 8 Special Areas in the White Mountains National Forest; Authority. Amend RSA 206:28 to read  
19 as follows:

20 206:28 Authority for Establishment. The forest service of the United States department of  
21 agriculture may make reasonable rules and regulations for the protection of game and other  
22 animals, birds, and fish on such area or areas in the White Mountain forest reserve as shall be  
23 designated from time to time by said forest service with the written approval of the ~~[commission]~~  
24 **executive director of the fish and game department**. Said areas shall be designated as areas for  
25 the propagation, rearing, and protection of fish and game and other wildlife. A description of said  
26 area or areas and a plan or map thereof shall be filed ~~[in the office of said commission]~~ **with the fish**  
27 **and game department**.

28 9 White Mountain National Forest; Posting. Amend RSA 206:30 to read as follows:

29 206:30 Posting. A copy of any rule or regulation made under the provisions of RSA 206:28,  
30 attested by an official or employee of said forest service, shall be posted on the designated area to  
31 which said rules and regulations are made applicable and a like copy, with affidavit of posting  
32 thereon, shall be filed for record ~~[in the office of the commission]~~ **with the fish and game**  
33 **department** and in the office of the secretary of state.

34 10 Fish and Game Fund; Gifts and Donations. Amend RSA 206:33-a, I to read as follows:

35 I. Notwithstanding any other provision of law to the contrary, individual gifts and donations  
36 not exceeding \$2,500 in value in a year may be received by the fish and game department ~~[with the~~  
37 ~~consent of the commission and]~~ without the approval of the governor or the governor and council.

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1 Individual gifts and donations exceeding \$2,500 in value in a year may be received by the fish and  
2 game department [~~with the consent of the commission and~~] with the approval of the governor and  
3 council.

4 11 Agreements With Nonprofit Partners. Amend RSA 206:33-c, I to read as follows:

5 I. The [~~commission, in consultation with the~~] executive director, ***in consultation with the***  
6 ***commission***, may designate one or more nonprofit foundations as an official nonprofit partner of the  
7 department for the purpose of accepting gifts, grants, bequests, and donations to further department  
8 goals.

9 12 Wildlife Legacy Initiative. Amend RSA 206:33-d, III to read as follows:

10 III. There is established an account within the fish and game fund to be known as the  
11 wildlife legacy initiative account. All gifts and donations received through the wildlife legacy  
12 initiative shall be deposited in this account. Notwithstanding any other provision of law to the  
13 contrary, donations made to the wildlife legacy initiative shall not require acceptance by the  
14 [~~commission~~] ***department*** or the governor and council. Moneys deposited in the wildlife legacy  
15 initiative account are nonlapsing and continually appropriated to the fish and game department and  
16 may be used ***by the executive director***, with [~~approval~~] ***the advice*** of the fish and game  
17 commission for the purposes stated in paragraphs I and II.

18 13 Game Management Account. Amend RSA 206:34-b, I to read as follows:

19 I. The state treasurer shall establish a separate nonlapsing account within the fish and  
20 game fund, to be known as the game management account. Each month the department shall  
21 determine the number of licenses, applications, or permits sold for moose, bear, turkey, and  
22 waterfowl and, for each, transfer \$10 to the game management account. The moneys in this account  
23 shall be used exclusively for the implementation of a comprehensive population and habitat  
24 management program, including research and management, protection, education, and outreach for  
25 game as defined in RSA 207:1, IX, fur-bearing animals as defined in RSA 207:1, VIII, and migratory  
26 game birds as defined in RSA 209:5 to include waterfowl, snipe, and woodcock. Funds in the game  
27 management account are hereby continually appropriated for said purposes. Said funds shall be  
28 expended for the purposes of this section as determined by the executive director with [~~approval~~] ***the***  
29 ***advice*** of the commission.

30 14 Pheasant Stamp Revenues. Amend RSA 206:35-a to read as follows:

31 206:35-a Pheasant License Revenues. The state treasurer shall establish a separate account to  
32 which shall be credited all moneys collected by the fish and game department from issuance of  
33 pheasant licenses under RSA 214:9, X. The moneys in said account shall be used only for purchase  
34 or propagation of pheasants, and is hereby appropriated for said purposes. Said funds shall be  
35 expended for the purposes hereof as determined by the executive director with the [~~approval~~] ***advice***  
36 of the commission. The moneys in said account shall be nonlapsing.

37 15 Fish Food Sales. Amend RSA 206:35-c to read as follows:

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1 206:35-c Fish Food Sales Revenues. The state treasurer shall establish a separate account to  
2 which shall be credited all monies collected by the fish and game department from the sale of fish  
3 food at hatchery vending machines. The moneys in said account shall be used for the acquisition and  
4 maintenance of fish hatchery equipment and/or emergency trout or salmon egg purchase and are  
5 hereby appropriated for said purposes. Said funds shall be nonlapsing and are to be expended for  
6 the purposes of this section as determined by the executive director with the ~~[approval]~~ **advice** of the  
7 commission.

8 16 Fish and Game Funds; Expenditures. Amend RSA 206:38 to read as follows:

9 206:38 Purposes of Expenditures. The executive director, ~~[under the supervision]~~ **with the**  
10 **advice** of the commission, shall have the exclusive power to expend for the protection, conservation,  
11 propagation and restoration of fish, game, fur-bearing animals and marine species, all funds of the  
12 state acquired for the protection, conservation, propagation or restoration of fish, game, fur-bearing  
13 animals and marine species, arising from state appropriations, licenses, gifts or otherwise.

14 17 Hunting License Revoked; Shooting Human Being. Amend RSA 207:37-b, III to read as  
15 follows:

16 III. A license to hunt may be granted or restored following a hearing before the executive  
17 director ~~[and the commission]~~ at any time following the full revocation period under paragraph I and  
18 following application for a license and successful completion of a hunter education program pursuant  
19 to RSA 214:23-a.

20 18 Moose Permits. Amend RSA 208:1-a, I and II to read as follows:

21 I. No person shall hunt, take, or possess any moose or any part of the carcass of a moose  
22 taken in this state without first obtaining a valid license for such activities from the department of  
23 fish and game. The executive director of fish and game, with the ~~[consent]~~ **advice** of the  
24 commission, may establish, by rules adopted under RSA 541-A, a hunting season for moose in any  
25 county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode  
26 by which moose may be taken; the length of the season; requirements for reporting by hunters; sex  
27 limitations; and total take in any one year. The rules shall require that no moose shall be taken  
28 with rimfire firearms or with shotguns using shot loads including buckshot, and that in towns  
29 restricting weapon types for deer pursuant to RSA 207:3-b, 208:3, 208:3-a, 208:3-b, and 208:3-c, only  
30 weapon types allowed for deer shall be permitted for the taking of moose.

31 II. The executive director, with the ~~[consent]~~ **advice** of the commission, shall also adopt  
32 rules under RSA 541-A to regulate the issuance of licenses or permits, including the establishment of  
33 a lottery for awarding of permits to applicants, and to set fees for applications, licenses, or permits  
34 for both resident and nonresident applicants, provided the fee for nonresident permits shall be at  
35 least \$450.

36 19 Coyote Hunting at Night. Amend RSA 208:1-e to read as follows:

1 208:1-e Coyote Hunting at Night. The executive director of fish and game, with the [~~consent~~]  
2 advice of the commission, shall establish, by rules adopted under RSA 541-A, a night hunting season  
3 for coyote. Such rules shall include, but not be limited to, the method and manner of taking,  
4 reporting requirements, length of the season and requirements for landowner permission. Coyote  
5 may be taken from baited areas pursuant to RSA 207:3-d.

6 20 Taking Game by Crossbow. Amend RSA 208:7-a, I and II to read as follows:

7 I. The executive director of fish and game, with the [~~consent~~] **advice** of the commission, may  
8 adopt rules under RSA 541-A to allow for the taking of deer by crossbow during the regular firearms  
9 season and the regular muzzleloader season, for persons holding a valid firearms or muzzleloader  
10 deer tag, or as specified in RSA 206:23-c. Persons 68 years of age or older holding an archery license  
11 under RSA 208:5 may use a crossbow as an alternative to traditional bow and arrow during the  
12 archery deer season without obtaining an additional permit.

13 II. The executive director of fish and game, with the [~~consent~~] **advice** of the commission,  
14 may adopt rules under RSA 541-A to allow for the taking by crossbow of any game bird or any game  
15 animal, other than deer, during the regular firearms season set for that species.

16 21 Wild Black Bear. Amend RSA 208:22, I to read as follows:

17 I. The executive director, with the [~~consent~~] **advice** of the commission, shall adopt rules,  
18 pursuant to RSA 541-A, relative to opening and closing the seasons for the taking of wild black bear,  
19 fixing the number of wild black bear that may be taken and any other conditions governing the  
20 methods and manner of taking and reporting of the same. The authority of the executive director as  
21 granted by this section may be exercised with reference to the state as a whole or for any specified  
22 county or part of a county. Dog training shall be permitted in accordance with RSA 207:12-a.

23 22 Wild Turkey. Amend RSA 209:12-a, III to read as follows:

24 III. In addition to wild turkey licenses and permits issued under RSA 214:9, XI, the  
25 executive director, with the [~~consent~~] **advice** of the commission, may adopt rules under RSA 541-A,  
26 relative to issuing permits for a special season for wild turkey, including bag limits, fees for  
27 applications and permits, and the establishment of a lottery for awarding the special permits.

28 23 Falconry. Amend RSA 209-A:3 to read as follows:

29 209-A:3 Falconry.

30 I. Notwithstanding RSA 207:14 and in accordance with any applicable federal regulations,  
31 the executive director may issue falconry permits for the capture and possession of raptors for  
32 falconry purposes, raptor propagation, or for salvage or rehabilitation purposes. No person shall  
33 engage in the sport of falconry without a valid falconry permit and applicable license to hunt issued  
34 under RSA 214. The initial fee for a falconry permit shall be \$50 and renewal fees and procedures  
35 for issuance of permits shall be established under rules adopted by the executive director, with the  
36 [~~approval~~] **advice** of the fish and game commission, pursuant to RSA 541-A.

1           II. Revenues from fees and renewals under paragraph I shall be deposited in the nongame  
2 species account established in RSA 212-B:6.

3           III. The executive director, with the ~~[consent]~~ **advice** of the commission, may establish, by  
4 rules under RSA 541-A, an open season or closed season for the taking of certain game animals,  
5 game birds, and small game by the use of raptors in falconry in any county of the state, or any  
6 portion thereof. Such rules shall include, but not be limited to, the length of the season, bag limits,  
7 and methods of taking.

8           IV. Any person permitted under this section shall be exempt from the requirements of RSA  
9 207:14, when the permittee's activities pertain to falconry.

10          24 Fur Bearing Animals; Seasons. Amend RSA 210:23 to read as follows:

11          210:23 Authority of Fish and Game Executive Director. The executive director of the fish and  
12 game department with the ~~[approval]~~ **advice** of the commission may declare an open season or  
13 closed season on any fur-bearing animals in any town and county in the state. The executive  
14 director may make such other rules as necessary as to lengthening or shortening the seasons, bag  
15 limits, reporting requirements, and the method and manner of taking, in accordance with RSA 541-  
16 A.

17          25 Trapping Education. Amend RSA 210:25 to read as follows:

18          210:25 Trapping Education. There is hereby established a program to provide education to the  
19 citizens of the state of New Hampshire on the practice of trapping fur-bearing animals as a  
20 recognized conservation and management tool as well as a traditional sport avocation. The program  
21 shall be established within the department of fish and game and shall be administered by the  
22 executive director, with the ~~[approval]~~ **advice** of the fish and game commission.

23          26 Advisory Committee on Marine Fisheries. Amend RSA 211:60, I to read as follows:

24           I. There is established an advisory committee on marine fisheries to recommend programs  
25 and policies regarding marine fisheries to the fish and game ~~[commission]~~ **department**. The  
26 advisory committee shall consist of 5 members and one alternate member, all with expertise in  
27 marine fisheries, who shall be residents of the tidewater towns, as defined in RSA 206:2-a, appointed  
28 by the governor and council.

29          27 Advisory Committee on Marine Fisheries; Clams; Lobsters. Amend RSA 211:61 to read as  
30 follows:

31          211:61 Clams, Lobsters. The advisory committee on marine fisheries as appointed under RSA  
32 211:60 may recommend to the fish and game ~~[commission]~~ **department** such rules ~~[and regulations]~~  
33 as may be necessary for the propagation, preservation, and taking of clams, clam worms, lobsters,  
34 crabs, oysters, and other marine species. All laws and ~~[regulations]~~ **rules** relative to the taking,  
35 sale, possession, and transportation of lobsters, crabs, clams, clam worms, oysters, and other marine  
36 species shall remain in full force and effect until such time as they are changed under the authority  
37 contained in this section.

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1       28 Marine Species; Rules. Amend RSA 211:62, I to read as follows:

2           I. Rules relating to the taking, inspection, and processing of marine species may be made by  
3 the executive director of the fish and game department with the ~~[approval]~~ **advice** of the fish and  
4 game commission, and upon the advice and cooperation of the advisory committee on marine  
5 fisheries.

6       29 Nongame Species Management; Rules. Amend RSA 212-B:4 to read as follows:

7           212-B:4 Adoption of Rules. The executive director, with the ~~[consent]~~ **advice** of the commission,  
8 may adopt rules under RSA 541-A regulating the taking, possession, and handling of nongame  
9 species. Such authority shall extend to rules for the enhancement, protection, and propagation of  
10 nongame species.

11       30 Wildlife Habitat Stamp. Amend RSA 214:1-f, IV to read as follows:

12           IV. The executive director, with the ~~[approval]~~ **advice** of the commission, shall adopt rules,  
13 pursuant to RSA 541-A, relative to the manner of issuance of the wildlife habitat license.

14       31 Wildlife Habitat Account. Amend RSA 214:1-f, IX to read as follows:

15           IX. The executive director, with the ~~[approval]~~ **advice** of the commission, shall expend the  
16 funds in the wildlife habitat account. Prior to the expenditure of any funds, the fish and game  
17 department shall analyze the proposed project and provide the executive director and the  
18 commission with recommendations as to the project's usefulness and feasibility. No funds in the  
19 wildlife habitat account shall be expended for the purchase of equipment or materials, with the  
20 exception of expenditures for necessary equipment purchases, leases, or rentals for the completion of  
21 projects authorized under subparagraphs VII(a)(1) and (2).

22       32 Fisheries Habitat Account. Amend RSA 214:1-g, VI to read as follows:

23           VI. The executive director, with the ~~[approval]~~ **advice** of the commission, shall expend the  
24 funds in the fisheries habitat account. Prior to the expenditure of any funds, the fish and game  
25 department shall analyze the proposed project and provide the executive director and the  
26 commission with recommendations as to the project's usefulness and feasibility. No funds in the  
27 fisheries habitat account shall be expended for the purchase of equipment or materials, with the  
28 exception of expenditures for necessary equipment purchases, leases, or rentals for the completion of  
29 projects authorized under subparagraph IV(a).

30       33 Stamps or Permits for Taking Wildlife. Amend RSA 214:9-e, I and II to read as follows:

31           I. The executive director ~~[and the commission jointly]~~, **with the advice of the commission**,  
32 may, after notice and public hearing, issue permits for the taking of any species of wildlife. ~~[A~~  
33 ~~majority of the commission and the executive director shall agree to take such action before it shall~~  
34 ~~be authorized. The decision to issue such permit shall be recorded in the minutes of the commission~~  
35 ~~which shall also indicate the agreement of the executive director to such action.]~~ Notwithstanding  
36 RSA 214:1, the purchase of such permit where authorized shall permit the taking of such species and



1 the purchase of such permit shall be required before such species may be taken. The decision to  
2 authorize such permits shall not be considered a rule subject to the provisions of RSA 541-A.

3 II. The executive director [~~and the commission jointly~~], **with the advice of the**  
4 **commission**, may, after notice and public hearing, rescind any action taken under paragraph I of  
5 this section [~~by following the same procedure specified in paragraph I of this section for authorizing~~  
6 ~~the issuance of a permit~~].

7 34 Promotion Activities. Amend RSA 214:9-f to read as follows:

8 214:9-f Promotion Activities; Reductions in Fees Authorized. The executive director, with  
9 [~~approval~~] **advice** of the commission, may take such marketing actions to promote fisheries and  
10 wildlife resources, and attract hunters and anglers to the state as deemed necessary, which may  
11 include the reduction or the waiver of the fees for certain types of licenses available to the public for  
12 specified periods of time and at specified locations, to promote license sales for hunting, fishing, and  
13 trapping in the state. This may include coordination of activities between the public and private  
14 sectors and utilization of promotional advertising, exhibits, brochures, technical assistance, and  
15 expertise as necessary to develop and promote hunting, fishing, and other wildlife-related activities  
16 within the state. A description of the reductions, waivers, and activities under this section shall be  
17 included in the biennial report of the department under RSA 206:9-a.

18 35 Fill and Dredge in Wetlands; Damages. Amend RSA 482-A:10-a, II to read as follows:

19 II. The use of the marine fisheries fund or the fish and game fund under paragraph I shall  
20 require a finding that the expenditure will be of substantial benefit to marine fisheries or to fish and  
21 wildlife, as the case may be, and the governor and council shall request the prior opinion of the  
22 **executive director of the** fish and game [~~commission~~] **department** in each such case.

23 36 Effective Date. This act shall take effect 60 days after its passage.