

HOUSE No. 1479**The Commonwealth of Massachusetts**

PRESENTED BY:

Brian R. Mannel

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to poaching.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>	<i>1/16/2015</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>9/23/2019</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>9/23/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>9/23/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>9/23/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>9/23/2019</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>	<i>9/23/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>9/23/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>9/23/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>9/23/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>9/23/2019</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>9/23/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>9/23/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>9/23/2019</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>9/23/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>9/23/2019</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	<i>9/23/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>9/23/2019</i>

<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>9/23/2019</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>9/23/2019</i>

HOUSE No. 1479

By Mr. Mannal of Barnstable, a petition (accompanied by bill, House, No. 1479) of Brian R. Mannal and others for legislation to increase the penalties for violations of certain hunting laws. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1198 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to poaching.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 21A of chapter 131 of the general laws, is hereby amended by
2 striking out, in the last paragraph, the figure "\$300" and inserting in place thereof the following
3 figure:- \$1000.

4 SECTION 2. Said Section 21A of chapter 131 of the general laws, is hereby further
5 amended by striking out, in the last paragraph, the figure "\$1000" and inserting in place thereof
6 the following figure:- \$5000.

7 SECTION 3. Section 34 of chapter 131 of the general laws, is hereby further amended by
8 striking out, in the first paragraph, the words "eleven, thirty-two, sixty-two, sixty-five, sixty-
9 eight, seventy-three, seventy-five.

SECTION 4. Section 34 of chapter 131 of the general laws, is hereby further amended by striking out, in the first paragraph, the words "or for fishing, hunting or trapping outside the season established under section five, or for the unlawful taking or possession of a deer,"

SECTION 5. Section 34 of chapter 131 of the general laws, is hereby further amended by inserting the following paragraph after the last paragraph:- A license, permit, or certificate issued under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight, seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate was issued, such particular license, permit, or certificate shall be void, and shall immediately be surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his behalf shall not be given or make application for, that particular license, permit or certificate with respect to the violation for which said person was found guilty or penalized as aforesaid, during the period of not less than one year and not more than three years from the date such person was found guilty or penalized, and such particular license, permit or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce this chapter.

A license, permit, or certificate issued under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a second violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight, seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate was issued, such particular license, permit, or certificate shall be void, and shall immediately be

surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his behalf shall not be given or make application for, that particular license, permit or certificate with respect to the violation for which said person was found guilty or penalized as aforesaid, during the period of not less than three years and not more than ten years from the date such person was found guilty or penalized, and such particular license, permit or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce this chapter.

A license, permit, or certificate issued under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a third or subsequent violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight, seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate was issued, such particular license, permit, or certificate shall be void, and shall immediately be surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his behalf shall not be given or make application for, that particular license, permit or certificate with respect to the violation for which said person was found guilty or penalized as aforesaid, during the period of not less than ten years and not more than a lifetime from the date such person was found guilty or penalized, and such particular license, permit or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce this chapter.

SECTION 6. Section 90 of chapter 131 of the general laws is hereby amended by striking out, in the first paragraph, the words "five, ten, eleven, thirty-two, sixty-two, eighty-five or"

SECTION 7. Section 90 of chapter 131 of the general laws is hereby further amended by inserting the following paragraph after the first paragraph:- Whoever violates any provision of

55 section five, ten , eleven, thirty-two, sixty-two, eighty-five, or any rule or regulation made under
56 authority thereof, shall be punished by a fine of not less than one hundred nor more than five
57 hundred dollars, or by imprisonment for not more than ninety days, or both such fine and
58 imprisonment; in addition, for each bird or mammal other than a deer, bear or turkey unlawfully
59 killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, distributed or
60 destroyed, by a fine of not less than fifty nor more than two hundred dollars; and for each deer
61 unlawfully killed or unlawfully possessed, by a fine of not less than five hundred nor more than
62 three thousand dollars, or by imprisonment for not more than six months, or both such fine and
63 imprisonment; and for each bear unlawfully killed or unlawfully possessed, by a fine of not less
64 than one thousand nor more than ten thousand dollars, or by imprisonment for not more than six
65 months, or both such fine and imprisonment; and for each turkey unlawfully killed or unlawfully
66 possessed, by a fine of not less than five hundred nor more than three thousand dollars, or by
67 imprisonment for not more than six months, or both such fine and imprisonment.

68 SECTION 8. Section 90 of chapter 131 of the general laws is hereby further amended by
69 striking out, in the second paragraph, the words "five hundred" and inserting in place thereof the
70 following words:- one thousand.

71 SECTION 9. Section 90 of chapter 131 of the general laws is hereby further amended by
72 striking out, in the second paragraph, the word "two" and inserting in place thereof the following
73 word:- five.

74 SECTION 10. Section 90 of chapter 131 of the general laws is hereby further amended
75 by striking out, in the second paragraph, the word "six" and inserting in place thereof the
76 following word:- twelve.

SECTION 11. Section 90 of chapter 131 of the general laws is hereby further amended by striking out, in the third paragraph, the word "sixty-eight"

SECTION 12. Section 90 of chapter 131 of the general laws is hereby further amended by inserting the following paragraph after the third paragraph:- Whoever violates any provision of section sixty eight, or of any rule or regulation made under authority thereof, shall be punished by a fine of not less than five hundred nor more than three thousand dollars, or by imprisonment for not more than one year, or both.

SECTION 13. Section 90 of chapter 131 of the general laws is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:- Whoever violates any provision of section twenty-two, or of any rule or regulation made under authority thereof, shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than six months, or both for each fish, bird or mammal, other than a deer, bear, or moose, unlawfully bought, sold, bartered, exchanged, offered or exposed for sale, or had in possession for the purpose of sale, and in case of a deer, by a fine of not less than one thousand nor more than five thousand dollars or by imprisonment for not more than one year, or both, and in the case of a bear, by a fine of not less than two thousand nor more than ten thousand dollars or by imprisonment for not more than one year, or both, and in the case of a moose, not less than one thousand nor more than five thousand dollars or by imprisonment for not more than one year, or both. Any person found guilty of, or convicted of, any violation of this section who is the holder of any hunting or sporting license issued under the provisions of this chapter shall forthwith lose any rights thereunder, and said license shall be surrendered to any officer empowered to enforce the provisions of this chapter and no other hunting or sporting license shall be granted to him for a period not less than one year nor more than lifetime.

SECTION 14. Section 90 of chapter 131 of the general laws is hereby further amended by striking out, in the sixth paragraph, the following words "sixty-five"

SECTION 15. Section 90 of chapter 131 of the general laws is hereby further amended by inserting the following paragraph after the sixth paragraph:- Whoever violates any provision of section sixty-five shall be punished by a fine of not less than five hundred dollars nor more than three thousand hundred dollars, or by imprisonment for not more than thirty days, or both.

SECTION 16. Section 90 of chapter 131 of the general laws is hereby further amended by striking out, in the ninth paragraph, the words "one hundred" and inserting in place thereof the following words:- three hundred.

SECTION 17. Section 90 of chapter 131 of the general laws is hereby further amended by striking out, in the ninth paragraph, the words "five hundred" and inserting in place thereof the following words:- one thousand.

SECTION 18. Section 90 of chapter 131 of the general laws is hereby further amended by striking out the eleventh paragraph and inserting in place thereof the following paragraph:- Whoever violates any provision of section seventy-five A shall be punished by a fine of not less than one thousand nor more than ten thousand dollars or by imprisonment for not more than six months or both; and such person, subject to the provisions of section thirty-four, shall not be issued a license or permit or certificate under authority of any provision of this chapter during the period of not less than three years nor more than a lifetime from the date of being found guilty or penalized as aforesaid.

SECTION 19. Section 90A of chapter 131 of the general laws is hereby amended by striking out the last sentence of the first paragraph and inserting in place thereof the following

paragraph:- Any person who hunts, traps, or fishes in the commonwealth when that person's privilege to conduct such activity has been suspended or revoked in any jurisdiction of the United States or Canada for an offense that would constitute a violation of section ten, thirteen, twenty-two, sixty-one, sixty-two, sixty-four, sixty-five, sixty-eight, sixty-nine, seventy-three, seventy-four, seventy-five, seventy-five A, seventy-nine, eighty, eighty A, or eighty-two, shall be punished consistent with the penalties assessed for hunting, trapping, or fishing without a license in violation of Section 11 of this Chapter. Any person who fails to immediately return a license in violation of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SECTION 20. Section 90B of chapter 131 of the general laws is hereby added with the following paragraphs:- Section 90B. Penalties for Multiple Offenses

Whoever violates any provision of section five, twenty-two, sixty-five, or sixty-eight, or any rule or regulation made under authority thereof, and has thereby violated any of these sections, rules, or regulations with respect to three or more animals of any species covered by this section within the preceding ten years, shall be punished by a fine of not less than one thousand nor more than fifteen thousand dollars, or by imprisonment for not more than five years in state prison, or both such fine and imprisonment.

The penalties set forth in this section shall apply to the violation in which the total number of animals involved in violations by the person within the last ten years reaches three or more animals, and also shall apply to every violation thereafter.

Species covered by this section are deer, turkey, moose, fisher, bobcat, bear, any bird of prey as defined in section seventy-five A of this chapter, and any endangered, threatened, or

144 special concern species included on the official Massachusetts List of Endangered Wildlife and
145 Wild Plants established pursuant to section four of chapter one-hundred thirty-one A.

146 Any person penalized pursuant to this section shall immediately surrender to an officer
147 authorized to enforce this chapter any license, permit, or certificate issued under a provision of
148 this chapter for which said person was found guilty or penalized, except a license issued under
149 clauses (3), (4) or (6) of section twenty-three, and such surrendered license, permit, or certificate
150 shall be void. Said person or a person acting on his behalf shall not be given or make application
151 for, that particular license, permit or certificate with respect to the violation as aforesaid, during
152 the period of not less than ten years and not more than a lifetime from the date such person was
153 found guilty or penalized, and any license, permit or certificate so issued shall be void and shall
154 be surrendered to an officer authorized to enforce this chapter.