

SENATE No. 2248

The Commonwealth of Massachusetts

—————
In the One Hundred and Ninetieth General Court
(2017-2018)
—————

SENATE, January 11, 2018

The committee on Ways and Means, to whom was referred the Senate Bill further regulating the enforcement of illegal hunting practices (Senate, No. 2182),-- reports, recommending that the same ought to pass with an amendment substituting a new with the same title (Senate, No. 2248).

For the committee,
Karen E. Spilka

SENATE No. 2248

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act further regulating the enforcement of illegal hunting practices.

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. Chapter 21A of the General Laws is hereby amended by striking out
2 section 10H, as appearing in the 2016 Official Edition, and inserting in place thereof the
3 following section:-

4 Section 10H. A person notified to appear before the clerk of a district court as provided in
5 section 10G for a violation of the regulations promulgated pursuant to chapter 90B or the rules
6 and regulations of the division of fisheries and wildlife regulating activity on land under the
7 management of the division or for a violation of section 2 to 4, inclusive, 5, 5A, 6, 7, subsection
8 (b) of section 9, section 12, 12A or 13A of chapter 90B or for a violation of section 17A, 33, 34,
9 36, 39, 40, 51, 69 to 72, inclusive, 81, 82 or 95 of chapter 130 or for a violation of section 1,6, 8,
10 13, 16, 19A, 23 to 25, inclusive, 26, 27, 28, 30, 33, 36, 38, 44, 47, 49 to 54, inclusive, 57, 59, 69,
11 71, 72, 76, 77, 79, 80 or 82 of chapter 131 may appear within the time specified and pay a fine of
12 \$50.

13 A person notified to appear before the clerk of a district court as provided in section 10G
14 for a violation of subsection (b), (c) or (e) of section 8 of chapter 90B or for a violation of section

15 35, 37, 38, 38A, 41, 41A, 44, 67, 68, 80, 92, 100A or 100C of chapter 130 or for a violation of
16 section 58, 66, 67, 70 or 80A of chapter 131 may appear and pay a fine of \$100.

17 A person notified to appear before the clerk of a district court as provided in section 10G
18 for a violation of any provision of sections 21 to 24, inclusive, of chapter 90B or for a violation
19 of section 5, 10, 11 or 32 of chapter 131 may appear and pay a fine of \$250.

20 A person notified to appear before the clerk of a district court as provided in section 10G
21 for a violation of section 47 or 75 of chapter 130 or section 65 of chapter 131 may appear within
22 the time specified and pay a fine of \$500 or for a violation of section 75A of chapter 131 may
23 appear and pay a fine of \$500.

24 A person notified to appear before the clerk of a district court as provided in section 10G
25 for a violation of section 5C of chapter 90B may appear and pay a fine of \$2,000.

26 For the purposes of this section, “person” shall mean a natural person, corporation,
27 association, partnership or other legal entity or other legal agency or political subdivision of the
28 commonwealth.

29 SECTION 2. Section 10 of chapter 131 of the General Laws, as so appearing, is hereby
30 amended by inserting after the first paragraph the following 2 paragraphs:-

31 The established borders of a wildlife sanctuary, which shall include any entry path or
32 way, shall be posted to provide conspicuous notice to the public of the designation of the land as
33 a wildlife sanctuary and of the prohibitions under the preceding paragraph. If the required notice
34 has not been posted, a person shall have an affirmative defense against an alleged violation of a
35 prohibition under this section.

36 The director shall adopt regulations regarding the posting of wildlife sanctuary land
37 which shall include a requirement that notice shall be posted in a conspicuous manner for the
38 type of terrain, at intervals of not greater than 300 feet in distance along the borders of the land.

39 SECTION 3. Section 21A of said chapter 131, as so appearing, is hereby amended by
40 striking out, in line 16, the words “\$300 nor more than \$1000” and inserting in place thereof the
41 following words:- \$1,000 but not more than \$5,000.

42 SECTION 4. Said section 21A of said chapter 131, as so appearing, is hereby further
43 amended by striking out, in line 17, the word “six” and inserting in place thereof the following
44 figure:- 12.

45 SECTION 5. Said chapter 131 is hereby further amended by striking out section 34, as so
46 appearing, and inserting in place thereof the following section:-

47 Section 34. A license, permit or certificate issued under this chapter, except a license
48 issued under clause (3), (4) or (6) of section 23, and held by a person found guilty of, convicted
49 of or assessed in any manner after a plea of nolo contendere or penalized for a violation of clause
50 (15) of section 4 or for a violation of section 5, 10, 11 to 13, inclusive, 16, 32, 33, 54, 57, 58, 61
51 to 65, inclusive, 66 to 68, inclusive, 70, 72, 73, 75, 80 or 85 for which that particular license,
52 permit or certificate was issued, shall be void and shall be immediately surrendered to an officer
53 authorized to enforce this chapter. No such person or a person acting on such person’s behalf
54 shall make application for or be issued a license, permit or certificate that was voided due to:

55 (i) a violation of clause (15) of section 4 or section 12, 13, 16, 33, 54, 57, 58, 61, 63, 64,
56 66, 67, 70, 72 or 80 for 1 year from the date that person was found guilty of or penalized for the
57 violation;

58 (ii) a first violation of section 5, 10, 11, 32, 62, 65, 68, 73, 75 or 85 for not less than 1
59 year but not more than 3 years from the date that person was found guilty of or penalized for the
60 violation;

61 (iii) a second violation of section 5, 11, 32, 62, 65, 68, 73, 75 or 85 for not less than 3
62 years but not more than 10 years from the date that person was found guilty of or penalized for
63 the violation;

64 (iv) a second violation of section 10 for not less than 3 years but not more than 5 years
65 from the date that person was found guilty of or penalized for the violation;

66 (v) a third or subsequent violation of section 5, 11, 32, 62, 65, 68, 73, 75 or 85 for not
67 less than 10 years from the date that person was found guilty of or penalized for the violation; or

68 (vi) a third or subsequent violation of section 10 for not less than 5 years but not more
69 than 10 years from the date that person was found guilty of or penalized for the violation.

70 A license, permit or certificate issued in violation of this section shall be void and shall
71 be immediately surrendered to an officer authorized to enforce this chapter.

72 No fee received for a license, permit or certificate that has become void for a violation of
73 this section shall be refunded to the holder thereof.

74 SECTION 6. Said chapter 131 is hereby further amended by striking out sections 90 and
75 90A, as so appearing, and inserting in place thereof the following 3 sections:-

76 Section 90. Whoever violates section 30, 35, 36, 38, 47, 49, 50, 51, 53, 54, 57 to 59,
77 inclusive, 69, 71, 72, 80 or 82, to 84, inclusive, shall be punished by a fine of not less than \$50
78 but not more than \$100 or by imprisonment for not more than 30 days or by both such fine and

79 imprisonment. In addition, for each bird or mammal, other than a deer, bear or turkey, unlawfully
80 killed, taken, held or possessed or for each nest or egg unlawfully taken, molested, distributed or
81 destroyed, a person shall be punished by a fine of not less than \$10 but not more than \$50. For
82 each deer unlawfully killed or possessed, a person shall be punished by a fine of not less than
83 \$300 but not more than \$1,000 or by imprisonment for not more than 6 months or by both such
84 fine and imprisonment. For each bear unlawfully killed or possessed, a person shall be punished
85 by a fine of not less than \$1,000 but not more than \$5,000 or by imprisonment for not more than
86 6 months or by both such fine and imprisonment. For each turkey unlawfully killed or possessed,
87 a person shall be punished by a fine of not less than \$300 but not more than \$1,000 or by
88 imprisonment for not more than 6 months or by both such fine and imprisonment.

89 Whoever violates section 5, 10, 11, 32, 62 or 85, shall be punished by a fine of not less
90 than \$100 but not more than \$500 or by imprisonment for not more than 90 days or by both such
91 fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or turkey,
92 unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken, molested,
93 distributed or destroyed, a person shall be punished by a fine of not less than \$50 but not more
94 than \$200. For each deer unlawfully killed or possessed, a person shall be punished by a fine of
95 not less than \$500 but not more than \$3,000 or by imprisonment for not more than 6 months or
96 by both such fine and imprisonment. For each bear unlawfully killed or possessed, a person shall
97 be punished by a fine of not less than \$1,000 but not more than \$10,000 or by imprisonment for
98 not more than 6 months or by both such fine and imprisonment. For each turkey unlawfully
99 killed or possessed, a person shall be punished by a fine of not less than \$500 but not more than
100 \$3,000 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

101 Whoever violates section 73 shall be punished by a fine of not less than \$1,000 but not
102 more than \$5,000 or by imprisonment for not more than 1 year or by both such fine and
103 imprisonment. Whoever violates section 16, 28, 33, 48, 61, 63, 64 or 70 shall be punished by a
104 fine of not less than \$50 but not more than \$100 or by imprisonment for not more than 60 days or
105 by both such fine and imprisonment.

106 Whoever violates section 18, 19, 19A, 60 or 79 shall be punished by a fine of not less
107 than \$100 but not more than \$500 or by imprisonment for not more than 6 months or by both
108 such fine and imprisonment.

109 Whoever violates section 68 shall be punished by a fine of not less than \$500 but not
110 more than \$3,000 or by imprisonment for not more than 1 year or by both such fine and
111 imprisonment.

112 Whoever violates section 22 shall be punished by a fine of not less than \$50 but not more
113 than \$1,000 or by imprisonment for not more than 6 months or by both such fine and
114 imprisonment for each fish, bird or mammal, other than a deer, bear or moose, unlawfully
115 bought, sold, bartered, exchanged, offered or exposed for sale or had in possession for the
116 purpose of sale. In the case of a deer, a person shall be punished by a fine of not less than \$1,000
117 but not more than \$5,000 or by imprisonment for not more than 1 year or by both such fine and
118 imprisonment. In the case of a bear, a person shall be punished by a fine of not less than \$2,000
119 but not more than \$10,000 or by imprisonment for not more than 1 year or by both such fine and
120 imprisonment. In the case of a moose, a person shall be punished by a fine of not less than
121 \$1,000 but not more than \$5,000 or by imprisonment for not more than 1 year or by both such
122 fine and imprisonment. A person found guilty of or convicted of a violation of this section who is

123 the holder of a hunting or sporting license issued under this chapter shall lose any rights
124 thereunder and the license shall be surrendered to an officer empowered to enforce this chapter.
125 No other hunting or sporting license shall be granted to that person for at least 1 year.

126 Whoever violates any provision of section 41 to 43, inclusive, shall be punished by a fine
127 of not less than \$100 but not more than \$5,000 or by imprisonment for not more than 2 years or
128 by both such fine and imprisonment.

129 Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$50 but
130 not more than \$1,000 or by imprisonment for not more than 1 year or by both such fine and
131 imprisonment. Whoever fails to keep open or maintain a fishway as prescribed by the director
132 under clause (14) of section 4 shall be punished by a fine of \$50 for each day that such person
133 fails to keep open or maintain that fishway as prescribed.

134 Whoever violates section 65 shall be punished by a fine of not less than \$500 but not
135 more than \$3,000 or by imprisonment for not more than 1 year or by both such fine and
136 imprisonment.

137 Whoever violates section 74 or 76 shall be punished by a fine of not less than \$20 but not
138 more than \$50 or by imprisonment for not more than 30 days or by both such fine and
139 imprisonment for each bird or mammal taken, killed or removed and for each nest or egg taken,
140 disturbed, molested or destroyed.

141 Whoever violates section 77 shall be punished by a fine of not more than \$100 or by
142 imprisonment for not more than 30 days or by both such fine and imprisonment.

143 Whoever violates section 75 shall be punished by a fine of not less than \$300 but not
144 more than \$1,000 or by imprisonment for not more than 6 months or by both such fine and
145 imprisonment for each wild turkey knowingly and unlawfully had in possession and for each nest
146 or egg thereof taken, molested, disturbed, destroyed or unlawfully had in possession.

147 Whoever violates section 77A shall be punished by a fine of not less than \$100 but not
148 more than \$5,000.

149 Whoever violates section 75A shall be punished by a fine of not less than \$1,000 but not
150 more than \$10,000 or by imprisonment for not more than 6 months or by both such fine and
151 imprisonment. Such person, subject to section 34, shall not be issued a license, permit or
152 certificate under this chapter for at least 3 years after the date that such person was found guilty
153 or penalized for violating said section 75A.

154 Whoever violates clause (14) of section 4 relative to a dam or obstruction for passage of
155 anadromous fish or who refuses or neglects to keep open or maintain a fishway at the time
156 prescribed by the director shall be punished by a fine of \$50 for each day that such person fails to
157 keep open or maintain the dam or fishway as prescribed.

158 Whoever violates section 5C shall be punished by a fine of not less than \$100 but not
159 more than \$500 or by imprisonment for not more than 14 days or by both such fine and
160 imprisonment.

161 A violation of this chapter for which no other penalty is provided shall be punished by a
162 fine of not less than \$20 but not more than \$50 or by imprisonment for not more than 30 days or
163 by both such fine and imprisonment. Upon a conviction for a violation of this chapter, any net,
164 snare, trap, jacklight or other similar device used by a person or any bird or mammal taken in

165 violation of this chapter shall be forfeited to the commonwealth and shall be disposed of by the
166 director of law enforcement.

167 In addition to the penalties provided in this section , a person convicted of the illegal
168 taking or possession of animals, birds, fur-bearing animals or fish resulting in the injury, death or
169 destruction of the same may be required to make restitution to the commonwealth for the value
170 of each animal, bird, fur-bearing animal or fish illegally taken or possessed as follows:

171 (i) a deer or bear, \$300 per animal;

172 (ii) a wild turkey, fisher, bobcat or otter, \$200 per animal;

173 (iii) a fox, coyote or beaver, \$50 per animal;

174 (iv) a mink, muskrat, raccoon, wild rabbit, hare or gray squirrel, \$25 per animal;

175 (v) a ruffed grouse, pheasant, quail, woodcock or migratory waterfowl, \$25 per bird;

176 (vi) a fish, \$5 per fish; and

177 (vii) any other animal or bird, \$10 per animal or bird.

178 A person convicted of the illegal taking or possession of endangered, threatened and
179 special concern species included on the official list of endangered, threatened and special
180 concern species established pursuant to section 4 of chapter 131A may be required to make
181 restitution to the commonwealth for the value of each such species illegally taken or possessed as
182 follows:

183 (i) endangered species, \$2,000;

184 (ii) threatened species, \$1,000; and

185 (iii) special concern species, \$500.

186 No fine imposed for a violation of this chapter shall be suspended or waived.

187 For a conviction involving the illegal taking or possession of animals, birds, fur-bearing
188 animals and fish, the court may order the defendant to reimburse the commonwealth in a sum
189 that exceeds the amounts established in this section. Such reimbursement shall be paid directly to
190 the court. If 2 or more defendants are convicted of the illegal taking or possession of an animal,
191 bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants
192 jointly and severally. The court ordering such reimbursement shall remit the funds as prescribed
193 in section 3.

194 Any person failing to make a damage assessment payment ordered by the court shall be
195 guilty of contempt and such person shall not be eligible for a license issued by the division until
196 all assessments are paid in full.

197 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or
198 revoked in any jurisdiction in the United States or Canada shall not be issued a license for such
199 activity in the commonwealth or if licensed in the commonwealth at the time of a suspension or
200 revocation in another jurisdiction, the license issued in the commonwealth shall be suspended
201 during the period of that suspension or revocation if, after notice and hearing, the director
202 determines that the offense carrying the suspension or revocation would constitute a violation of
203 section 10, 13, 22, 61, 62, 64, 65, 68, 69, 73, to 75A, inclusive, 79, to 80A, inclusive, or 82. The
204 licensee shall immediately return the license to the division of fisheries and wildlife.

205 A person who hunts, traps or fishes in the commonwealth when that person's privilege to
206 conduct such activity has been suspended or revoked in any jurisdiction of the United States or
207 Canada for an offense that would constitute a violation of section 10, 13, 22, 61, 62, 64, 65, 68,
208 69, 73 to 75A, inclusive, 79, to 80A, inclusive, or 82 shall be punished in accordance with the
209 penalties assessed for hunting, trapping or fishing without a license in violation of section 11. A
210 person who fails to immediately return a license in violation of this section shall be punished by
211 a fine of not less than \$50 but not more than \$200.

212 Section 90B. Whoever is convicted of a third or subsequent violation of section 5, 22, 65
213 or 68 within a 10-year period shall be punished by a fine of not less than \$1,000 but not more
214 than \$15,000 or by imprisonment for not more than 5 years in a state prison or by both such fine
215 and imprisonment.

216 The penalties in this section shall apply to persons whose total violations within the 10-
217 year period involve 3 or more animals and shall also apply to each violation thereafter.

218 The species covered by this section shall include deer, turkey, moose, fisher, bobcat,
219 bear, any bird of prey as defined in section 75A and any endangered, threatened or special
220 concern species included on the official list of endangered, threatened and special concern
221 species established pursuant to section 4 of chapter 131A.

222 A person penalized under this section shall immediately surrender any license, permit or
223 certificate issued under this chapter to an environmental police officer, deputy or other officer
224 authorized to enforce this chapter, except a license issued under clause (3), (4) or (6) of section
225 23. The surrendered license, permit or certificate shall be void. No person or a person acting on
226 that person's behalf shall be given or apply for a license, permit or certificate that was voided

227 due to a violation of this section for at least 10 years from the date that such person was found
228 guilty or penalized and any license, permit or certificate wrongfully issued shall be void and shall
229 be surrendered to an officer authorized to enforce this chapter.

230 SECTION 9. The General Laws are hereby amended by inserting after chapter 131A the
231 following chapter:-

232 CHAPTER 131B

233 WILDLIFE VIOLATOR COMPACT

234 The director of fisheries and wildlife shall enter into a compact on behalf of the
235 commonwealth with any other jurisdiction legally joining therein in the form substantially as
236 follows; provided, however, that notwithstanding any provision of chapter 131B or the compact
237 manual to the contrary, a violation resulting in a citation, conviction or suspension by another
238 participating state pursuant to Article IV or Article V, as applicable, shall be a violation of
239 chapter 130, 131 or chapter 131A as determined by the division of fisheries and wildlife:-

240 ARTICLE I. Findings and Purpose

241 (a) The participating states find that:

242 (1) wildlife resources are managed in trust by the respective states for the benefit
243 of all residents and visitors;

244 (2) the protection of the wildlife resources of a state is materially affected by the
245 degree of compliance with state laws, regulations, ordinances and administrative rules relating to
246 the management of those resources;

247 (3) the preservation, protection, management and restoration of wildlife
248 contributes immeasurably to the aesthetic, recreational and economic aspects of such natural
249 resources;

250 (4) wildlife resources are valuable without regard to political boundaries,
251 therefore every person should be required to comply with wildlife preservation, protection,
252 management and restoration laws, ordinances and administrative rules and regulations of the
253 participating states as a condition precedent to the continuance or issuance of a license to hunt,
254 fish, trap or possess wildlife;

255 (5) violations of wildlife laws interfere with the management of wildlife resources
256 and may endanger the safety of people and property;

257 (6) the mobility of many wildlife law violators necessitates the maintenance of
258 channels of communication among the various states;

259 (7) in most instances, a person who is cited for a wildlife violation in a state other
260 than that person's home state is:

261 (i) required to post collateral or a bond to secure appearance for a trial at a
262 later date;

263 (ii) taken into custody until the collateral or bond is posted; or

264 (iii) taken directly to court for an immediate appearance;

265 (8) the purpose of the enforcement practices set forth in clause (7) is to ensure
266 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue

267 on after receiving the citation, could return to that person's home state and disregard the duty
268 established by the terms of the citation;

269 (9) in most instances, a person receiving a wildlife citation in that person's home
270 state may accept the citation from the officer at the scene of the violation and immediately
271 continue on after agreeing or being instructed to comply with the terms of the citation;

272 (10) the practices described in clause (7) cause unnecessary inconvenience and, at
273 times, a hardship for the person who is unable to post collateral at the time of the violation,
274 furnish a bond, stand trial or pay a fine and thus is compelled to remain in custody until some
275 alternative arrangement is made; and

276 (11) the enforcement practices described in clause (7) consume an undue amount
277 of time of law enforcement agencies.

278 (b) It is the policy of the participating states to:

279 (1) promote compliance with the laws, ordinances, regulations and administrative
280 rules relating to the management of wildlife resources in their respective states;

281 (2) recognize a suspension of the wildlife license privileges of a person whose
282 license privileges have been suspended by a participating state and treat that suspension as if it
283 had occurred in each respective state;

284 (3) allow a violator, if that violator's home state is a party to this compact, to
285 continue on, without delay, after receiving a wildlife citation in another member state, except as
286 provided in subsection (b) of Article III;

287 (4) report to the appropriate participating state, as provided in the compact
288 manual, any conviction recorded against a person whose home state was not the issuing state;

289 (5) allow the home state to recognize and treat convictions recorded against its
290 residents, when a conviction occurs in another participating state, as though that conviction had
291 occurred in the violator's home state;

292 (6) extend cooperation to its fullest extent among the participating states for
293 enforcing compliance with the terms of a wildlife citation issued in 1 participating state to a
294 resident of another participating state;

295 (7) maximize the effective use of law enforcement personnel and information; and

296 (8) assist court systems in the efficient disposition of wildlife violations.

297 (c) The purpose of this compact is to:

298 (1) provide a means through which participating states may join in a reciprocal
299 program to effectuate the policies enumerated in subsection (b) in a uniform and orderly manner;
300 and

301 (2) provide for the fair and impartial treatment of wildlife violators operating
302 within participating states in recognition of a violator's right to due process and the sovereign
303 status of a participating state.

304 ARTICLE II. Definitions

305 As used in this compact, the following words shall have the following meanings unless
306 the context clearly requires otherwise:

307 "Citation", a summons, complaint, ticket, penalty assessment or other official document
308 issued to a person by a wildlife officer or peace officer for a wildlife violation which contains an
309 order requiring the person to respond.

310 "Collateral", cash or other security deposited to secure an appearance for trial in
311 connection with the issuance by a wildlife officer or peace officer of a citation for a wildlife
312 violation.

313 "Compliance", the act of answering a citation by an appearance in a court or tribunal or
314 the payment of any fines, costs or surcharges.

315 "Conviction", a conviction that results in suspension or revocation of a license, including
316 a court conviction, for an offense related to the preservation, protection, management or
317 restoration of wildlife which is prohibited by state law, regulation, ordinance or administrative
318 rule; provided, however, that "conviction" shall also include the forfeiture of any bail, bond or
319 other security deposited to secure the appearance of a person charged with having committed any
320 such offense, the payment of a penalty assessment, a plea of nolo contendere or the imposition of
321 a deferred or suspended sentence by the court.

322 "Court", a court of law, including a magistrate's court and the justice of the peace court.

323 "Home state", the state of primary residence of a person.

324 "Issuing state", the participating state that issues a wildlife citation to the violator.

325 "License" a license, permit or other public document that conveys to the person to whom
326 it was issued the privilege of pursuing, possessing or taking any wildlife regulated by law,
327 regulation, ordinance or administrative rule of a participating state, any privilege to obtain such

328 license, permit or other public document or any statutory exemption from the requirement to
329 obtain any such license, permit or other public document.

330 "Licensing authority", the department or division within each participating state that is
331 authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife.

332 "Participating state", any state that enacts legislation to become a member of the
333 Interstate Wildlife Violator Compact.

334 "Personal recognizance", an agreement by a person, made at the time a wildlife citation is
335 issued, that such person will comply with the terms of the citation.

336 "State", a state, territory or possession of the United States, the District of Columbia, the
337 commonwealth of Puerto Rico, the provinces of Canada and other countries.

338 "Suspension", revocation, denial or withdrawal of license privileges, including the
339 privilege to apply for, purchase or exercise the benefits conferred by a license.

340 "Terms of the citation", conditions and options expressly stated on the citation.

341 "Wildlife", all species of animals including, but not limited to, mammals, birds, fish,
342 reptiles, amphibians, mollusks and crustaceans which are defined as "wildlife" and are protected
343 or otherwise regulated by law, regulation, ordinance or administrative rule in a participating
344 state; provided, however, that species included in the definition of "wildlife" may vary from state
345 to state and the determination of whether a species is "wildlife" for the purposes of this compact
346 shall be based on local law.

347 "Wildlife law", a law, regulation, ordinance or administrative rule developed and enacted
348 for the management and use of wildlife resources.

349 "Wildlife officer", an individual authorized by a participating state to issue a citation for a
350 wildlife violation.

351 "Wildlife violation", a cited violation of a law, regulation, ordinance or administrative
352 rule developed and enacted for the management and use of wildlife resources.

353 ARTICLE III. Procedures for Issuing State

354 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation
355 to a person whose primary residence is in a participating state in the same manner as though the
356 person were a resident of the issuing state and shall not require that person to post collateral to
357 secure appearance; provided, however, that subject to the exceptions noted in subsection (b), the
358 officer shall receive the recognizance of that person stating that the person will comply with the
359 terms of the citation.

360 (b) Personal recognizance shall be acceptable if it is not prohibited by local law, policy,
361 procedure or regulation of the issuing agency or by the compact manual; provided, however, that
362 the violator shall provide adequate proof of identification to the wildlife officer.

363 (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation,
364 the appropriate official shall report the conviction or failure to comply to the licensing authority
365 of the participating state in which the wildlife citation was issued. The report shall be made
366 under the procedures specified by the issuing state and shall contain information as specified in
367 the compact manual as minimum requirements for effective processing by the home state.

368 (d) Upon receipt of the report of conviction or noncompliance under subsection (c), the
369 licensing authority of the issuing state shall transmit to the licensing authority of the home state
370 of the violator the information in the form and content prescribed in the compact manual.

371 ARTICLE IV. Procedure for Home State

372 (a) Upon receipt of a report from the licensing authority of the issuing state reporting the
373 failure of a violator to comply with the terms of a citation, the licensing authority of the home
374 state shall notify the violator and shall initiate a suspension action in accordance with the home
375 state's suspension procedures and shall suspend the violator's license privileges until satisfactory
376 evidence of compliance with the terms of the wildlife citation has been furnished by the issuing
377 state to the home state licensing authority. Due process safeguards shall be accorded.

378 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,
379 the licensing authority of the home state shall enter such conviction in its records and shall treat
380 such conviction as though it occurred in the home state for the purposes of suspension of license
381 privileges.

382 (c) The licensing authority of the home state shall maintain a record of actions taken and
383 shall make reports to issuing states as provided in the compact manual.

384 ARTICLE V. Reciprocal Recognition of Suspension

385 (a) Each participating state may recognize the suspension of a person's license privileges
386 by another participating state as though the violation resulting in the suspension had occurred in
387 that state and would have been the basis for suspension of license privileges in that state.

388 (b) Each participating state shall communicate suspension information to other
389 participating states in the form and content contained in the compact manual.

390 ARTICLE VI. Applicability of Other Laws

391 Except as expressly required by this compact, this compact shall not affect the right of
392 any participating state to apply its laws relating to license privileges to a person or circumstance
393 or to invalidate or prevent an agreement or other cooperative arrangement between a
394 participating state and a nonparticipating state concerning the enforcement of wildlife laws.

395 ARTICLE VII. Compact Administrator Procedures

396 (a) For the purpose of administering this compact and to serve as a governing body for
397 the resolution of all matters relating to the operation of this compact, there shall be a board of
398 compact administrators. The board shall be composed of 1 representative from each of the
399 participating states who shall be known as the compact administrator. The compact administrator
400 shall be appointed by the head of the licensing authority of each participating state and shall
401 serve and be subject to removal under the laws of the state that the compact administrator
402 represents. The compact administrator for the commonwealth shall be the director of fisheries
403 and wildlife or a designee. The compact administrator may provide for the discharge of the
404 compact administrator's duties and the performance of such functions as a board member by an
405 alternate. An alternate shall not serve unless written notification of the alternate's identity has
406 been given to the board.

407 (b) Each member of the board of compact administrators shall be entitled to 1 vote. No
408 action of the board shall be binding unless taken at a meeting at which a majority of the total

409 number of the board's votes are cast in favor of the action. Action by the board shall be only at a
410 meeting at which a majority of the participating states are represented.

411 (c) The board shall annually elect, from its membership, a chair and a vice chair.

412 (d) The board shall adopt by-laws consistent with this compact or the laws of a
413 participating state for the conduct of its business and may amend and rescind those by-laws.

414 (e) The board may accept donations and grants of money, equipment, supplies, materials
415 and services, conditional or otherwise, from any state, the United States or any governmental
416 agency and may receive, use and dispose of the same in order to carry out the purposes and
417 functions of the board under this compact.

418 (f) The board may contract with or accept services or personnel from a governmental or
419 intergovernmental agency, individual, firm, corporation or private, nonprofit organization or
420 institution.

421 (g) The board shall formulate all necessary procedures and develop uniform forms and
422 documents for administering this compact. All procedures and forms adopted by board action
423 shall be contained in a compact manual.

424 ARTICLE VIII. Entry into Compact and Withdrawal

425 (a) This compact shall become effective at such time as it is adopted in substantially
426 similar form by at least 2 states.

427 (b) Entry into the compact shall be made by resolution of ratification executed by the
428 authorized officials of the applying state and submitted to the chair of the board of compact
429 administrators.

430 (c) The resolution shall be substantially in the form and content provided in the compact
431 manual and shall include:

432 (i) a citation of the authority from which the state is empowered to become a party
433 to this compact;

434 (ii) an agreement of compliance with the terms of the compact; and

435 (iii) an agreement that compact entry is with all states participating in the compact
436 and with all additional states that may legally become a party to the compact.

437 (d) The effective date of entry shall be specified by the applying state but shall not be less
438 than 60 days after notice has been given by the chair of the board of compact administrators or
439 by a secretariat of the board to each participating state that the resolution from the applying state
440 has been received.

441 (e) A participating state may withdraw from participation in this compact by official
442 written notice to each participating state but withdrawal shall not become effective until 90 days
443 after giving notice of withdrawal. The notice shall be directed to the compact administrator of
444 each member state. The withdrawal of any state shall not affect the validity of this compact as to
445 the remaining participating states.

446 ARTICLE IX. Amendments to the Compact

447 (a) This compact may be amended. Amendments shall be presented in resolution form to
448 the chair of the board of compact administrators and shall be initiated by 1 or more participating
449 states.

450 (b) Adoption of an amendment shall require endorsement by all participating states and
451 shall become effective 30 days after the date of the last endorsement.

452 ARTICLE X. Construction and Severability

453 This compact shall be liberally construed so as to effectuate the purposes stated herein.

454 The provisions of this compact shall be severable and if any phrase, clause, sentence or provision
455 of this compact is declared to be contrary to the constitution of a participating state or of the
456 United States or if the applicability thereof to any government, agency, individual or
457 circumstance is held to be invalid, the validity of the remainder of this compact shall not be
458 affected. If this compact is held contrary to the constitution of a participating state, the compact
459 shall remain in full force and effect as to the remaining states and in full force and effect as to the
460 participating state affected as to all severable matters.

461 SECTION 11. The division of fisheries and wildlife shall promulgate rules and
462 regulations for the implementation of the Wildlife Violator Compact established in section 131B
463 of the General Laws within 1 year after the effective date of this act.