

**HOUSE . . . . . No. 3764**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***William J. Driscoll, Jr.***

*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 non-lethal animal population control.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>1/16/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/31/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/31/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>5/3/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>5/5/2019</i>

**HOUSE . . . . . No. 3764**

By Mr. Driscoll of Milton, a petition (accompanied by bill, House, No. 3764) of William J. Driscoll, Jr., and others relative to non-lethal animal population control. Environment, Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to non-lethal animal population control.

*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 59 of chapter 131 of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by inserting after the word “advisable”, in line 7, the  
3 following words:- and in accordance with any municipal ordinances or by-laws pertaining to  
4 hunting.

5 SECTION 2. Said section 59 of said chapter 131 is hereby further amended by inserting  
6 after the word “areas”, in line 26, the following words:- ; provided, however that said agency or  
7 subdivision shall consult with affected municipalities and shall abide by municipal ordinances  
8 and by-laws relative to hunting within such municipality.

9 SECTION 3. Said chapter 131 is hereby amended by inserting after section 59 the  
10 following section:-

11 Section 59A. The division of fisheries and wildlife and the department of conservation  
12 and recreation shall conduct annual population surveys on land owned by the commonwealth

13 where the division or department determines that overpopulation may be effecting health and  
14 stability of the ecosystem, to identify areas in which overpopulation is negatively impacting  
15 forestation, water resources or plant growth on department-owned land; provided, that said  
16 survey shall include, but not be limited to, fixed-wing aircraft or UAVs using aerial photography  
17 and downward-looking thermal imaging and distance sampling using driving transects and  
18 spotlights. The division and the department shall develop and implement a population  
19 management plan for any identified areas of overpopulation, including but not limited to areas  
20 with deer populations exceeding 50 deer per square mile. The plan shall: (i) include tagging and  
21 tracking animal populations identified in the population survey as in need of overpopulation  
22 management or reduction; and (ii) limit all population management and control activities to non-  
23 lethal and contraceptive practices. The division and the department shall review the plan  
24 annually and may update the plan as necessary based on the results of any population survey  
25 conducted pursuant to this section. Any fees collected as part of the population management plan  
26 shall be used to fund the plan. Notwithstanding section 59, hunting shall not be used as a means  
27 of addressing overpopulation or as a part of any population management plan pursuant to this  
28 section.

29           The division of fisheries and wildlife and the department of conservation and recreation  
30 may promulgate regulations as necessary to carry out this section.

31           SECTION 4. Chapter 286 of the acts of 2014 is hereby amended by striking out section  
32 43.

33           SECTION 5. The division of fisheries and wildlife and the department of conservation  
34 and recreation shall conduct an initial population survey pursuant to section 59A of chapter 131  
35 of the General Laws not later than 180 days after the effective date of this act.

36           SECTION 6. The division of fisheries and wildlife and the department of conservation  
37 and recreation shall develop and implement a population management plan pursuant to section  
38 59A of chapter 131 of the General Laws not later than 90 days after the completion of the initial  
39 population survey required pursuant to said section 59A of said chapter 131 and section 5 of this  
40 act.