

**HOUSE . . . . . No. 773**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Lori A. Ehrlich and Ann-Margaret Ferrante***

*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 further regulating the enforcement of illegal hunting practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/18/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/31/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/1/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/25/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/31/2019</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/31/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/30/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/28/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/30/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/30/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/29/2019</i>

<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/1/2019</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>2/1/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/30/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/23/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/29/2019</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/31/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/31/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/31/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/31/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/31/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/29/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/28/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/29/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/1/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/28/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/1/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>2/1/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>1/31/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/29/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/24/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/29/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/1/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/29/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/25/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/1/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/30/2019</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>1/31/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/31/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>2/1/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>

<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/1/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/30/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/29/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/31/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/28/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/28/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/1/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/29/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/30/2019</i>

**HOUSE . . . . . No. 773**

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By Representatives Ehrlich of Marblehead and Ferrante of Gloucester, a petition (accompanied by bill, House, No. 773) of Lori A. Ehrlich and others relative to the enforcement of illegal hunting practices. Environment, Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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

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 may appear within the time  
10 specified and pay a fine of \$50.

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

13 35, 37, 38, 38A, 41, 41A, 44, 67, 68, 80, 92, 100A or 100C of chapter 130 or all other violations  
14 of chapter 131, not mentioned below, may appear and pay a fine of \$100.

15 A person notified to appear before the clerk of a district court as provided in section 10G  
16 for a violation of any provision of section 21A, 60-65A inclusive, 68, 75A and 77A of chapter  
17 131 may appear and pay a fine of \$200.

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

21 A person notified to appear before the clerk of a district court as provided in section 10G  
22 for a violation of section 47 or 75 of chapter 130 or for a violation of section 73 of chapter 131  
23 may 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. Said section 21A of said chapter 131, as so appearing, is hereby further  
40 amended by striking out, in line 17, the word “six” and inserting in place thereof the following  
41 figure:- 12.

42 SECTION 4. Said chapter 131 is hereby further amended by striking out section 34, as so  
43 appearing, and inserting in place thereof the following section:-

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

52 (i) a violation of clause (15) of section 4 or section 12, 13, 16, 33, 54, 57, 58, 61, 63, 64,  
53 66, 67, 70, 72 or 80 for 1 year from the date that person was found guilty of or penalized for the  
54 violation;

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

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

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

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

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

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

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

71 SECTION 5. Said chapter 131 is hereby further amended by striking out sections 90 and  
72 90A, as so appearing, and inserting in place thereof the following 3 sections:-

73 Section 90. Whoever violates section 21A and 68, shall be punished by a fine of not less  
74 than \$300 but not more than \$1,000 or by imprisonment for not more than 1 year or by both such  
75 fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or turkey,

76 unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken, molested,  
77 distributed or destroyed, a person shall be punished by a fine of not less than \$200 but not more  
78 than \$500. For each deer unlawfully killed or possessed, a person shall be punished by a fine of  
79 not less than \$200 but not more than \$500 or by imprisonment for not more than 6 months or by  
80 both such fine and imprisonment. For each bear unlawfully killed or possessed, a person shall be  
81 punished by a fine of not less than \$300 but not more than \$1,000 or by imprisonment for not  
82 more than 6 months or by both such fine and imprisonment. For each turkey unlawfully killed or  
83 possessed, a person shall be punished by a fine of not less than \$200 but not more than \$500 or  
84 by imprisonment for not more than 6 months or by both such fine and imprisonment.

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

97           Whoever violates section 73 shall be punished by a fine of not less than \$1,000 but not  
98 more than \$5,000 or by imprisonment for not more than 1 year or by both such fine and



99 imprisonment. Whoever violates section 16, 28, 33, 48, 61, 63, 64 or 70 or of any rule or  
100 regulation made under authority thereof shall be punished by a fine of not less than \$50 but not  
101 more than \$100 or by imprisonment for not more than 60 days or by both such fine and  
102 imprisonment.

103           Whoever violates section 18, 19, 19A, 60 or 79 or of any rule or regulation made under  
104 authority thereof shall be punished by a fine of not less than \$200 but not more than \$500 or by  
105 imprisonment for not more than 6 months or by both such fine and imprisonment.

106           Whoever violates section 22 shall be punished by a fine of not less than \$200 but not  
107 more than \$500 or by imprisonment for not more than 6 months or by both such fine and  
108 imprisonment for each fish, bird or mammal, other than a deer, bear or moose, unlawfully  
109 bought, sold, bartered, exchanged, offered or exposed for sale or had in possession for the  
110 purpose of sale. In the case of a deer, moose or bear, a person shall be punished by a fine of not  
111 less than \$1,000 but not more than \$5,000 or by imprisonment for not more than 1 year or by  
112 both such fine and imprisonment. A person found guilty of or convicted of a violation of this  
113 section who is the holder of a hunting or sporting license issued under this chapter shall lose any  
114 rights thereunder and the license shall be surrendered to an officer empowered to enforce this  
115 chapter. No other hunting or sporting license shall be granted to that person for at least 1 year.

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

119           Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$200  
120 but not more than \$500 or by imprisonment for not more than 1 year or by both such fine and

121 imprisonment. Whoever fails to keep open or maintain a fishway as prescribed by the director  
122 under clause (14) of section 4 shall be punished by a fine of \$50 for each day that such person  
123 fails to keep open or maintain that fishway as prescribed.

124           Whoever violates section 65 shall be punished by a fine of not less than \$200 but not  
125 more than \$500 or by imprisonment for not more than 1 year or by both such fine and  
126 imprisonment.

127           Whoever violates section 74 or 76 shall be punished by a fine of not less than \$200 but  
128 not more than \$500 or by imprisonment for not more than 30 days or by both such fine and  
129 imprisonment for each bird or mammal taken, killed or removed and for each nest or egg taken,  
130 disturbed, molested or destroyed.

131           Whoever violates section 77 shall be punished by a fine of not less than \$200 but not  
132 more than \$500 or by imprisonment for not more than 30 days or by both such fine and  
133 imprisonment.

134           Whoever violates section 75 shall be punished by a fine of not less than \$200 but not  
135 more than \$500 or by imprisonment for not more than 6 months or by both such fine and  
136 imprisonment for each wild turkey knowingly and unlawfully had in possession and for each nest  
137 or egg thereof taken, molested, disturbed, destroyed or unlawfully had in possession.

138           Whoever violates section 77A shall be punished by a fine of not less than \$300 but not  
139 more than \$1,000.

140           Whoever violates section 75A shall be punished by a fine of not less than \$300 but not  
141 more than \$1,000 or by imprisonment for not more than 6 months or by both such fine and

142 imprisonment. Such person, subject to section 34, shall not be issued a license, permit or  
143 certificate under this chapter for at least 3 years after the date that such person was found guilty  
144 or penalized for violating said section 75A.

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

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

152           A violation of this chapter or a rule or regulation promulgated under this chapter for  
153 which no other penalty is provided shall be punished by a fine of not less than \$200 but not more  
154 than \$500 or by imprisonment for not more than 30 days or by both such fine and imprisonment.  
155 Upon a conviction for a violation of this chapter, any net, snare, trap, jacklight or other similar  
156 device used by a person or any bird or mammal taken in violation of this chapter shall be  
157 forfeited to the commonwealth and shall be disposed of by the director of law enforcement.

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

162           (i) a deer, moose or bear, \$500 per animal; if the animal taken is deemed to be a trophy  
163 standard as categorized by a professional organization such as Northeast Big Buck club, Boone

164 and Crocket or Pope and Young organizations, but not limited to, the restitution shall be \$1,000  
165 per animal;

166 (ii) a raptor or bird of prey, \$500 per animal;

167 (iii) a wild turkey, fisher, bobcat or otter, \$300 per animal;

168 (iv) a fox, coyote or beaver, \$100 per animal;

169 (v) a mink, muskrat, raccoon, wild rabbit, hare or gray squirrel, \$50 per animal;

170 (vi) a ruffed grouse, pheasant, quail, woodcock or migratory waterfowl, \$50 per bird;

171 (vi) a fish, \$25 per fish; and

172 (vii) any other animal or bird, \$50 per animal or bird.

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

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

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

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

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

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

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

192 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or  
193 revoked in any jurisdiction in the United States or Canada shall not be issued a license for such  
194 activity in the commonwealth or if licensed in the commonwealth at the time of a suspension or  
195 revocation in another jurisdiction, the license issued in the commonwealth shall be suspended  
196 during the period of that suspension or revocation if, after notice and hearing, the director  
197 determines that the offense carrying the suspension or revocation would constitute a violation of  
198 section 5, 10, 13, 21A, 22, 61, 62, 64, 65, 68, 69, 73, to 75A, inclusive, 79, to 80A, inclusive, or  
199 82. The licensee shall immediately return the license to the division of fisheries and wildlife.

200 A person who hunts, traps or fishes in the commonwealth when that person's privilege to  
201 conduct such activity has been suspended or revoked in any jurisdiction of the United States or  
202 Canada for an offense that would constitute a violation of section 5, 10, 13, 21A, 22, 61, 62, 64,  
203 65, 68, 69, 73 to 75A, inclusive, 79, to 80A, inclusive, or 82 shall be punished in accordance

204 with the penalties assessed for hunting, trapping or fishing without a license in violation of  
205 section 11. A person who fails to immediately return a license in violation of this section shall be  
206 punished by a fine of not less than \$200 but not more than \$500.

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

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

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

217 A person penalized under this section shall immediately surrender any license, permit or  
218 certificate issued under this chapter to an environmental police officer, deputy or other officer  
219 authorized to enforce this chapter, except a license issued under clause (3), (4) or (6) of section  
220 23. The surrendered license, permit or certificate shall be void. No person or a person acting on  
221 that person's behalf shall be given or apply for a license, permit or certificate that was voided  
222 due to a violation of this section for at least 10 years from the date that such person was found  
223 guilty or penalized and any license, permit or certificate wrongfully issued shall be void and shall  
224 be surrendered to an officer authorized to enforce this chapter.

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

227 CHAPTER 131B

228 WILDLIFE VIOLATOR COMPACT

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

236 ARTICLE I. Findings and Purpose

237 (a) The participating states find that:

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

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

243 (3) the preservation, protection, management and restoration of wildlife  
244 contributes immeasurably to the aesthetic, recreational and economic aspects of such natural  
245 resources;

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

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

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

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

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

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

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

261 (8) the purpose of the enforcement practices set forth in clause (7) is to ensure  
262 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue  
263 on after receiving the citation, could return to that person's home state and disregard the duty  
264 established by the terms of the citation;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 300 ARTICLE II. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

349 ARTICLE III. Procedures for Issuing State

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

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

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

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

367 ARTICLE IV. Procedure for Home State

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

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

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

380 ARTICLE V. Reciprocal Recognition of Suspension

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

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

386 ARTICLE VI. Applicability of Other Laws

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

391 ARTICLE VII. Compact Administrator Procedures

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

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

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

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

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

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

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

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

#### 420 ARTICLE VIII. Entry into Compact and Withdrawal

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

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



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

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

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

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

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

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

442 ARTICLE IX. Amendments to the Compact

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

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

448 ARTICLE X. Construction and Severability

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

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

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