

SENATE No. 2501

The Commonwealth of Massachusetts

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

SENATE, January 31, 2020.

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petitions (accompanied by bill, Senate, No. 468) of Anne M. Gobi, Jonathan D. Zlotnik and Donald F. Humason, Jr. for legislation relative to outdoor heritage; (accompanied by bill, Senate, No. 471) of Anne M. Gobi for legislation relative to hunting near a dwelling; (accompanied by bill, Senate, No. 472) of Anne M. Gobi and Donald F. Humason, Jr. for legislation relative to bow and arrow hunting season; (accompanied by bill, Senate, No. 473) of Anne M. Gobi and Donald F. Humason, Jr. for legislation to authorize the use of shotguns during bear hunting season; (accompanied by bill, Senate, No. 474) of Anne M. Gobi and Donald F. Humason, Jr. for legislation relative to the moose population in the Commonwealth; (accompanied by bill, Senate, No. 476) of Anne M. Gobi and Donald F. Humason, Jr. for legislation to enhance the management of problem wildlife.; (accompanied by bill, Senate, No. 479) of Anne M. Gobi and Donald F. Humason, Jr. for legislation to regulate the use of trapping devices to take beaver and muskrat; (accompanied by bill, Senate, No. 487) of Donald F. Humason, Jr. and Jonathan D. Zlotnik for legislation relative to Sunday hunting; (accompanied by bill, House, No. 782) of Paul K. Frost relative to the powers and duties of the Director of the Division of Fisheries and Wildlife within the Department of Fisheries, Wildlife and Environmental Law Enforcement in the management and control of wildlife; (accompanied by bill, House, No. 835) of David K. Muradian, Jr., and others relative to the promulgation of regulations by the Director of Fisheries and Wildlife within the Department of Fisheries, Wildlife and Environmental Law Enforcement for the use and possession of shotgun ammunition types for the purposes of hunting; (accompanied by bill, House, No. 884) of William M. Straus for legislation to authorize bow and arrow hunting on Sundays; and (accompanied by bill, House, No. 887) of Alyson M. Sullivan and others relative to authorizing deer hunting on Sundays, report the accompanying bill (Senate, No. 2501).

For the committee,
Anne M. Gobi

SENATE No. 2501

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**In the One Hundred and Ninety-First General Court
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An Act relative to outdoor heritage.

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 26 of chapter 90B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof
3 the following subsection:-

4 (g) No person shall carry a firearm, rifle or shotgun on public land during the open season
5 for deer, bear or turkey in or on a snow vehicle or recreation vehicle or on a trailer or sled
6 attached thereto unless such firearm, rifle or shotgun is unloaded. This section shall not apply to
7 a law enforcement officer or other person with enforcement powers authorized in section 32, or
8 to a paraplegic as provided in section 65 of chapter 131, or to any person licensed under section
9 131 or 131F of chapter 140 carrying a loaded firearm.”

10 SECTION 2. Section 5 of chapter 131 of the General Laws as appearing in the 2016
11 Official Edition, is hereby amended by inserting after the second paragraph the following
12 paragraph:-

13 The hunting of deer by bow and arrow shall be permitted on any date, including a Sunday
14 or legal holiday, that the director declares as an open season for such hunting. Except as
15 otherwise provided in the preceding paragraph, an open season declared by the director for the
16 hunting of deer by bow and arrow, which open season period occurs in whole or in part, within
17 the last 3 months of the calendar year, shall be for a period of not less than 7 days that shall be
18 consecutive.

19 SECTION 3. Section 57 of said chapter 131, as so appearing, is hereby amended by
20 inserting at the end of the paragraph the following sentence:- Notwithstanding, this section shall
21 not prohibit or render unlawful, the hunting of deer by bow and arrow or the carrying on his
22 person a bow and arrow for the purpose of hunting deer, during any Sunday declared as an open
23 season for such hunting, by the director with the approval of the fisheries and wildlife board.

24 SECTION 4. Said Chapter 131 of the General Laws, as so appearing, is hereby amended
25 by striking out section 5C and inserting in place thereof the following section:-

26 Section 5C. The citizens of the commonwealth shall have the right to harvest fish and
27 wildlife free from harassment subject to rules and regulations established to maintain sustainable
28 and healthy populations of such natural resources.

29 (a) No person shall obstruct, interfere with or otherwise prevent the lawful harvest of fish
30 and wildlife by another at any such place in the commonwealth where it is lawful to do so. It
31 shall be a violation of this section for a person to intentionally:

32 (1) drive or disturb fish or wildlife for the purpose of interrupting a lawful taking; or

33 (2) block, follow, impede or otherwise harass another who is engaged in the lawful taking
34 of fish or wildlife; or

35 (3) use natural or artificial visual, aural, olfactory or physical stimulus to effect wildlife in
36 order to hinder or prevent such taking; or

37 (4) erect barriers with the intent to deny ingress or egress to areas where the lawful taking
38 of wildlife may occur; or

39 (5) interject himself into the line of fire; or

40 (6) effect the condition or placement of personal or public property intended for use in
41 the taking of wildlife; or

42 (7) enter or remain upon public lands, or upon private lands without the permission of the
43 owner or his agent, with intent to violate this section; or

44 (8) verbally or physically harass, threaten or other means of intimidation of an
45 individual/s lawfully engaged in the harvest fish and wildlife;

46 (9) utilize mechanical aerial devices to drive wildlife, harass, film, photograph or
47 otherwise intimidate.

48 A violation of this paragraph shall be punished by imprisonment in a jail or house of
49 correction for not more than 1 year or by a fine of not more than \$1,000 or both.

50 (b) Any person having caused destruction or otherwise vandalizes equipment utilized,
51 directly or indirectly, for the lawful harvest of fish and wildlife including, but not limited to,
52 vehicles, blinds, stands, trail cams, fishing gear, boats, etc. shall be punished by imprisonment in

53 a jail or house of correction for not more than 2 years or by a fine of not more than \$5,000 or
54 both.

55 (c) Any person having caused bodily injuries of another that were sustained from any
56 type of harassment or vandalism covered under this section shall be punished by imprisonment in
57 a jail or house of correction for not more than 5 years or by a fine of not more than \$10,000 or
58 both.

59 The superior court shall have jurisdiction to issue an injunction to enjoin any such
60 conduct or conspiracy in violation of the provisions of this section. A person who sustains
61 damage as a result of any act which is in violation of this section may bring a civil action for
62 punitive damages in addition to the penalties established herein. Environmental protection
63 officers and other law enforcement officers with arrest powers shall be authorized to enforce the
64 provisions of this section.

65 (d) Unless authorized by the property owner it shall be unlawful to post land closed, or
66 restricted, to the lawful harvest of fish and wildlife. Any person convicted of illegally posting
67 land shall be punished by imprisonment in a jail or house of correction for not more than 1 year
68 or a fine of not more \$1,000 or both.

69 Any fines collected under this section shall be deposited into the Inland Fisheries and
70 Game Fund established under section 2C of chapter 131, and may be utilized for the purposes of
71 the Hunter Education Program.

72 SECTION 5. Section 64 of said chapter 131 is hereby amended by striking, in the title,
73 the word "bows."

74 SECTION 6. Said section 64 of said chapter 131, as so appearing, is hereby further
75 amended by striking out, in lines 2 and 3, the words "or any crossbow."

76 SECTION 7. Section 66 of said Chapter 131, as so appearing, is hereby amended by
77 striking the title and replacing it with the following:- "Hunting Ammunition"

78 SECTION 8. Said chapter 131 is hereby amended by striking said section 66, as so
79 appearing, and inserting in its place thereof the following section:-

80 Section 66. The director, under the control of the board, may promulgate regulations for
81 the use and possession of ammunition types for the purposes of hunting.

82 SECTION 9. Said chapter 131 is hereby amended by striking section out section 69, as so
83 appearing, and inserting in place thereof the following section:-

84 Section 69. A person shall not carry or use a bow and arrow or crossbow while hunting
85 unless said bow and arrow or crossbow meet such requirements as may be set by rules and
86 regulations which the director is hereby authorized to promulgate. Such rules and regulations
87 shall prescribe general design, weight of pull, and type of bows and arrows or crossbows, and
88 shall conform to standards generally accepted for hunting purposes.

89 SECTION 10. Said chapter 131 is hereby amended by striking section out section 70, as
90 so appearing, and inserting in place thereof the following section:-

91 Section 70. A person shall not, during the open season when deer may be hunted lawfully
92 with a shotgun, hunt a bird or mammal with a rifle, revolver or pistol or by the aid of a dog, or
93 have in his possession or under his control in any wood or field, a rifle, revolver or pistol, or a

94 dog. Nothing in this section shall be deemed to prohibit the use of dogs to hunt upland game or
95 waterfowl as regulated by the division.

96 Notwithstanding the provisions of this section, the director may authorize the use of
97 primitive firearms or shotguns with a rifled bore for hunting during any period when deer may be
98 hunted by means of a firearm under rules and regulations promulgated in accordance with
99 section five.

100 SECTION 11. Section 73 of said Chapter 131 of the General Laws is hereby repealed.

101 SECTION 12. Section 12D of chapter 269 of the General Laws, as appearing in the 2014
102 Official Edition, is hereby amended by striking out subsection (b) in its entirety.