SENATE DOCKET, NO. 297 FILED ON: 1/11/2019

SENATE . . . . . No. 997

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 updating hunter harassment laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	*Second Worcester*	
Timothy R. Whelan	*1st Barnstable*	*1/25/2019*
Jonathan D. Zlotnik	*2nd Worcester*	*2/1/2019*

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SENATE . . . . . No. 997

By Mr. Moore, a petition (accompanied by bill, Senate, No. 997) of Michael O. Moore, Timothy R. Whelan and Jonathan D. Zlotnik for legislation to update hunter harassment laws. The Judiciary.

The Commonwealth of Massachusetts

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

An Act updating hunter harassment laws.

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

SECTION 1. Chapter 131 of the General Laws, as so appearing in the 2016 Official Edition, is hereby amended by striking out Section 5C and inserting in place thereof the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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