

HOUSE No. 4442

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 9, 2022.

The committee on Ways and Means, to whom was referred the Bill further regulating the enforcement of illegal hunting practices (House, No. 904), reports recommending that the same ought to pass with an amendment substituting therefore the accompanying bill (House, No. 4442).

For the committee,

AARON MICHLEWITZ.

HOUSE No. 4442

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 section
2 10H, as appearing in the 2020 Official Edition, and inserting in place thereof the following
3 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 section 11B, the
6 regulations promulgated pursuant to chapter 90B, the rules and regulations of the division of
7 fisheries and wildlife regulating activity on land under the management of the division or for a
8 violation of section 2 to 4, inclusive, 5, 5A, 6, 7, subsection (b) of section 9, section 12, 12A or
9 13A of chapter 90B may so appear within the time specified and pay a fine of \$50.

10 A person notified to appear before the clerk of a district court as provided in section 10G
11 for a violation of subsection (b), (c) or (e) of section 8 of chapter 90B or all other violations of
12 chapter 131, not mentioned below, may so appear and pay a fine of \$100.

13 A person notified to appear before the clerk of a district court as provided in section 10G
14 for a violation of sections 21 to 24, inclusive, of chapter 90B may so appear and pay a fine of
15 \$250.

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

18 A person notified to appear before the clerk of a district court as provided in section 10G
19 for a violation of section 17A, 18, 19, 30, 31, 33 to 36, inclusive, 51, 51A, 66, 69 to 72,
20 inclusive, 100C or 102 of chapter 130 may so appear and pay a fine of \$100.

21 A person notified to appear before the clerk of a district court as provided in section 10G
22 for a violation of section 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47, 49, 80,
23 81, 82, 92, 100A, 100B or 106 of chapter 130 may so appear and pay a fine of \$200.

24 A person notified to appear before the clerk of a district court as provided in section 10G
25 for a violation of section 23, 25, 67, 68, 75, 95 or 100D of chapter 130 may so appear and pay a
26 fine of \$400.

27 A person notified to appear before the clerk of a district court as provided in section 10G
28 for a violation of section 73 of chapter 131 may so appear and pay a fine of \$500.

29 A person notified to appear before the clerk of a district court as provided in section 10G
30 for a violation of section 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A, 100B or
31 100C of chapter 130 may so appear and pay, in addition to the applicable fine specified in this
32 section, a supplemental fine of \$10 per fish; provided, however, that for the purpose of this

33 paragraph, the term “fish” shall have the meaning provided in section 1 of chapter 130, but shall
34 not include bi-valve shellfish.

35 A person notified to appear before the clerk of a district court as provided in section 10G
36 for a violation of section 21A, 60 to 65A, inclusive, 68, 75A or 77A of chapter 131 may so
37 appear and pay a fine of \$200.

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

41 SECTION 2. Section 10 of chapter 131 of the General Laws, as so appearing, is hereby
42 amended by adding the following 2 paragraphs:-

43 The established borders of a wildlife sanctuary, which shall include any entry path or
44 way, shall be posted to provide conspicuous notice to the public of the designation of the land as
45 a wildlife sanctuary and of the prohibitions under this section. If the required notice has not been
46 posted, a person shall have an affirmative defense against an alleged violation of a prohibition
47 under this section.

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

51 SECTION 3. Section 21A of said chapter 131, as so appearing, is hereby amended by
52 striking out, in line 17, the word “six” and inserting in place thereof the following figure:- 12.

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

55 Section 34. A license, permit or certificate issued under this chapter, except a license
56 issued under clause (3), (4) or (6) of section 23, and held by a person found guilty of, or
57 convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for a
58 violation of clause (15) of section 4 or for a violation of section 5, 10, 11 to 13, inclusive, 16, 32,
59 33, 54, 57, 58, 61 to 65, inclusive, 66 to 68, inclusive, 70, 72, 73, 75, 80 or 85, or a rule or
60 regulation made under authority thereof, shall be void and shall be immediately surrendered to
61 an officer authorized to enforce this chapter. No such person or person acting on such person's
62 behalf shall make application for or be issued a license, permit or certificate that was voided due
63 to:

64 (i) a violation of clause (15) of section 4 or section 12, 13, 16, 33, 54, 57, 58, 61, 63, 64,
65 66, 67, 70, 72 or 80, for 1 year from the date that person was found guilty of or penalized for the
66 violation;

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

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

73 (iv) a second violation of section 10, for not less than 3 years but not more than 5 years
74 from the date on which the person was found guilty of or penalized for the violation;

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

78 (vi) a third or subsequent violation of section 10, for not less than 5 years but not more
79 than 10 years from the date on which the person was found guilty of or penalized for the
80 violation.

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

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

85 SECTION 5. Said chapter 131 is hereby further amended by striking out sections 90 and
86 90A, as so appearing, and inserting in place thereof the following 3 sections:-

87 Section 90. Whoever violates section 21A or 68 shall be punished by a fine of not less
88 than \$300 but not more than \$1,000 or by imprisonment for not more than 1 year, or by both
89 such fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or wild
90 turkey, unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken,
91 molested, distributed or destroyed, a person shall be punished by a fine of not less than \$200 but
92 not more than \$500. For each deer unlawfully killed or possessed, a person shall be punished by
93 a fine of not less than \$200 but not more than \$500 or by imprisonment for not more than 6
94 months, or by both such fine and imprisonment. For each bear unlawfully killed or possessed, a
95 person shall be punished by a fine of not less than \$300 but not more than \$1,000 or by
96 imprisonment for not more than 6 months, or by both such fine and imprisonment. For each wild

97 turkey unlawfully killed or possessed, a person shall be punished by a fine of not less than \$200
98 but not more than \$500 or by imprisonment for not more than 6 months, or by both such fine and
99 imprisonment.

100 Whoever violates section 5, 10, 11, 32, 62 or 85 shall be punished by a fine of not less
101 than \$200 but not more than \$500 or by imprisonment for not more than 90 days, or by both such
102 fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or wild
103 turkey, unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken,
104 molested, distributed or destroyed, a person shall be punished by a fine of not less than \$100 but
105 not more than \$500. For each deer unlawfully killed or possessed, a person shall be punished by
106 a fine of not less than \$500 but not more than \$3,000 or by imprisonment for not more than 6
107 months, or by both such fine and imprisonment. For each bear unlawfully killed or possessed, a
108 person shall be punished by a fine of not less than \$1,000 but not more than \$5,000 or by
109 imprisonment for not more than 6 months, or by both such fine and imprisonment. For each wild
110 turkey unlawfully killed or possessed, a person shall be punished by a fine of not less than \$500
111 but not more than \$3,000 or by imprisonment for not more than 6 months, or by both such fine
112 and imprisonment.

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

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

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

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

132 Whoever violates section 41 to 43, inclusive, shall be punished by a fine of not less than
133 \$100 but not more than \$5,000 or by imprisonment for not more than 2 years, or by both such
134 fine and imprisonment.

135 Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$200
136 but not more than \$500 or by imprisonment for not more than 1 year, or by both such fine and
137 imprisonment. Whoever fails to keep open or maintain a fishway as prescribed by the director
138 under clause (14) of section 4 shall be punished by a fine of \$50 for each day that such person
139 fails to keep open or maintain that fishway as prescribed.

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

143 Whoever violates section 74 or 76 shall be punished by a fine of not less than \$200 but
144 not more than \$500 or by imprisonment for not more than 30 days, or by both such fine and
145 imprisonment for each bird or mammal taken, killed or removed and for each nest or egg taken,
146 disturbed, molested, destroyed or unlawfully had in possession.

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

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

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

156 Whoever violates section 75A shall be punished by a fine of not less than \$300 but not
157 more than \$1,000 or by imprisonment for not more than 6 months, or by both such fine and
158 imprisonment. Such person, pursuant to section 34, shall not be issued a license, permit or
159 certificate under this chapter for at least 3 years after the date that such person was found guilty
160 or penalized for violating section 75A.

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

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

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

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

178 (i) Deer, moose or bear: \$500 per animal; provided, that if the animal taken is deemed to
179 be a trophy standard, as categorized by a professional organization, the restitution shall be
180 \$1,000 per animal;

181 (ii) Raptor or bird of prey: \$500 per animal;

- 182 (iii) Wild turkey, fisher, bobcat or otter: \$300 per animal;
- 183 (iv) Fox, coyote or beaver: \$100 per animal;
- 184 (v) Mink, muskrat, raccoon, wild rabbit, hare or gray squirrel: \$50 per animal;
- 185 (vi) Ruffed grouse, pheasant, quail, woodcock or migratory waterfowl: \$50 per bird;
- 186 (vii) Fish: \$25 per fish; and
- 187 (viii) Other animals or birds: \$50 per animal or bird.

188 A person convicted of the illegal taking or possession of endangered, threatened or
189 species of special concern included on the list maintained pursuant to section 4 of chapter 131A
190 may be required to make restitution to the commonwealth for the value of each such species
191 illegally taken or possessed as follows:

- 192 (i) endangered species: \$2,000;
- 193 (ii) threatened species: \$1,000; and
- 194 (iii) species of special concern: \$500.

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

196 For a conviction involving the illegal taking or possession of animals, birds, fur-bearing
197 animals and fish, the court may order the defendant to reimburse the commonwealth in a sum
198 that exceeds the amounts established in this section. Such reimbursement shall be paid directly to
199 the court. If 2 or more defendants are convicted of the illegal taking or possession of an animal,
200 bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants

201 jointly and severally. The court ordering such reimbursement shall remit the funds as prescribed
202 in section 3.

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

206 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or
207 revoked in any other jurisdiction in the United States or Canada for an offense in that jurisdiction
208 shall not be issued a license for such activity in the commonwealth, or if so licensed in the
209 commonwealth at the time, such license shall be suspended and not renewed during the period of
210 that suspension or revocation in the other jurisdiction; provided, that after notice and an
211 opportunity for a hearing, the director determines that the offense carrying the suspension or
212 revocation would constitute a violation of section 5, 10, 13, 21A, 22, 61, 62, 64, 65, 68, 69, 73,
213 to 75A, inclusive, 79 to 80A, inclusive, or 82.

214 Upon the suspension of a license pursuant to this section, the director shall send prompt
215 notice of such suspension to the person's last known address. A person whose license is
216 suspended shall immediately return the license to the division.

217 A person who hunts, traps or fishes in the commonwealth after suspension of a license
218 pursuant to this section shall be punished in accordance with the penalties assessed under section
219 90 for hunting, trapping or fishing without a license in violation of section 11. A person who
220 fails to immediately return a license in violation of this section shall be punished by a fine of not
221 less than \$200 but not more than \$500.

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

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

228 The species covered by this section shall only include deer, wild turkey, moose, fisher,
229 bobcat, bear, any bird of prey as defined in section 75A and any endangered, threatened or
230 species of special concern included on the official list maintained pursuant to section 4 of chapter
231 131A.

232 A person penalized pursuant to this section shall immediately surrender any license,
233 permit or certificate issued pursuant to this chapter to an environmental police officer, deputy or
234 other officer authorized to enforce this chapter, except a license issued under clause (3), (4) or
235 (6) of the seventh paragraph of section 23. The surrendered license, permit or certificate shall be
236 void. No person or a person acting on that person's behalf shall be given or apply for a license,
237 permit or certificate that was voided due to a violation of this section for at least 10 years from
238 the date that such person was found guilty or penalized and any license, permit or certificate
239 wrongfully issued shall be void and shall be surrendered to an officer authorized to enforce this
240 chapter.

241 SECTION 6. The General Laws are hereby amended by inserting after chapter 131A the
242 following chapter:-

243 Chapter 131B

244 INTERSTATE WILDLIFE VIOLATOR COMPACT

245 Section 1. The commissioner of fish and game, in consultation with and through written
246 agreement with the director of fisheries and wildlife and the director of marine fisheries, shall
247 enter into an interstate wildlife violator compact on behalf of the commonwealth with any other
248 jurisdiction legally joining the compact in a form substantially set forth in sections 2 to 11,
249 inclusive.

250 Notwithstanding any general or special law or provision of the compact manual to the
251 contrary, upon entry of the commonwealth into the compact, a violation resulting in a citation,
252 conviction or suspension within another participating jurisdiction shall also constitute a violation
253 of section 90A of chapter 131 or chapter 131A, as determined by the director of fisheries and
254 wildlife, or a violation of chapter 130, as determined by the director of marine fisheries, in order
255 for the applicable division to take a reciprocal action in the commonwealth to suspend or deny or
256 not renew a license, pursuant to section 5.

257 Section 2. (a) The participating states of the interstate wildlife violator compact find that:

258 (i) wildlife resources are managed in trust by the participating states for the benefit of all
259 residents and visitors;

260 (ii) the protection of the wildlife resources of a state is materially affected by the degree
261 of compliance with state laws, regulations, ordinances and administrative rules relating to the
262 management of those resources;

263 (iii) the preservation, protection, management and restoration of wildlife contributes
264 immeasurably to the aesthetic, recreational and economic aspects of such natural resources;

265 (iv) wildlife resources are valuable without regard to political boundaries, therefore every
266 person shall be required to comply with wildlife preservation, protection, management and
267 restoration laws, ordinances and administrative rules and regulations of the participating states as
268 a condition precedent to the continuance or issuance of a license to hunt, fish, trap or possess
269 wildlife;

270 (v) violations of wildlife laws interfere with the management of wildlife resources and
271 may endanger the safety of people and property;

272 (vi) the mobility of many wildlife law violators necessitates the maintenance of channels
273 of communication among the various states;

274 (vii) a person who is cited for a wildlife violation in a state other than that person's home
275 state:

276 (A) may be required to post collateral or a bond to secure appearance for a trial at a later
277 date;

278 (B) if unable to post collateral or bond, may be taken into custody until the collateral or
279 bond is posted; or

280 (C) may be taken directly to court for an immediate appearance;

281 (viii) the purpose of the enforcement practices in clause (vii) is to ensure compliance with
282 the terms of a wildlife citation by the cited person who, if permitted to continue on after
283 receiving the citation, could return to a person's home state and disregard the person's duty
284 under the terms of the citation;

285 (ix) a person receiving a wildlife citation in that person's home state may accept the
286 citation from the officer at the scene of the violation and immediately continue on after agreeing
287 or being instructed to comply with the terms of the citation;

288 (x) the practices described in clause (vii) may cause unnecessary inconvenience or a
289 hardship for a person unable to post collateral, furnish a bond, stand trial or pay a fine and thus is
290 compelled to remain in custody until an alternative arrangement is made; and

291 (xi) the enforcement practices described in clause (vii) consume an undue amount of law
292 enforcement time.

293 (b) It is the policy of the participating states of the interstate wildlife violator compact to:

294 (i) promote compliance with the laws, ordinances, regulations and administrative rules
295 relating to the management of wildlife resources in the states;

296 (ii) recognize a suspension of wildlife license privileges or rights of a person whose
297 license privileges have been suspended by a participating state and treat that suspension as if it
298 had occurred in each respective state;

299 (iii) allow a violator to accept a wildlife citation, except as provided in subsection (b) of
300 section 4, to continue on, without delay, if that violator's home state is a party to the interstate
301 wildlife violator compact;

302 (iv) report to the appropriate participating state any conviction recorded against a person
303 whose home state was not the issuing state;

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

307 (vi) extend cooperation to the fullest extent among the participating states for
308 enforcement of the terms of a wildlife citation issued in a participating state to a resident of
309 another participating state;

310 (vii) maximize the effective use of law enforcement personnel and information; and

311 (viii) assist court systems in the efficient disposition of wildlife violations.

312 (c) The purpose of the interstate wildlife violator compact is to:

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

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

318 Section 3. As used in this chapter, the following words shall, unless the context clearly
319 requires otherwise, have the following meanings:

320 "Citation", a summons, complaint, ticket, penalty assessment or other official document
321 issued by a wildlife officer or peace officer for a wildlife violation which contains an order
322 requiring the recipient to respond.

323 “Collateral”, cash or other security deposited to secure an appearance for trial in
324 connection with the issuance by a wildlife officer or peace officer of a citation for a wildlife
325 violation.

326 “Compliance”, the act of answering a citation by an appearance in a court or tribunal or
327 the payment of any fines, costs or surcharges.

328 “Conviction”, a conviction that results in suspension or revocation of a license, including
329 a court conviction, for an offense related to the preservation, protection, management or
330 restoration of wildlife which is prohibited by state law, regulation, ordinance or administrative
331 rule; provided, however, that “conviction” shall also include the forfeiture of any bail, bond or
332 other security deposited to secure the appearance of a person charged with having committed any
333 such offense, the payment of a penalty assessment, a plea of nolo contendere or the imposition of
334 a deferred or suspended sentence by the court.

335 “Court”, a court of law, including a magistrate’s court and the justice of the peace court.

336 “Home state”, the state of primary residence of a person.

337 “Issuing state”, the participating state that issues a wildlife citation to the violator.

338 “License”, a license, permit or other public document that conveys to the person to whom
339 it was issued the privilege of pursuing, possessing or taking any wildlife regulated by law,
340 regulation, ordinance or administrative rule of a participating state.

341 “Licensing authority”, the agency within each participating state that is authorized by law
342 to issue or approve licenses or permits to hunt, fish, trap or possess wildlife. In the
343 commonwealth, the licensing authority for licenses or permits issued pursuant to chapter 131 or

344 chapter 131A shall be the division of fisheries and wildlife and the licensing authority for
345 licenses or permits issued pursuant to chapter 130 shall be the division of marine fisheries.

346 “Participating state”, any state that enacts legislation to become a member of the
347 interstate wildlife violator compact.

348 “Personal recognizance”, an agreement by the person, made at the time a wildlife citation
349 is issued, that the person will comply with the terms of the citation.

350 “State”, a state, commonwealth, territory or possession of the United States, the District
351 of Columbia, the commonwealth of Puerto Rico, the provinces of Canada or other countries.

352 “Suspension”, revocation, denial or withdrawal of license privileges, including the
353 privilege to apply for, purchase or exercise the benefits conferred by a license.

354 “Terms of the citation”, conditions and options expressly stated on the citation.

355 “Wildlife”, all species of animals including, but not limited to, mammals, birds, fish,
356 reptiles, amphibians, mollusks and crustaceans, which are defined as “wildlife” and are protected
357 or otherwise regulated by law, regulation, ordinance or administrative rule in a participating
358 state; provided, however, that species included in the definition of “wildlife” may vary from state
359 to state and the determination of whether a species is “wildlife” for the purposes of this compact
360 shall be based on state law.

361 “Wildlife law”, a law, regulation, ordinance or administrative rule developed and enacted
362 for the management and use of wildlife resources.

363 “Wildlife officer”, an individual authorized by a participating state to issue a citation for
364 a wildlife violation.

365 “Wildlife violation”, a cited violation of a law, regulation, ordinance or administrative
366 rule developed and enacted for the management and use of wildlife resources.

367 Section 4. (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue
368 a citation to a person whose primary residence is in a participating state in the same manner as
369 though the person were a resident of the issuing state and shall not require that person to post
370 collateral to secure appearance, subject to exceptions pursuant to subsection (b), if the officer
371 receives personal recognizance that the person will comply with the terms of the citation.

372 (b) Personal recognizance shall be acceptable if:

373 (i) it is not prohibited by state law, policy, procedure or regulation of the issuing agency
374 or by the compact manual; and

375 (ii) the violator provides adequate proof of identification to the wildlife officer.

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

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

384 Section 5. (a) Upon receipt of a report of a failure of a violator to comply with the terms
385 of a citation from the licensing authority of the issuing state, the licensing authority of the home

386 state shall notify the violator, initiate a suspension action in accordance with the home state's
387 suspension procedures and suspend the violator's license privileges until satisfactory evidence of
388 compliance with the terms of the wildlife citation has been furnished by the issuing state to the
389 home state licensing authority; provided, that the violation shall have been a violation of law
390 under the licensing authority of the home state. Due process safeguards shall be accorded.

391 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,
392 the licensing authority of the home state shall enter such conviction in its records and shall treat
393 such conviction as though it occurred in the home state for the purposes of suspension of license
394 privileges; provided, that the violation resulting in the conviction in the issuing state would have
395 also have been a violation of law under the licensing authority of the home state.

396 (c) The licensing authority of the home state shall maintain a record of actions taken and
397 shall make reports to issuing states pursuant to the compact manual.

398 Section 6. (a) Notwithstanding the provisions of subsections (a) and (b) of section 5, each
399 participating home state may in its discretion recognize the suspension of a person's license
400 privileges by another participating issuing state even if the violation resulting in the suspension
401 would not have been a violation of the participating home state.

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

404 Section 7. Except as expressly required by the interstate wildlife violator compact, the
405 compact shall not affect the right of any participating state to apply its laws relating to license
406 privileges to a person or circumstance or to invalidate or prevent an agreement or other

407 cooperative arrangement between a participating state and a nonparticipating state concerning
408 the enforcement of wildlife laws.

409 Section 8. (a) For the purpose of administering the interstate wildlife violator compact
410 and to serve as a governing body for the resolution of all matters relating to the compact, there
411 shall be a board of compact administrators. The board shall be composed of 1 representative
412 from each of the participating states who shall be known as a compact administrator. A compact
413 administrator shall be appointed by the head of the licensing authority of each participating state
414 and shall serve and be subject to removal under the laws of the state that the compact
415 administrator represents; provided, however, that the compact administrator for the
416 commonwealth shall be the commissioner fish and game or a designee. The compact
417 administrator may provide for the discharge of the compact administrator's duties and the
418 performance of such functions as a board member by an alternate. An alternate shall not serve
419 unless written notification of the alternate's identity has been given to the board.

420 (b) Each member of the board of compact administrators shall be entitled to 1 vote. No
421 action of the board of compact administrators shall be binding unless taken at a meeting at which
422 a majority of the total number of the board's votes are cast in favor of the action. Action by the
423 board of compact administrators shall only occur at a meeting at which a majority of the
424 participating states are represented.

425 (c) The board of compact administrators shall annually elect from its membership a chair
426 and a vice chair.

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

430 (e) The board of compact administrators may accept donations and grants of money,
431 equipment, supplies, materials and services, conditional or otherwise, from any state, the United
432 States or any governmental agency and may receive, use and dispose of the same in order to
433 carry out the purposes and functions of the board under the interstate wildlife violator compact.

434 (f) The board of compact administrators may contract with or accept services or
435 personnel from a governmental or intergovernmental agency, individual, firm, corporation or
436 private, nonprofit organization or institution.

437 (g) The board of compact administrators shall formulate all necessary procedures and
438 develop uniform forms and documents for administering the compact. All procedures and forms
439 adopted by board action shall be contained in a compact manual.

440 Section 9. (a) The interstate wildlife violator compact shall become effective at such time
441 as it is adopted in substantially similar form by at least 2 states.

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

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

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

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

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

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

456 (e) A participating state may withdraw from the compact by official written notice to
457 each participating state; provided, that withdrawal shall not become effective until 90 days after
458 giving notice of withdrawal. The notice shall be directed to the compact administrator of each
459 member state. The withdrawal of any state shall not affect the validity of the compact as to the
460 remaining participating states.

461 Section 10. (a) The interstate wildlife violator compact may be amended. Amendments
462 shall be presented in resolution form to the chair of the board of compact administrators and shall
463 be initiated by 1 or more participating states.

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

466 Section 11. The interstate wildlife violator compact shall be liberally construed to
467 effectuate the purposes stated herein. The provisions of the compact shall be severable and if any

468 phrase, clause, sentence or provision of the compact is declared to be contrary to the constitution
469 of a participating state or of the United States or if the applicability thereof to any government,
470 agency, individual or circumstance is held to be invalid, the validity of the remainder of the
471 compact shall not be affected. If the compact is held contrary to the constitution of a
472 participating state, the compact shall remain in full force and effect as to the remaining states and
473 in full force and effect as to the participating state affected as to all severable matters.

474 SECTION 7. The division of fisheries and wildlife and the division of marine fisheries
475 shall each promulgate rules or regulations within 1 year after the effective date of this act for
476 their respective implementation of the interstate wildlife violator compact established in chapter
477 131B of the General Laws.