

SENATE No. 2993

The Commonwealth of Massachusetts

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

SENATE, July 11, 2022.

The committee on Senate Ways and Means to whom was referred the House Bill further regulating the enforcement of illegal hunting practices (House, No. 4442); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2993.

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

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

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

7 (b) A person notified to appear before the clerk of a district court as provided in section
8 10G for:

9 (i) a violation of the regulations promulgated pursuant to section 11B, the regulations
10 promulgated pursuant to chapter 90B, the rules and regulations of the division of fisheries and
11 wildlife regulating activity on land under the management of the division or for a violation of
12 section 2 to 4, inclusive, 5, 5A, 6, 7, subsection (b) of section 9, section 12, 12A or 13A of said
13 chapter 90B may so appear within the time specified and pay a fine of \$50;

14 (ii) a violation of sections 21 to 24, inclusive, of said chapter 90B may so appear and pay
15 a fine of \$250;

16 (iii) a violation of section 5C of said chapter 90B may so appear and pay a fine of \$2,000;

17 (iv) a violation of the regulations promulgated pursuant to section 17A, of section 18, 19,
18 30, 31, 33 to 36, inclusive, 51, 51A, 66, 69 to 72, inclusive, 100C or 102 of chapter 130 may so
19 appear and pay a fine of \$100;

20 (v) a violation of section 13, 17, 21, 29, 37, 38, 38A, 39, 41, 41A, 44, 44A, 44B, 47, 49,
21 80, 81, 82, 92, 100A, 100B or 106 of said chapter 130 may so appear and pay a fine of \$200;

22 (vi) a violation of section 23, 25, 67, 68, 75, 95 or 100D of said chapter 130 may so
23 appear and pay a fine of \$400;

24 (vii) a violation of section 73 of chapter 131 may so appear and pay a fine of \$500;

25 (viii) a violation of section 17, 17A, 34, 35, 37, 41, 41A, 44, 44A, 44B or 95, of the
26 regulations promulgated pursuant to section 100A or of section 100B or 100C of said chapter
27 130 may so appear and pay, in addition to the applicable fine specified in this section, a
28 supplemental fine of \$10 per fish; provided, however, that for the purpose of this paragraph, the
29 term “fish” shall have the meaning provided in section 1 of said chapter 130, but shall not
30 include bi-valve shellfish;

31 (ix) a violation of section 21A, 60 to 65A, inclusive, 68, 75A or 77A of said chapter 131
32 may so appear and pay a fine of \$200; or

33 (x) a violation of subsection (b), (c) or (e) of section 8 of said chapter 90B or any other
34 violation of said chapter 131 may so appear and pay a fine of \$100.

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

37 The established borders of a wildlife sanctuary, including any entry path or way, shall be
38 posted to provide conspicuous notice to the public of the designation of the land as a wildlife
39 sanctuary and of the prohibitions under this section. If the required notice has not been posted, a
40 person shall have an affirmative defense against an alleged violation of a prohibition under this
41 section.

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

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

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

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

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

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

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

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

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

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

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

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

79 SECTION 5. Said chapter 131 is hereby further amended by striking out sections 90 and
80 90A, as so appearing, and inserting in place thereof the following 3 sections:-

81 Section 90. (a) (1) Whoever violates clause (14) of section 4 relative to a dam or
82 obstruction for passage of anadromous fish or who refuses or neglects to keep open or maintain a
83 fishway as prescribed by the director shall be punished by a fine of \$50 for each day that such
84 person fails to keep open or maintain the dam or fishway as prescribed.

85 (2) 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, 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 wild
88 turkey, unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken,
89 molested, distributed or destroyed, a person shall be punished by a fine of not less than \$100 but
90 not more than \$500. For each deer unlawfully killed or possessed, a person shall be punished by
91 a fine of not less than \$500 but not more than \$3,000, by imprisonment for not more than 6
92 months or by both such fine and imprisonment. For each bear unlawfully killed or possessed, a
93 person shall be punished by a fine of not less than \$1,000 but not more than \$5,000, by
94 imprisonment for not more than 6 months or by both such fine and imprisonment. For each wild
95 turkey unlawfully killed or possessed, a person shall be punished by a fine of not less than \$500
96 but not more than \$3,000, by imprisonment for not more than 6 months or by both such fine and
97 imprisonment.

98 (3) Whoever violates section 5C shall be punished by a fine of not less than \$100 but not
99 more than \$500 or by imprisonment for not more than 14 days, or by both such fine and
100 imprisonment.

101 (4) Whoever violates section 16, 28, 33, 48, 61, 63, 64 or 70 or any rule or regulation
102 made under authority thereof shall be punished by a fine of not less than \$50 but not more than
103 \$100, by imprisonment for not more than 60 days or by both such fine and imprisonment.

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

107 (6) Whoever violates section 21A or 68 shall be punished by a fine of not less than \$300
108 but not more than \$1,000, by imprisonment for not more than 1 year or by both such fine and
109 imprisonment. In addition, for each bird or mammal, other than a deer, bear or wild turkey,
110 unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken, molested,
111 distributed or destroyed, a person shall be punished by a fine of not less than \$200 but not more
112 than \$500. For each deer unlawfully killed or possessed, a person shall be punished by a fine of
113 not less than \$200 but not more than \$500, by imprisonment for not more than 6 months or by
114 both such fine and imprisonment. For each bear unlawfully killed or possessed, a person shall be
115 punished by a fine of not less than \$300 but not more than \$1,000, by imprisonment for not more
116 than 6 months or by both such fine and imprisonment. For each wild turkey unlawfully killed or
117 possessed, a person shall be punished by a fine of not less than \$200 but not more than \$500, by
118 imprisonment for not more than 6 months or by both such fine and imprisonment.

119 (7) Whoever violates section 22 shall be punished by a fine of not less than \$200 but not
120 more than \$500, by imprisonment for not more than 6 months or by both such fine and
121 imprisonment for each fish, bird or mammal, other than a deer, bear or moose, unlawfully
122 bought, sold, bartered, exchanged, offered or exposed for sale or had in possession for the

123 purpose of sale. In the case of a deer, moose or bear, a person shall be punished by a fine of not
124 less than \$1,000 but not more than \$5,000, by imprisonment for not more than 1 year or by both
125 such fine and imprisonment. A person found guilty of or convicted of a violation of section 22
126 who is the holder of a hunting or sporting license issued under this chapter shall lose any rights
127 thereunder and the license shall be surrendered to an officer empowered to enforce this chapter.
128 No other hunting or sporting license shall be granted to that person for at least 1 year.

129 (8) Whoever violates section 41 to 43, inclusive, shall be punished by a fine of not less
130 than \$100 but not more than \$5,000, by imprisonment for not more than 2 years or by both such
131 fine and imprisonment.

132 (9) Whoever violates section 65 shall be punished by a fine of not less than \$200 but not
133 more than \$500 or by imprisonment for not more than 1 year, or by both such fine and
134 imprisonment.

135 (10) Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than
136 \$200 but not more than \$500 or by imprisonment for not more than 1 year, or by both such fine
137 and imprisonment.

138 (11) Whoever violates section 73 shall be punished by a fine of not less than \$1,000 but
139 not more than \$5,000, by imprisonment for not more than 1 year or by both such fine and
140 imprisonment.

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

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

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

154 (15) Whoever violates section 77 shall be punished by a fine of not less than \$200 but not
155 more than \$500, by imprisonment for not more than 30 days or by both such fine and
156 imprisonment.

157 (16) Whoever violates section 77A shall be punished by a fine of not less than \$300 but
158 not more than \$1,000.

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

165 (c) In addition to the penalties provided in this section, a person convicted of the illegal
166 taking or possession of animals, birds, fur-bearing animals or fish resulting in the injury, death or

167 destruction of such animal, bird, fur-bearing animal or fish shall be required to make restitution
168 to the commonwealth for the value of each animal, bird, fur-bearing animal or fish so taken or
169 possessed as follows:

170 (i) deer, moose or bear: \$500 per animal; provided, however, that if the animal taken is
171 deemed to be a trophy standard, as categorized by a professional organization, the restitution
172 shall be \$1,000 per animal;

173 (ii) raptor or bird of prey: \$500 per animal;

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

175 (iv) fox, coyote or beaver: \$100 per animal;

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

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

178 (vii) fish: \$25 per fish; and

179 (viii) any other animal or bird: \$50 per animal or bird.

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

184 (i) endangered species: \$2,000;

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

186 (iii) species of special concern: \$500.

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

188 (d) For a conviction involving the illegal taking or possession of animals, birds, fur-
189 bearing animals and fish, the court may order the defendant to reimburse the commonwealth in a
190 sum that exceeds the amounts established in subsection (c). Such reimbursement shall be paid
191 directly to the court. If 2 or more defendants are convicted of the illegal taking or possession of
192 an animal, bird, fur-bearing animal or fish, the reimbursement shall be declared against the
193 defendants jointly and severally. The court ordering such reimbursement shall remit the funds as
194 prescribed in section 3.

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

198 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or
199 revoked in any other jurisdiction in the United States or Canada for an offense in that jurisdiction
200 shall not be issued a license for such activity in the commonwealth, or, if such a license has been
201 issued in the commonwealth at the time, such license shall be suspended and not renewed during
202 the period of the suspension or revocation in the other jurisdiction if, after notice and an
203 opportunity for a hearing, the director determines that the offense carrying the suspension or
204 revocation would constitute a violation of section 5, 10, 13, 21A, 22, 61, 62, 64, 65, 68, 69, 73,
205 to 75A, inclusive, 79 to 80A, inclusive, or 82.

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

209 A person who hunts, traps or fishes in the commonwealth after suspension of a license
210 pursuant to this section shall be punished in accordance with the penalties assessed under section
211 90 for hunting, trapping or fishing without a license in violation of section 11. A person who
212 fails to immediately return a license in violation of this section shall be punished by a fine of not
213 less than \$200 but not more than \$500.

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

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

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

223 A person penalized pursuant to this section shall immediately surrender any license,
224 permit or certificate issued pursuant to this chapter to an environmental police officer, deputy or
225 other officer authorized to enforce this chapter, except a license issued under clause (3), (4) or
226 (6) of the seventh paragraph of section 23. The surrendered license, permit or certificate shall be
227 void. No person or a person acting on that person's behalf shall be given or apply for a license,

228 permit or certificate that was voided due to a violation of this section for not less than 10 years
229 from the date that such person was found guilty or penalized and any license, permit or
230 certificate wrongfully issued shall be void and shall be surrendered to an officer authorized to
231 enforce this chapter.

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

234 Chapter 131B.

235 INTERSTATE WILDLIFE VIOLATOR COMPACT.

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

241 Notwithstanding any general or special law or provision of the compact manual to the
242 contrary, upon entry of the commonwealth into the compact, a violation resulting in a citation,
243 conviction or suspension within another participating jurisdiction shall also constitute a violation
244 of section 90A of chapter 131 or chapter 131A, as determined by the director of fisheries and
245 wildlife, or a violation of chapter 130, as determined by the director of marine fisheries, in order
246 for the applicable division to take a reciprocal action in the commonwealth to suspend, deny or
247 deny renewal of a license pursuant to section 5.

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

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

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

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

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

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

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

265 (vii) a person who is cited for a wildlife violation in a state other than that person's home
266 state may be:

267 (A) required to post collateral or a bond to secure appearance for a trial at a later date;

268 (B) if unable to post collateral or bond, taken into custody until the collateral or bond is
269 posted; or

270 (C) taken directly to court for an immediate appearance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

310 “Citation”, a summons, complaint, ticket, penalty assessment or other official document
311 issued by a wildlife officer or peace officer for a wildlife violation which contains an order
312 requiring the recipient to respond.

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

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

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

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

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

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

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

331 “Licensing authority”, the agency within each participating state that is authorized by law
332 to issue or approve licenses or permits to hunt, fish, trap or possess wildlife. In the
333 commonwealth, the licensing authority for licenses or permits issued pursuant to chapter 131 or
334 chapter 131A shall be the division of fisheries and wildlife and the licensing authority for
335 licenses or permits issued pursuant to chapter 130 shall be the division of marine fisheries.

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

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

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

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

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

345 “Wildlife”, all species of animals including, but not limited to, mammals, birds, fish,
346 reptiles, amphibians, mollusks and crustaceans, which are defined as “wildlife” and are protected
347 or otherwise regulated by law, regulation, ordinance or administrative rule in a participating
348 state; provided, however, that species included in the definition of “wildlife” may vary from state

349 to state and the determination of whether a species is “wildlife” for the purposes of this compact
350 shall be based on state law.

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

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

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

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

362 (b) Personal recognizance shall be acceptable if:

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

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

366 (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation,
367 the appropriate official shall report the conviction or failure to comply to the licensing authority
368 of the participating state in which the wildlife citation was issued. The report shall be made

369 pursuant to procedures specified by the issuing state and shall contain information as specified in
370 the compact manual as minimum requirements for effective processing by the home state.

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

374 Section 5. (a) Upon receipt of a report of a failure of a violator to comply with the terms
375 of a citation from the licensing authority of the issuing state, the licensing authority of the home
376 state shall notify the violator, initiate a suspension action in accordance with the home state's
377 suspension procedures and suspend the violator's license privileges until satisfactory evidence of
378 compliance with the terms of the wildlife citation has been furnished by the issuing state to the
379 home state licensing authority; provided, however, that the violation shall have been a violation
380 of law under the licensing authority of the home state. Due process safeguards shall be accorded.

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

386 (c) The licensing authority of the home state of a violator shall maintain a record of
387 actions taken against violators and shall make reports to issuing states pursuant to the compact
388 manual.

389 Section 6. (a) Notwithstanding subsections (a) and (b) of section 5, each participating
390 home state may recognize the suspension of a person's license privileges by another participating

391 issuing state even if the violation resulting in the suspension would not have been a violation of
392 the participating home state.

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

395 Section 7. Except as expressly required by the interstate wildlife violator compact, the
396 compact shall not affect the right of any participating state to apply its laws relating to license
397 privileges to a person or circumstance or to invalidate or prevent an agreement or other
398 cooperative arrangement between a participating state and a nonparticipating state concerning
399 the enforcement of wildlife laws.

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

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

413 a majority of the total number of the board's votes are cast in favor of the action. Action by the
414 board of compact administrators shall only occur at a meeting at which a majority of the
415 participating states are represented.

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

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

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

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

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

431 Section 9. (a) The interstate wildlife violator compact shall become effective at such time
432 as it is adopted in substantially similar form by not less than 2 states.

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

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

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

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

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

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

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

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

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

457 Section 11. The interstate wildlife violator compact shall be liberally construed to
458 effectuate the purposes stated herein. The provisions of the compact shall be severable and if any
459 phrase, clause, sentence or provision of the compact is declared to be contrary to the constitution
460 of a participating state or of the United States or if the applicability thereof to any government,
461 agency, individual or circumstance is held to be invalid, the validity of the remainder of the
462 compact shall not be affected. If the compact is held contrary to the constitution of a
463 participating state, the compact shall remain in full force and effect as to the remaining states and
464 in full force and effect as to the participating state affected as to all severable matters.

465 SECTION 7. The division of fisheries and wildlife and the division of marine fisheries
466 shall each promulgate rules or regulations within 1 year after the effective date of this act for
467 their respective implementation of the interstate wildlife violator compact established in chapter
468 131B of the General Laws.