SENATE DOCKET, NO. 1456 FILED ON: 2/17/2021

SENATE . . . . . No. 547

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 relative to outdoor heritage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*

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SENATE . . . . . No. 547

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 547) of Anne M. Gobi for legislation relative to outdoor heritage. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2501* OF 2019-2020.]

The Commonwealth of Massachusetts

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

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:

SECTION 1. Section 26 of chapter 90B of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

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

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

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

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

SECTION 4. Said Chapter 131 of the General Laws, as so appearing, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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