

**HOUSE . . . . . No. 1479**

The Commonwealth of Massachusetts

PRESENTED BY:

***Brian R. Mannal***

*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 poaching.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

*Diana DiZoglio*  
*Paul R. Heroux*

*14th Essex*  
*2nd Bristol*

**HOUSE . . . . . No. 1479**

By Mr. Mannal of Barnstable, a petition (accompanied by bill, House, No. 1479) of Brian R. Mannal and others for legislation to increase the penalties for violations of certain hunting laws. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1198 OF 2013-2014.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act relative to poaching.

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

1 SECTION 1. Section 21A of chapter 131 of the general laws, is hereby amended by  
2 striking out, in the last paragraph, the figure "\$300" and inserting in place thereof the following  
3 figure:- \$1000.

4 SECTION 2. Said Section 21A of chapter 131 of the general laws, is hereby further  
5 amended by striking out, in the last paragraph, the figure "\$1000" and inserting in place thereof  
6 the following figure:- \$5000.

7 SECTION 3. Section 34 of chapter 131 of the general laws, is hereby further amended by  
8 striking out, in the first paragraph, the words "eleven, thirty-two, sixty-two, sixty-five, sixty-  
9 eight, seventy-three, seventy-five.

10 SECTION 4. Section 34 of chapter 131 of the general laws, is hereby further amended by  
11 striking out, in the first paragraph, the words "or for fishing, hunting or trapping outside the  
12 season established under section five, or for the unlawful taking or possession of a deer,"

13 SECTION 5. Section 34 of chapter 131 of the general laws, is hereby further amended by  
14 inserting the following paragraph after the last paragraph:- A license, permit, or certificate issued  
15 under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section  
16 twenty-three, held by a person found guilty of, or convicted of, or assessed in any manner after a  
17 plea of nolo contendere, or penalized for, a violation of section five, ten, eleven, thirty-two,  
18 sixty-two, sixty-five, sixty-eight, seventy-three, seventy-five, or eighty-five, for which that  
19 particular license, permit, or certificate was issued, such particular license, permit, or certificate  
20 shall be void, and shall immediately be surrendered to an officer authorized to enforce this  
21 chapter. Said person or a person acting on his behalf shall not be given or make application for,  
22 that particular license, permit or certificate with respect to the violation for which said person  
23 was found guilty or penalized as aforesaid, during the period of not less than one year and not  
24 more than three years from the date such person was found guilty or penalized, and such  
25 particular license, permit or certificate so issued shall be void and shall be surrendered to an  
26 officer authorized to enforce this chapter.

27 A license, permit, or certificate issued under a provision of this chapter, except a license  
28 issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or  
29 convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a  
30 second violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight,  
31 seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate  
32 was issued, such particular license, permit, or certificate shall be void, and shall immediately be

33 surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his  
34 behalf shall not be given or make application for, that particular license, permit or certificate  
35 with respect to the violation for which said person was found guilty or penalized as aforesaid,  
36 during the period of not less than three years and not more than ten years from the date such  
37 person was found guilty or penalized, and such particular license, permit or certificate so issued  
38 shall be void and shall be surrendered to an officer authorized to enforce this chapter.

39           A license, permit, or certificate issued under a provision of this chapter, except a license  
40 issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or  
41 convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a third  
42 or subsequent violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight,  
43 seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate  
44 was issued, such particular license, permit, or certificate shall be void, and shall immediately be  
45 surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his  
46 behalf shall not be given or make application for, that particular license, permit or certificate  
47 with respect to the violation for which said person was found guilty or penalized as aforesaid,  
48 during the period of not less than ten years and not more than a lifetime from the date such  
49 person was found guilty or penalized, and such particular license, permit or certificate so issued  
50 shall be void and shall be surrendered to an officer authorized to enforce this chapter.

51           SECTION 6. Section 90 of chapter 131 of the general laws is hereby amended by striking  
52 out, in the first paragraph, the words "five, ten, eleven, thirty-two, sixty-two, eighty-five or"

53           SECTION 7. Section 90 of chapter 131 of the general laws is hereby further amended by  
54 inserting the following paragraph after the first paragraph:- Whoever violates any provision of

55 section five, ten , eleven, thirty-two, sixty-two, eighty-five, or any rule or regulation made under  
56 authority thereof, shall be punished by a fine of not less than one hundred nor more than five  
57 hundred dollars, or by imprisonment for not more than ninety days, or both such fine and  
58 imprisonment; in addition, for each bird or mammal other than a deer, bear or turkey unlawfully  
59 killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, distributed or  
60 destroyed, by a fine of not less than fifty nor more than two hundred dollars; and for each deer  
61 unlawfully killed or unlawfully possessed, by a fine of not less than five hundred nor more than  
62 three thousand dollars, or by imprisonment for not more than six months, or both such fine and  
63 imprisonment; and for each bear unlawfully killed or unlawfully possessed, by a fine of not less  
64 than one thousand nor more than ten thousand dollars, or by imprisonment for not more than six  
65 months, or both such fine and imprisonment; and for each turkey unlawfully killed or unlawfully  
66 possessed, by a fine of not less than five hundred nor more than three thousand dollars, or by  
67 imprisonment for not more than six months, or both such fine and imprisonment.

68 SECTION 8. Section 90 of chapter 131 of the general laws is hereby further amended by  
69 striking out, in the second paragraph, the words "five hundred" and inserting in place thereof the  
70 following words:- one thousand.

71 SECTION 9. Section 90 of chapter 131 of the general laws is hereby further amended by  
72 striking out, in the second paragraph, the word "two" and inserting in place thereof the following  
73 word:- five.

74 SECTION 10. Section 90 of chapter 131 of the general laws is hereby further amended  
75 by striking out, in the second paragraph, the word "six" and inserting in place thereof the  
76 following word:- twelve.

77 SECTION 11. Section 90 of chapter 131 of the general laws is hereby further amended  
78 by striking out, in the third paragraph, the word "sixty-eight"

79 SECTION 12. Section 90 of chapter 131 of the general laws is hereby further amended  
80 by inserting the following paragraph after the third paragraph:- Whoever violates any provision  
81 of section sixty eight, or of any rule or regulation made under authority thereof, shall be punished  
82 by a fine of not less than five hundred nor more than three thousand dollars, or by imprisonment  
83 for not more than one year, or both.

84 SECTION 13. Section 90 of chapter 131 of the general laws is hereby further amended  
85 by striking out the fourth paragraph and inserting in place thereof the following paragraph:-  
86 Whoever violates any provision of section twenty-two, or of any rule or regulation made under  
87 authority thereof, shall be punished by a fine of not less than fifty nor more than one thousand  
88 dollars, or by imprisonment for not more than six months, or both for each fish, bird or mammal,  
89 other than a deer, bear, or moose, unlawfully bought, sold, bartered, exchanged, offered or  
90 exposed for sale, or had in possession for the purpose of sale, and in case of a deer, by a fine of  
91 not less than one thousand nor more than five thousand dollars or by imprisonment for not more  
92 than one year, or both, and in the case of a bear, by a fine of not less than two thousand nor more  
93 than ten thousand dollars or by imprisonment for not more than one year, or both, and in the case  
94 of a moose, not less than one thousand nor more than five thousand dollars or by imprisonment  
95 for not more than one year, or both. Any person found guilty of, or convicted of, any violation of  
96 this section who is the holder of any hunting or sporting license issued under the provisions of  
97 this chapter shall forthwith lose any rights thereunder, and said license shall be surrendered to  
98 any officer empowered to enforce the provisions of this chapter and no other hunting or sporting  
99 license shall be granted to him for a period not less than one year nor more than lifetime.

100 SECTION 14. Section 90 of chapter 131 of the general laws is hereby further amended  
101 by striking out, in the sixth paragraph, the following words "sixty-five"

102 SECTION 15. Section 90 of chapter 131 of the general laws is hereby further amended  
103 by inserting the following paragraph after the sixth paragraph:- Whoever violates any provision  
104 of section sixty-five shall be punished by a fine of not less than five hundred dollars nor more  
105 than three thousand hundred dollars, or by imprisonment for not more than thirty days, or both.

106 SECTION 16. Section 90 of chapter 131 of the general laws is hereby further amended  
107 by striking out, in the ninth paragraph, the words "one hundred" and inserting in place thereof the  
108 following words:- three hundred.

109 SECTION 17. Section 90 of chapter 131 of the general laws is hereby further amended  
110 by striking out, in the ninth paragraph, the words "five hundred" and inserting in place thereof  
111 the following words:- one thousand.

112 SECTION 18. Section 90 of chapter 131 of the general laws is hereby further amended  
113 by striking out the eleventh paragraph and inserting in place thereof the following paragraph:-  
114 Whoever violates any provision of section seventy-five A shall be punished by a fine of not less  
115 than one thousand nor more than ten thousand dollars or by imprisonment for not more than six  
116 months or both; and such person, subject to the provisions of section thirty-four, shall not be  
117 issued a license or permit or certificate under authority of any provision of this chapter during the  
118 period of not less than three years nor more than a lifetime from the date of being found guilty or  
119 penalized as aforesaid.

120 SECTION 19. Section 90A of chapter 131 of the general laws is hereby amended by  
121 striking out the last sentence of the first paragraph and inserting in place thereof the following



122 paragraph:- Any person who hunts, traps, or fishes in the commonwealth when that person's  
123 privilege to conduct such activity has been suspended or revoked in any jurisdiction of the  
124 United States or Canada for an offense that would constitute a violation of section ten, thirteen,  
125 twenty-two, sixty-one, sixty-two, sixty-four, sixty-five, sixty-eight, sixty-nine, seventy-three,  
126 seventy-four, seventy-five, seventy-five A, seventy-nine, eighty, eighty A, or eighty-two, shall be  
127 punished consistent with the penalties assessed for hunting, trapping, or fishing without a license  
128 in violation of Section 11 of this Chapter. Any person who fails to immediately return a license  
129 in violation of this section shall be punished by a fine of not less than fifty nor more than two  
130 hundred dollars.

131 SECTION 20. Section 90B of chapter 131 of the general laws is hereby added with the  
132 following paragraphs:- Section 90B. Penalties for Multiple Offenses

133 Whoever violates any provision of section five, twenty-two, sixty-five, or sixty-eight, or  
134 any rule or regulation made under authority thereof, and has thereby violated any of these  
135 sections, rules, or regulations with respect to three or more animals of any species covered by  
136 this section within the preceding ten years, shall be punished by a fine of not less than one  
137 thousand nor more than fifteen thousand dollars, or by imprisonment for not more than five years  
138 in state prison, or both such fine and imprisonment.

139 The penalties set forth in this section shall apply to the violation in which the total  
140 number of animals involved in violations by the person within the last ten years reaches three or  
141 more animals, and also shall apply to every violation thereafter.

142 Species covered by this section are deer, turkey, moose, fisher, bobcat, bear, any bird of  
143 prey as defined in section seventy-five A of this chapter, and any endangered, threatened, or

144 special concern species included on the official Massachusetts List of Endangered Wildlife and  
145 Wild Plants established pursuant to section four of chapter one-hundred thirty-one A.

146           Any person penalized pursuant to this section shall immediately surrender to an officer  
147 authorized to enforce this chapter any license, permit, or certificate issued under a provision of  
148 this chapter for which said person was found guilty or penalized, except a license issued under  
149 clauses (3), (4) or (6) of section twenty-three, and such surrendered license, permit, or certificate  
150 shall be void. Said person or a person acting on his behalf shall not be given or make application  
151 for, that particular license, permit or certificate with respect to the violation as aforesaid, during  
152 the period of not less than ten years and not more than a lifetime from the date such person was  
153 found guilty or penalized, and any license, permit or certificate so issued shall be void and shall  
154 be surrendered to an officer authorized to enforce this chapter.