

HOUSE No. 4131

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 17, 2019.

The committee on Environment, Natural Resources and Agriculture to whom were referred the petition (accompanied by bill, Senate, No. 507) of Michael O. Moore, James T. Welch, Jason M. Lewis, Jack Patrick Lewis and other members of the General Court for legislation further regulating the enforcement of illegal hunting practices and the petition (accompanied by bill, House, No. 773) of Lori A. Ehrlich and others relative to the enforcement of illegal hunting practices, reports recommending that the accompanying bill (House, No. 4131) ought to pass.

For the committee,

SMITTY PIGNATELLI.

HOUSE No. 4131

The Commonwealth of Massachusetts

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

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
2 section 10H, as appearing in the 2018 Official Edition, and as amended by section 13 of chapter
3 41 of the acts of 2019, and inserting in place thereof the following 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, or 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 said 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 said chapter 90B, or for a violation of
12 section 35, 37, 38, 38A, 41, 41A, 44, 67, 68, 80, 92, 100A or 100C of chapter 130, or all other
13 violations of chapter 131, not mentioned below, may so appear and pay a fine of \$100.

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

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

19 A person notified to appear before the clerk of a district court as provided in
20 section 10G for a violation of section 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69 to 72,
21 inclusive, 100C or 102 of chapter 130, may so appear and pay a fine of \$100.

22 A person notified to appear before the clerk of a district court as provided in section 10G
23 for a violation of section 13, 17, 21, 29, 37, 38, 38A, 39, 40, 41, 41A, 44, 44A, 44B, 47, 49, 80,
24 81, 82, 92, 100A, 100B or 106 of said chapter 130, may so appear and pay a fine of \$200.

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

28 A person notified to appear before the clerk of a district court as provided in
29 section 10G for a violation of section 475 of said chapter 130, or for a violation of section 73 of
30 chapter 131, may so appear and pay a fine of \$500.

31 A person notified to appear before the clerk of a district court as provided in section
32 10G for a violation of section 17, 17A, 34, 35, 37, 40, 41, 41A, 44, 44A, 44B, 95, 100A, 100B or
33 100C of said chapter 130, may so appear and pay, in addition to the applicable fine specified in
34 this section, a supplemental fine of \$10 per fish; provided, however, that for the purpose of this

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

37 A person notified to appear before the clerk of a district court as provided in section
38 10G for a violation of any provision of section 21A, 60 to 65A inclusive, 68, 75A and 77A of
39 said chapter 131 may so appear and pay a fine of \$200.

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

43 SECTION 2. Section 10 of chapter 131 of the General Laws, as appearing in the 2018
44 Official Edition, is hereby amended by adding after the first paragraph the following 2
45 paragraphs:-

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

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

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

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

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

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

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

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

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

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

79 (vi) a third or subsequent violation of section 10, for not less than 5 years but not more
80 than 10 years from the date that person was found guilty of or penalized for the 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 and 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
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
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 turkey,
103 unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken, molested,
104 distributed or destroyed, a person shall be punished by a fine of not less than \$100 but not more
105 than \$500. For each deer unlawfully killed or possessed, a person shall be punished by a fine of
106 not less than \$500 but not more than \$3,000 or by imprisonment for not more than 6 months, or
107 by both such fine and imprisonment. For each bear unlawfully killed or possessed, a person shall
108 be punished by a fine of not less than \$1,000 but not more than \$5,000 or by imprisonment for
109 not more than 6 months, or by both such fine and imprisonment. For each turkey unlawfully
110 killed or possessed, a person shall be punished by a fine of not less than \$500 but not more than
111 \$3,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment.

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

115 Whoever violates section 16, 28, 33, 48, 61, 63, 64 or 70, or any rule or
116 regulation made under authority thereof, shall be punished by a fine of not less than \$50 but not
117 more than \$100 or by imprisonment for not more than 60 days, or by both such fine and
118 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 any provision of section 41 to 43, inclusive, shall be punished by a fine
133 of not less than \$100 but not more than \$5,000 or by imprisonment for not more than 2 years, or
134 by both such 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 or destroyed.

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, molested, disturbed, 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, subject 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 said 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
170 more than \$500, or by imprisonment for not more than 30 days, or by both such fine and
171 imprisonment. Upon a conviction for a violation of this chapter, any net, snare, trap, jacklight or
172 other similar device used by a person or any bird or mammal taken in violation of this chapter
173 shall be forfeited to the commonwealth and shall be disposed of by the director of law
174 enforcement.

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

179 (i) Deer, moose or bear: \$500 per animal; if the animal taken is deemed to be a trophy
180 standard as categorized by a professional organization such as Northeast Big Buck club, Boone
181 and Crocket or Pope and Young organizations, but not limited to, the restitution shall be \$1,000
182 per animal;

- 183 (ii) Raptor or bird of prey: \$500 per animal;
- 184 (iii) Wild turkey, fisher, bobcat or otter: \$300 per animal;
- 185 (iv) Fox, coyote or beaver: \$100 per animal;
- 186 (v) Mink, muskrat, raccoon, wild rabbit, hare or gray squirrel: \$50 per animal;
- 187 (vi) Ruffed grouse, pheasant, quail, woodcock or migratory waterfowl: \$50 per bird;
- 188 (vii) Fish: \$25 per fish; and
- 189 (viii) Other animals or birds: \$50 per animal or bird.

190 A person convicted of the illegal taking or possession of Endangered, Threatened and
191 Special Concern Species included on the official list of Endangered, Threatened and Special
192 Concern Species established pursuant to section 4 of chapter 131A may be required to make
193 restitution to the commonwealth for the value of each such species illegally taken or possessed as
194 follows:

- 195 (i) Endangered Species: \$2,000;
- 196 (ii) Threatened Species: \$1,000; and
- 197 (iii) Special Concern Species: \$500.

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

199 For a conviction involving the illegal taking or possession of animals, birds, fur-bearing
200 animals and fish, the court may order the defendant to reimburse the commonwealth in a sum
201 that exceeds the amounts established in this section. Such reimbursement shall be paid directly to

202 the court. If 2 or more defendants are convicted of the illegal taking or possession of an animal,
203 bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants
204 jointly and severally. The court ordering such reimbursement shall remit the funds as prescribed
205 in section 3.

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

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

217 When a person's license is suspended pursuant to this section, the director shall
218 send prompt notice of such suspension to that person's last known address. A person whose
219 license is suspended shall immediately return the license to the division.

220 A person who hunts, traps or fishes in the commonwealth after suspension of the person's
221 license pursuant to this section, shall be punished in accordance with the penalties assessed under
222 section 90 for hunting, trapping or fishing without a license in violation of section 11. A person

223 who fails to immediately return a license in violation of this section shall be punished by a fine
224 of not less than \$200 but not more than \$500.

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

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

231 The species covered by this section shall include deer, turkey, moose, fisher, bobcat,
232 bear, any bird of prey as defined in section 75A and any Endangered, Threatened or Special
233 Concern species included on the official list of Endangered, Threatened and Special Concern
234 species established pursuant to section 4 of chapter 131A.

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

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

245 CHAPTER 131B

246 WILDLIFE VIOLATOR COMPACT

247 The director of the division of fisheries and wildlife in the department of fish and game
248 shall enter into a compact on behalf of the commonwealth, including the department's division
249 of marine fisheries, with any other jurisdiction legally joining therein in the form substantially as
250 follows; provided, however, that notwithstanding any provision of chapter 131B or the compact
251 manual to the contrary, a violation resulting in a citation, conviction or suspension by another
252 participating state pursuant to Article III must also constitute a violation pursuant to section 90A
253 of chapter 131 or of chapter 131A as determined by the division of fisheries and wildlife, or a
254 violation of chapter 130 as determined by the division of marine fisheries, in order for the
255 applicable division to take a reciprocal action in the commonwealth to suspend or deny or not
256 renew a license.

257 ARTICLE I. Findings and Purpose

258 (a) The participating states find that:

259 (1) wildlife resources are managed in trust by the respective states for the benefit
260 of all residents and visitors;

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

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

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

272 (5) violations of wildlife laws interfere with the management of wildlife resources
273 and may endanger the safety of people and property;

274 (6) the mobility of many wildlife law violators necessitates the maintenance of
275 channels of communication among the various states;

276 (7) in most instances, a person who is cited for a wildlife violation in a state other
277 than that person's home state is:

278 (i) required to post collateral or a bond to secure appearance for a trial at a
279 later date;

280 (ii) taken into custody until the collateral or bond is posted; or

281 (iii) taken directly to court for an immediate appearance;

282 (8) the purpose of the enforcement practices set forth in clause (7) is to ensure
283 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue

284 on after receiving the citation, could return to that person's home state and disregard the duty
285 established by the terms of the citation;

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

289 (10) the practices described in clause (7) cause unnecessary inconvenience and, at
290 times, a hardship for the person who is unable to post collateral at the time of the violation,
291 furnish a bond, stand trial or pay a fine and thus is compelled to remain in custody until some
292 alternative arrangement is made; and

293 (11) the enforcement practices described in clause (7) consume an undue amount
294 of time of law enforcement agencies.

295 (b) It is the policy of the participating states to:

296 (1) promote compliance with the laws, ordinances, regulations and administrative
297 rules relating to the management of wildlife resources in their respective states;

298 (2) recognize a suspension of the wildlife license privileges of a person whose
299 license privileges have been suspended by a participating state and treat that suspension as if it
300 had occurred in each respective state;

301 (3) allow a violator, if that violator's home state is a party to this compact, to
302 continue on, without delay, after receiving a wildlife citation in another member state, except as
303 provided in subsection (b) of Article III;

304 (4) report to the appropriate participating state, as provided in the compact
305 manual, any conviction recorded against a person whose home state was not the issuing state;

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

309 (6) extend cooperation to its fullest extent among the participating states for
310 enforcing compliance with the terms of a wildlife citation issued in 1 participating state to a
311 resident of another participating state;

312 (7) maximize the effective use of law enforcement personnel and information; and

313 (8) assist court systems in the efficient disposition of wildlife violations.

314 (c) The purpose of this compact is to:

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

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

321 ARTICLE II. Definitions

322 As used in this compact, the following words shall have the following meanings unless
323 the context clearly requires otherwise:

324 "Citation", a summons, complaint, ticket, penalty assessment or other official document
325 issued to a person by a wildlife officer or peace officer for a wildlife violation which contains an
326 order requiring the person to respond.

327 "Collateral", cash or other security deposited to secure an appearance for trial in
328 connection with the issuance by a wildlife officer or peace officer of a citation for a wildlife
329 violation.

330 "Compliance", the act of answering a citation by an appearance in a court or tribunal or
331 the payment of any fines, costs or surcharges.

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

339 "Court", a court of law, including a magistrate's court and the justice of the peace court.

340 "Home state", the state of primary residence of a person.

341 "Issuing state", the participating state that issues a wildlife citation to the violator.

342 "License" a license, permit or other public document that conveys to the person to whom
343 it was issued the privilege of pursuing, possessing or taking any wildlife regulated by law,
344 regulation, ordinance or administrative rule of a participating state, any privilege to obtain such

345 license, permit or other public document or any statutory exemption from the requirement to
346 obtain any such license, permit or other public document.

347 "Licensing authority", the department or division within each participating state that is
348 authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife.

349 "Participating state", any state that enacts legislation to become a member of the
350 Interstate Wildlife Violator Compact.

351 "Personal recognizance", an agreement by a person, made at the time a wildlife citation is
352 issued, that such person will comply with the terms of the citation.

353 "State", a state, territory or possession of the United States, the District of Columbia, the
354 commonwealth of Puerto Rico, the provinces of Canada and other countries.

355 "Suspension", revocation, denial or withdrawal of license privileges, including the
356 privilege to apply for, purchase or exercise the benefits conferred by a license.

357 "Terms of the citation", conditions and options expressly stated on the citation.

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

364 "Wildlife law", a law, regulation, ordinance or administrative rule developed and enacted
365 for the management and use of wildlife resources.

366 "Wildlife officer", an individual authorized by a participating state to issue a citation for a
367 wildlife violation.

368 "Wildlife violation", a cited violation of a law, regulation, ordinance or administrative
369 rule developed and enacted for the management and use of wildlife resources.

370 ARTICLE III. Procedures for Issuing State

371 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation
372 to a person whose primary residence is in a participating state in the same manner as though the
373 person were a resident of the issuing state and shall not require that person to post collateral to
374 secure appearance; provided, however, that subject to the exceptions noted in subsection (b), the
375 officer shall receive the recognizance of that person stating that the person will comply with the
376 terms of the citation.

377 (b) Personal recognizance shall be acceptable if it is not prohibited by local law, policy,
378 procedure or regulation of the issuing agency or by the compact manual; provided, however, that
379 the violator shall provide adequate proof of identification to the wildlife officer.

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

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

388 ARTICLE IV. Procedure for Home State

389 (a) Upon receipt of a report from the licensing authority of the issuing state reporting the
390 failure of a violator to comply with the terms of a citation, the licensing authority of the home
391 state shall notify the violator and shall initiate a suspension action in accordance with the home
392 state's suspension procedures and shall suspend the violator's license privileges until satisfactory
393 evidence of compliance with the terms of the wildlife citation has been furnished by the issuing
394 state to the home state licensing authority. Due process safeguards shall be accorded.

395 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,
396 the licensing authority of the home state shall enter such conviction in its records and shall treat
397 such conviction as though it occurred in the home state for the purposes of suspension of license
398 privileges.

399 (c) The licensing authority of the home state shall maintain a record of actions taken and
400 shall make reports to issuing states as provided in the compact manual.

401 ARTICLE V. Reciprocal Recognition of Suspension

402 (a) Each participating state may recognize the suspension of a person's license privileges
403 by another participating state as though the violation resulting in the suspension had occurred in
404 that state and would have been the basis for suspension of license privileges in that state.

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

407 ARTICLE VI. Applicability of Other Laws

408 Except as expressly required by this compact, this compact shall not affect the right of
409 any participating state to apply its laws relating to license privileges to a person or circumstance
410 or to invalidate or prevent an agreement or other cooperative arrangement between a
411 participating state and a nonparticipating state concerning the enforcement of wildlife laws.

412 ARTICLE VII. Compact Administrator Procedures

413 (a) For the purpose of administering this compact and to serve as a governing body for
414 the resolution of all matters relating to the operation of this compact, there shall be a board of
415 compact administrators. The board shall be composed of 1 representative from each of the
416 participating states who shall be known as the compact administrator. The compact administrator
417 shall be appointed by the head of the licensing authority of each participating state and shall
418 serve and be subject to removal under the laws of the state that the compact administrator
419 represents. The compact administrator for the commonwealth shall be the director of the division
420 of fisheries and wildlife or a designee. The compact administrator may provide for the discharge
421 of the compact administrator's duties and the performance of such functions as a board member
422 by an alternate. An alternate shall not serve unless written notification of the alternate's identity
423 has been given to the board.

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

426 number of the board's votes are cast in favor of the action. Action by the board shall be only at a
427 meeting at which a majority of the participating states are represented.

428 (c) The board shall annually elect, from its membership, a chair and a vice chair.

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

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

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

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

441 ARTICLE VIII. Entry into Compact and Withdrawal

442 (a) This compact shall become effective at such time as it is adopted in substantially
443 similar form by at least 2 states.

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

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

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

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

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

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

458 (e) A participating state may withdraw from participation in this compact by official
459 written notice to each participating state but withdrawal shall not become effective until 90 days
460 after giving notice of withdrawal. The notice shall be directed to the compact administrator of
461 each member state. The withdrawal of any state shall not affect the validity of this compact as to
462 the remaining participating states.

463 ARTICLE IX. Amendments to the Compact

464 (a) This compact may be amended. Amendments shall be presented in resolution form to
465 the chair of the board of compact administrators and shall be initiated by 1 or more participating
466 states.

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

469 ARTICLE X. Construction and Severability

470 This compact shall be liberally construed so as to effectuate the purposes stated herein.

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

478 SECTION 7. The division of fisheries and wildlife and the division of marine fisheries
479 shall each promulgate rules and regulations for their respective implementation of the Wildlife
480 Violator Compact established in chapter 131B of the General Laws within 1 year after the
481 effective date of this act.