

**HOUSE . . . . . No. 736**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Anne M. Gobi, George N. Peterson, Jr.**

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*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 passage of the accompanying bill:

**An Act safeguarding our natural resources.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	5th Worcester
George N. Peterson, Jr.	9th Worcester
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Todd M. Smola	1st Hampden
Stephen Kulik	1st Franklin
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Robert L. Rice, Jr.	2nd Worcester
Cleon H. Turner	1st Barnstable
Denis E. Guyer	2nd Berkshire

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT SAFEGUARDING OUR NATURAL RESOURCES.

*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 131 of the Massachusetts general Laws, as appearing in the 2002 Official Edition,  
2 is hereby amended by striking Section 80A in its entirety and inserting in place thereof the following:-

3 Section 80A. Notwithstanding any other provision of this chapter, a person who has been certified  
4 through any state or federal agency using the Association of Fish and Wildlife Agencies (AFWA) wildlife  
5 management curriculum and legally licensed by the state of Massachusetts may use, set, place, maintain,  
6 manufacture or possess any tested and recommended device designed to restrain or secure mammals, as  
7 described in the Best Management Practices (BMP's) produced and published by AFWA. Any restraint  
8 device not identified for the capture of furbearers, tested and recommended in the BMP's is to be  
9 considered illegal. The BMP's are to be used as guidance to address the; a) welfare of animals, b)  
10 efficiency and selectivity of the restraint devices, c) safety of these devices to people, and the d) practical  
11 application for the management of wildlife. The use of BMP tested and recommended devices are subject  
12 to the regulations promulgated by the Massachusetts Division of Fisheries & Wildlife.

13 Limitations and restrictions to the above paragraph are a follows:

- 14 • Any species specific Division of Fisheries & Wildlife tested and recommended device placed on  
15 land must not have a restraint target diameter exceeding 5 3/8". The restraint target diameter is  
16 determined by the greatest inside distance, in a set position, from one side of the device to the other,  
17 where an animal is designed to be held.
- 18 • Any species specific Division of Fisheries & Wildlife tested and recommended device placed on  
19 land must be covered by natural material (dirt, sand, leaf litter, etc) or be a minimum of 3 vertical feet  
20 above ground, or snow height.

- 21 • Any species specific Division of Fisheries & Wildlife tested and recommended device with a  
22 restraint target diameter greater than 5 3/8" must be limited to and placed in a permanent waterbody, river  
23 or stream, and submerged at the time of deployment.
- 24 • Any species specific Division of Fisheries & Wildlife tested and recommended device placed on  
25 land and designed to restrain an animal alive must be equipped with a pan tension device.
- 26 • Any species specific Division of Fisheries & Wildlife tested and recommended device designed  
27 to restrain an animal alive must have a minimum of 3 swivels between the device itself and a secure fixed  
28 point.
- 29 • Any species specific Division of Fisheries & Wildlife tested and recommended device designed  
30 to restrain an animal alive must have a shock absorption spring attached between the device itself and the  
31 anchoring point.
- 32 • Any species specific Division of Fisheries & Wildlife tested and recommended device designed  
33 to restrain an animal alive must have a restraint surface area other than steel or similar iron alloy.
- 34 • Any species specific Division of Fisheries & Wildlife tested and recommended device designed  
35 to restrain an animal alive must not have a distance that exceeds 24" between the device itself and its  
36 anchoring point.
- 37 • Any species specific Division of Fisheries & Wildlife tested and recommended device placed on  
38 land and designed to restrain an animal alive must use an appropriate staking system as described in the  
39 BMP's and Massachusetts Division of Fisheries and Wildlife regulations.

40 Exemptions to above limitations and restrictions:

- 41 • Box or cage devices designed to hold the animal in a confined space.
- 42 • Hancock® or Bailey® type devices designed to restrain and confine beavers.
- 43 • Species specific encapsulation live restraints such the Littl' Griz®, Coon Cuffs® or similar design.
- 44 • Devices specifically designed and manufactured to kill small mammals, such as rats, mice or  
45 weasels and include device types like the "Koro Rodent®", "Macabee Gopher®" or "Plunger  
46 style" equipment, and similar designs there to.

47 The above provision shall not apply to the use of prohibited devices by federal and state departments of  
48 health for the purpose of protection from threats to human health and safety.

49 Whoever violates any provisions of this section, or any rule or regulation made under the authority  
50 thereof, shall be punished by a fine of not less than \$300 no more than \$1000, or by imprisonment for  
51 each illegal capture device possessed, used, set, maintained, or manufactured.

52 Each day of violation shall constitute a separate offense. A person found guilty of, or convicted of, or  
53 assessed in any manner after a plea of nolo contendere, or penalized for, a second violation of this section  
54 shall surrender to an officer empowered to enforce this chapter, any trapping license and shall be barred  
55 forever from obtaining a future trapping license or problem animal control permit.