

SENATE . . . . . No. 587

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 further regulating the enforcement of illegal hunting practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	Second Worcester	
Hannah Kane	11th Worcester	2/9/2021
Carmine Lawrence Gentile	13th Middlesex	2/11/2021
Brendan P. Crighton	Third Essex	2/14/2021
James B. Eldridge	Middlesex and Worcester	2/16/2021
Jack Patrick Lewis	7th Middlesex	2/16/2021
Steven G. Xiarhos	5th Barnstable	2/18/2021
Michael J. Barrett	Third Middlesex	2/25/2021
Mark C. Montigny	Second Bristol and Plymouth	3/1/2021
Adam J. Scanlon	14th Bristol	3/1/2021
Carol A. Doherty	3rd Bristol	3/1/2021
Bradford Hill	4th Essex	3/1/2021
Joanne M. Comerford	Hampshire, Franklin and Worcester	3/3/2021
Brian M. Ashe	2nd Hampden	3/10/2021
Patrick M. O'Connor	Plymouth and Norfolk	3/10/2021
Bruce E. Tarr	First Essex and Middlesex	3/24/2021
Sal N. DiDomenico	Middlesex and Suffolk	4/6/2021

**SENATE . . . . . No. 587**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 587) of Michael O. Moore, Hannah Kane, Carmine Lawrence Gentile, Brendan P. Crighton and other members of the General Court for legislation further regulating the enforcement of illegal hunting practices. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 507 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

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 most recently amended by section 13 of chapter 41 of the acts of 2019, and  
3 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 section 10G  
20 for a violation of section 17A, 18, 19, 30, 31, 33, 34, 35, 36, 51, 51A, 66, 69 to 72, inclusive,  
21 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 section 10G  
29 for a violation of section 475 of said chapter 130, or for a violation of section 73 of chapter 131,  
30 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 10G  
32 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 10G  
38 for a violation of any provision of section 21A, 60 to 65A inclusive, 68, 75A and 77A of said  
39 chapter 131 may so appear and pay a fine of \$200.

40 For the purposes of this section, “person” shall mean a natural person, corporation,  
41 association, partnership or other legal entity or other legal agency or political subdivision of the  
42 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 regulation made  
116 under authority thereof, shall be punished by a fine of not less than \$50 but not more than \$100  
117 or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

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

121           Whoever violates section 22 shall be punished by a fine of not less than \$200 but not  
122 more than \$500 or by imprisonment for not more than 6 months, or by both such fine and  
123 imprisonment for each fish, bird or mammal, other than a deer, bear or moose, unlawfully  
124 bought, sold, bartered, exchanged, offered or exposed for sale or had in possession for the  
125 purpose of sale. In the case of a deer, moose or bear, a person shall be punished by a fine of not  
126 less than \$1,000 but not more than \$5,000 or by imprisonment for not more than 1 year, or by  
127 both such fine and imprisonment. A person found guilty of or convicted of a violation of this  
128 section who is the holder of a hunting or sporting license issued under this chapter shall lose any  
129 rights thereunder and the license shall be surrendered to an officer empowered to enforce this  
130 chapter. No other hunting or sporting license shall be granted to that person for at least 1 year.

131           Whoever violates any provision of section 41 to 43, inclusive, shall be punished by a fine  
132 of not less than \$100 but not more than \$5,000 or by imprisonment for not more than 2 years, or  
133 by both such fine and imprisonment.

134           Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$200  
135 but not more than \$500 or by imprisonment for not more than 1 year, or by both such fine and  
136 imprisonment. Whoever fails to keep open or maintain a fishway as prescribed by the director



137 under clause (14) of section 4 shall be punished by a fine of \$50 for each day that such person  
138 fails to keep open or maintain that fishway as prescribed.

139           Whoever violates section 65 shall be punished by a fine of not less than \$200 but not  
140 more than \$500 or by imprisonment for not more than 1 year, or by both such fine and  
141 imprisonment.

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

146           Whoever violates section 77 shall be punished by a fine of not less than \$200 but not  
147 more than \$500 or by imprisonment for not more than 30 days, or by both such fine and  
148 imprisonment.

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

153           Whoever violates section 77A shall be punished by a fine of not less than \$300 but not  
154 more than \$1,000.

155           Whoever violates section 75A shall be punished by a fine of not less than \$300 but not  
156 more than \$1,000 or by imprisonment for not more than 6 months or by both such fine and  
157 imprisonment. Such person, subject to section 34, shall not be issued a license, permit or

158 certificate under this chapter for at least 3 years after the date that such person was found guilty  
159 or penalized for violating said section 75A.

160           Whoever violates clause (14) of section 4 relative to a dam or obstruction for passage of  
161 anadromous fish or who refuses or neglects to keep open or maintain a fishway at the time  
162 prescribed by the director shall be punished by a fine of \$50 for each day that such person fails to  
163 keep open or maintain the dam or fishway as prescribed.

164           Whoever violates section 5C shall be punished by a fine of not less than \$100 but not  
165 more than \$500 or by imprisonment for not more than 14 days, or by both such fine and  
166 imprisonment.

167           A violation of this chapter or a rule or regulation promulgated under this chapter for  
168 which no other penalty is provided, shall be punished by a fine of not less than \$200 but not  
169 more than \$500, or by imprisonment for not more than 30 days, or by both such fine and  
170 imprisonment. Upon a conviction for a violation of this chapter, any net, snare, trap, jacklight or  
171 other similar device used by a person or any bird or mammal taken in violation of this chapter  
172 shall be forfeited to the commonwealth and shall be disposed of by the director of law  
173 enforcement.

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

178           (i) Deer, moose or bear: \$500 per animal; if the animal taken is deemed to be a trophy  
179 standard as categorized by a professional organization such as Northeast Big Buck club, Boone

180 and Crocket or Pope and Young organizations, but not limited to, the restitution shall be \$1,000  
181 per animal;

182 (ii) Raptor or bird of prey: \$500 per animal;

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

184 (iv) Fox, coyote or beaver: \$100 per animal;

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

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

187 (vii) Fish: \$25 per fish; and

188 (viii) Other animals or birds: \$50 per animal or bird.

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

194 (i) Endangered Species: \$2,000;

195 (ii) Threatened Species: \$1,000; and

196 (iii) Special Concern Species: \$500.

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

198           For a conviction involving the illegal taking or possession of animals, birds, fur-bearing  
199 animals and fish, the court may order the defendant to reimburse the commonwealth in a sum  
200 that exceeds the amounts established in this section. Such reimbursement shall be paid directly to  
201 the court. If 2 or more defendants are convicted of the illegal taking or possession of an animal,  
202 bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants  
203 jointly and severally. The court ordering such reimbursement shall remit the funds as prescribed  
204 in section 3.

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

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

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

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

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

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

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

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

240 guilty or penalized and any license, permit or certificate wrongfully issued shall be void and shall  
241 be surrendered to an officer authorized to enforce this chapter.

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

244 CHAPTER 131B

245 WILDLIFE VIOLATOR COMPACT

246 The commissioner of the department of fish and game, after consultation with and written  
247 agreement by the director of the division of fisheries and wildlife and director of marine  
248 fisheries, respectively, shall enter into a compact on behalf of the commonwealth, with any other  
249 jurisdiction legally joining therein in the form substantially as follows; provided, however, that  
250 notwithstanding any provision of chapter 131B or the compact manual to the contrary, a  
251 violation resulting in a citation, conviction or suspension by another participating state pursuant  
252 to Article III must also constitute a violation pursuant to section 90A of chapter 131 or of  
253 chapter 131A as determined by the director of the division of fisheries and wildlife, or a violation  
254 of chapter 130 as determined by the director of 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 of all  
260 residents and visitors;

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

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

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

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

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

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

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

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

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

281 (8) the purpose of the enforcement practices set forth in clause (7) is to ensure  
282 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue  
283 on after receiving the citation, could return to that person's home state and disregard the duty  
284 established by the terms of the citation;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

319 ARTICLE II. Definitions

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

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

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

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

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

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

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

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

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

345 "Licensing authority", the department or division within each participating state that is  
346 authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife. In  
347 the Commonwealth of Massachusetts, the licensing authority for licenses or permits issued under  
348 G.L. c. 131 or G.L. c. 131A shall be the division of fisheries and wildlife; and the licensing  
349 authority for licenses or permits issued under G.L. c. 130 shall be the division of marine  
350 fisheries.

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

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

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

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

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

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

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

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

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

### 372 ARTICLE III. Procedures for Issuing State

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

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

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

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

390 ARTICLE IV. Procedure for Home State

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

399 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,  
400 the licensing authority of the home state shall, provided that the violation resulting in the

401 conviction in the issuing state would have also have been a violation of law under the licensing  
402 authority of the home state, enter such conviction in its records and shall treat such conviction as  
403 though it occurred in the home state for the purposes of suspension of license privileges.

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

#### 406 ARTICLE V. Reciprocal Recognition of Suspension

407 (a) Notwithstanding the provisions of Article IV (a) and (b), each participating home state  
408 may in its discretion recognize the suspension of a person's license privileges by another  
409 participating issuing state even if the violation resulting in the suspension would not have been a  
410 violation of the participating home state.

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

#### 413 ARTICLE VI. Applicability of Other Laws

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

#### 418 ARTICLE VII. Compact Administrator Procedures

419 (a) For the purpose of administering this compact and to serve as a governing body for  
420 the resolution of all matters relating to the operation of this compact, there shall be a board of  
421 compact administrators. The board shall be composed of 1 representative from each of the

422 participating states who shall be known as the compact administrator. The compact administrator  
423 shall be appointed by the head of the licensing authority of each participating state and shall  
424 serve and be subject to removal under the laws of the state that the compact administrator  
425 represents. The compact administrator for the commonwealth of Massachusetts shall be the  
426 Commissioner of the Department of Fish and Game or a designee. The compact administrator  
427 may provide for the discharge of the compact administrator's duties and the performance of such  
428 functions as a board member by an alternate. An alternate shall not serve unless written  
429 notification of the alternate's identity has been given to the board.

430 (b) Each member of the board of compact administrators shall be entitled to 1 vote. No  
431 action of the board shall be binding unless taken at a meeting at which a majority of the total  
432 number of the board's votes are cast in favor of the action. Action by the board shall be only at a  
433 meeting at which a majority of the participating states are represented.

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

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

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

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

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

447 ARTICLE VIII. Entry into Compact and Withdrawal

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

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

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

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

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

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

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



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

469 ARTICLE IX. Amendments to the Compact

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

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

475 ARTICLE X. Construction and Severability

476 This compact shall be liberally construed so as to effectuate the purposes stated herein.  
477 The provisions of this compact shall be severable and if any phrase, clause, sentence or provision  
478 of this compact is declared to be contrary to the constitution of a participating state or of the  
479 United States or if the applicability thereof to any government, agency, individual or  
480 circumstance is held to be invalid, the validity of the remainder of this compact shall not be  
481 affected. If this compact is held contrary to the constitution of a participating state, the compact  
482 shall remain in full force and effect as to the remaining states and in full force and effect as to the  
483 participating state affected as to all severable matters.

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