

HOUSE No. 773

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and Ann-Margaret Ferrante

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:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>

<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>

HOUSE No. 773

By Representatives Ehrlich of Marblehead and Ferrante of Gloucester, a petition (accompanied by bill, House, No. 773) of Lori A. Ehrlich and others relative to the enforcement of illegal hunting practices. Environment, Natural Resources and Agriculture.

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 2016 Official Edition, and inserting in place thereof the
3 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 chapter 90B or the rules
6 and regulations of the division of fisheries and wildlife regulating activity on land under the
7 management of the division or for a violation of section 2 to 4, inclusive, 5, 5A, 6, 7, subsection
8 (b) of section 9, section 12, 12A or 13A of chapter 90B or for a violation of section 17A, 33, 34,
9 36, 39, 40, 51, 69 to 72, inclusive, 81, 82 or 95 of chapter 130 may appear within the time
10 specified and pay a fine of \$50.

11 A person notified to appear before the clerk of a district court as provided in section 10G
12 for a violation of subsection (b), (c) or (e) of section 8 of chapter 90B or for a violation of section

13 35, 37, 38, 38A, 41, 41A, 44, 67, 68, 80, 92, 100A or 100C of chapter 130 or all other violations
14 of chapter 131, not mentioned below, may appear and pay a fine of \$100.

15 A person notified to appear before the clerk of a district court as provided in section 10G
16 for a violation of any provision of section 21A, 60-65A inclusive, 68, 75A and 77A of chapter
17 131 may appear and pay a fine of \$200.

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

21 A person notified to appear before the clerk of a district court as provided in section 10G
22 for a violation of section 47 or 75 of chapter 130 or for a violation of section 73 of chapter 131
23 may appear and pay a fine of \$500.

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

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

29 SECTION 2. Section 10 of chapter 131 of the General Laws, as so appearing, is hereby
30 amended by inserting after the first paragraph the following 2 paragraphs:-

31 The established borders of a wildlife sanctuary, which shall include any entry path or
32 way, shall be posted to provide conspicuous notice to the public of the designation of the land as
33 a wildlife sanctuary and of the prohibitions under the preceding paragraph. If the required notice

34 has not been posted, a person shall have an affirmative defense against an alleged violation of a
35 prohibition under this section.

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

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

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

44 Section 34. A license, permit or certificate issued under this chapter, except a license
45 issued under clause (3), (4) or (6) of section 23, and held by a person found guilty of, convicted
46 of or assessed in any manner after a plea of nolo contendere or penalized for a violation of clause
47 (15) of section 4 or for a violation of section 5, 10, 11 to 13, inclusive, 16, 32, 33, 54, 57, 58, 61
48 to 65, inclusive, 66 to 68, inclusive, 70, 72, 73, 75, 80 or 85 for which that particular license,
49 permit or certificate was issued, shall be void and shall be immediately surrendered to an officer
50 authorized to enforce this chapter. No such person or a person acting on such person’s behalf
51 shall make application for or be issued a license, permit or certificate that was voided due to:

52 (i) a violation of clause (15) of section 4 or section 12, 13, 16, 33, 54, 57, 58, 61, 63, 64,
53 66, 67, 70, 72 or 80 for 1 year from the date that person was found guilty of or penalized for the
54 violation;

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

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

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

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

65 (vi) a third or subsequent violation of section 10 for not less than 5 years but not more
66 than 10 years from the date that person was found guilty of or penalized for the violation.

67 A license, permit or certificate issued in violation of this section shall be void and shall
68 be immediately surrendered to an officer authorized to enforce this chapter.

69 No fee received for a license, permit or certificate that has become void for a violation of
70 this section shall be refunded to the holder thereof.

71 SECTION 5. Said chapter 131 is hereby further amended by striking out sections 90 and
72 90A, as so appearing, and inserting in place thereof the following 3 sections:-

73 Section 90. Whoever violates section 21A and 68, shall be punished by a fine of not less
74 than \$300 but not more than \$1,000 or by imprisonment for not more than 1 year or by both such
75 fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or turkey,

76 unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken, molested,
77 distributed or destroyed, a person shall be punished by a fine of not less than \$200 but not more
78 than \$500. For each deer unlawfully killed or possessed, a person shall be punished by a fine of
79 not less than \$200 but not more than \$500 or by imprisonment for not more than 6 months or by
80 both such fine and imprisonment. For each bear unlawfully killed or possessed, a person shall be
81 punished by a fine of not less than \$300 but not more than \$1,000 or by imprisonment for not
82 more than 6 months or by both such fine and imprisonment. For each turkey unlawfully killed or
83 possessed, a person shall be punished by a fine of not less than \$200 but not more than \$500 or
84 by imprisonment for not more than 6 months or by both such fine and imprisonment.

85 Whoever violates section 5, 10, 11, 32, 62 or 85, shall be punished by a fine of not less
86 than \$200 but not more than \$500 or by imprisonment for not more than 90 days or by both such
87 fine and imprisonment. In addition, for each bird or mammal, other than a deer, bear or turkey,
88 unlawfully killed, taken, held or possessed or for each nest or egg unlawfully taken, molested,
89 distributed or destroyed, a person shall be punished by a fine of not less than \$100 but not more
90 than \$500. For each deer unlawfully killed or possessed, a person shall be punished by a fine of
91 not less than \$500 but not more than \$3,000 or by imprisonment for not more than 6 months or
92 by both such fine and imprisonment. For each bear unlawfully killed or possessed, a person shall
93 be punished by a fine of not less than \$1,000 but not more than \$5,000 or by imprisonment for
94 not more than 6 months or by both such fine and imprisonment. For each turkey unlawfully
95 killed or possessed, a person shall be punished by a fine of not less than \$500 but not more than
96 \$3,000 or by imprisonment for not more than 6 months or by both such fine and imprisonment.

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

99 imprisonment. Whoever violates section 16, 28, 33, 48, 61, 63, 64 or 70 or of any rule or
100 regulation made under authority thereof shall be punished by a fine of not less than \$50 but not
101 more than \$100 or by imprisonment for not more than 60 days or by both such fine and
102 imprisonment.

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

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

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

119 Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$200
120 but not more than \$500 or by imprisonment for not more than 1 year or by both such fine and

121 imprisonment. Whoever fails to keep open or maintain a fishway as prescribed by the director
122 under clause (14) of section 4 shall be punished by a fine of \$50 for each day that such person
123 fails to keep open or maintain that fishway as prescribed.

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

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

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

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

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

140 Whoever violates section 75A shall be punished by a fine of not less than \$300 but not
141 more than \$1,000 or by imprisonment for not more than 6 months or by both such fine and

142 imprisonment. Such person, subject to section 34, shall not be issued a license, permit or
143 certificate under this chapter for at least 3 years after the date that such person was found guilty
144 or penalized for violating said section 75A.

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

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

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

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

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

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

166 (ii) a raptor or bird of prey, \$500 per animal;

167 (iii) a wild turkey, fisher, bobcat or otter, \$300 per animal;

168 (iv) a fox, coyote or beaver, \$100 per animal;

169 (v) a mink, muskrat, raccoon, wild rabbit, hare or gray squirrel, \$50 per animal;

170 (vi) a ruffed grouse, pheasant, quail, woodcock or migratory waterfowl, \$50 per bird;

171 (vi) a fish, \$25 per fish; and

172 (vii) any other animal or bird, \$50 per animal or bird.

173 A person convicted of the illegal taking or possession of endangered, threatened and
174 special concern species included on the official list of endangered, threatened and special
175 concern species established pursuant to section 4 of chapter 131A may be required to make
176 restitution to the commonwealth for the value of each such species illegally taken or possessed as
177 follows:

178 (i) endangered species, \$2,000;

179 (ii) threatened species, \$1,000; and

180 (iii) special concern species, \$500.

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

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

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

192 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or
193 revoked in any jurisdiction in the United States or Canada shall not be issued a license for such
194 activity in the commonwealth or if licensed in the commonwealth at the time of a suspension or
195 revocation in another jurisdiction, the license issued in the commonwealth shall be suspended
196 during the period of that suspension or revocation if, after notice and hearing, the director
197 determines that the offense carrying the suspension or revocation would constitute a violation of
198 section 5, 10, 13, 21A, 22, 61, 62, 64, 65, 68, 69, 73, to 75A, inclusive, 79, to 80A, inclusive, or
199 82. The licensee shall immediately return the license to the division of fisheries and wildlife.

200 A person who hunts, traps or fishes in the commonwealth when that person's privilege to
201 conduct such activity has been suspended or revoked in any jurisdiction of the United States or
202 Canada for an offense that would constitute a violation of section 5, 10, 13, 21A, 22, 61, 62, 64,
203 65, 68, 69, 73 to 75A, inclusive, 79, to 80A, inclusive, or 82 shall be punished in accordance

204 with the penalties assessed for hunting, trapping or fishing without a license in violation of
205 section 11. A person who fails to immediately return a license in violation of this section shall be
206 punished by a fine of not less than \$200 but not more than \$500.

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

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

213 The species covered by this section shall include deer, turkey, moose, fisher, bobcat,
214 bear, any bird of prey as defined in section 75A and any endangered, threatened or special
215 concern species included on the official list of endangered, threatened and special concern
216 species established pursuant to section 4 of chapter 131A.

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

225 SECTION 9. The General Laws are hereby amended by inserting after chapter 131A the
226 following chapter:-

227 CHAPTER 131B

228 WILDLIFE VIOLATOR COMPACT

229 The director of the division of fisheries and wildlife shall enter into a compact on behalf
230 of the commonwealth with any other jurisdiction legally joining therein in the form substantially
231 as follows; provided, however, that notwithstanding any provision of chapter 131B or the
232 compact manual to the contrary, a violation resulting in a citation, conviction or suspension by
233 another participating state pursuant to Article III, Article IV or Article V, as applicable, shall be
234 a violation of chapter 130, 131 or chapter 131A as determined by the division of fisheries and
235 wildlife or the division of marine fisheries.

236 ARTICLE I. Findings and Purpose

237 (a) The participating states find that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

300 ARTICLE II. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

349 ARTICLE III. Procedures for Issuing State

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

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

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

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

367 ARTICLE IV. Procedure for Home State

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

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

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

380 ARTICLE V. Reciprocal Recognition of Suspension

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

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

386 ARTICLE VI. Applicability of Other Laws

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

391 ARTICLE VII. Compact Administrator Procedures

392 (a) For the purpose of administering this compact and to serve as a governing body for
393 the resolution of all matters relating to the operation of this compact, there shall be a board of
394 compact administrators. The board shall be composed of 1 representative from each of the
395 participating states who shall be known as the compact administrator. The compact administrator
396 shall be appointed by the head of the licensing authority of each participating state and shall
397 serve and be subject to removal under the laws of the state that the compact administrator
398 represents. The compact administrator for the commonwealth shall be the director of the division
399 of fisheries and wildlife or a designee. The compact administrator may provide for the discharge
400 of the compact administrator's duties and the performance of such functions as a board member
401 by an alternate. An alternate shall not serve unless written notification of the alternate's identity
402 has been given to the board.

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

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

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

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

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

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

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

420 ARTICLE VIII. Entry into Compact and Withdrawal

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

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

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

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

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

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

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

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

442 ARTICLE IX. Amendments to the Compact

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

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

448 ARTICLE X. Construction and Severability

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

450 The provisions of this compact shall be severable and if any phrase, clause, sentence or provision
451 of this compact is declared to be contrary to the constitution of a participating state or of the
452 United States or if the applicability thereof to any government, agency, individual or
453 circumstance is held to be invalid, the validity of the remainder of this compact shall not be
454 affected. If this compact is held contrary to the constitution of a participating state, the compact
455 shall remain in full force and effect as to the remaining states and in full force and effect as to the
456 participating state affected as to all severable matters.

457 SECTION 11. The division of fisheries and wildlife shall promulgate rules and
458 regulations for the implementation of the Wildlife Violator Compact established in section 131B
459 of the General Laws within 1 year after the effective date of this act.