

SENATE No. 468

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to outdoor heritage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/31/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/1/2019</i>

SENATE No. 468

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 468) of Anne M. Gobi, Jonathan D. Zlotnik and Donald F. Humason, Jr. for legislation relative to outdoor heritage. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 437 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to outdoor heritage.

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

1 SECTION 1. Section 26 of chapter 90B of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof
3 the following subsection:-

4 (g) No person shall carry a firearm, rifle or shotgun on public land during the open season
5 for deer, bear or turkey in or on a snow vehicle or recreation vehicle or on a trailer or sled
6 attached thereto unless such firearm, rifle or shotgun is unloaded. This section shall not apply to
7 a law enforcement officer or other person with enforcement powers authorized in section 32, or
8 to a paraplegic as provided in section 65 of chapter 131, or to any person licensed under section
9 131 or 131F of chapter 140 carrying a loaded firearm.”

10 SECTION 2. Section 4 of Chapter 131 of the General Laws, as appearing in the 2016
11 Official Edition, is hereby amended by inserting in line 18 after the word “five” the following
12 words:-

13 . This provision may be exercised Monday through Sunday as a power of the director or
14 when ordered by the fisheries and wildlife board or to manage wildlife;

15 SECTION 3. Said Chapter 131 of the General Laws, as so appearing, is hereby amended
16 by striking out section 5C and inserting in place thereof the following section:-

17 Section 5C. The citizens of the commonwealth shall have the right to harvest fish and
18 wildlife free from harassment subject to rules and regulations established to maintain sustainable
19 and healthy populations of such natural resources.

20 (a) No person shall obstruct, interfere with or otherwise prevent the lawful harvest of fish
21 and wildlife by another at any such place in the commonwealth where it is lawful to do so. It
22 shall be a violation of this section for a person to intentionally:

23 (1) drive or disturb fish or wildlife for the purpose of interrupting a lawful taking; or

24 (2) block, follow, impede or otherwise harass another who is engaged in the lawful taking
25 of fish or wildlife; or

26 (3) use natural or artificial visual, aural, olfactory or physical stimulus to effect wildlife in
27 order to hinder or prevent such taking; or

28 (4) erect barriers with the intent to deny ingress or egress to areas where the lawful taking
29 of wildlife may occur; or

30 (5) interject himself into the line of fire; or

31 (6) effect the condition or placement of personal or public property intended for use in
32 the taking of wildlife; or

33 (7) enter or remain upon public lands, or upon private lands without the permission of the
34 owner or his agent, with intent to violate this section; or

35 (8) verbally or physically harass, threaten or other means of intimidation of an
36 individual/s lawfully engaged in the harvest fish and wildlife;

37 (9) utilize mechanical aerial devices to drive wildlife, harass, film, photograph or
38 otherwise intimidate.

39 A violation of this paragraph shall be punished by imprisonment in a jail or house of
40 correction for not more than 1 year or by a fine of not more than \$1,000 or both.

41 (b) Any person having caused destruction or otherwise vandalizes equipment utilized,
42 directly or indirectly, for the lawful harvest of fish and wildlife including, but not limited to,
43 vehicles, blinds, stands, trail cams, fishing gear, boats, etc. shall be punished by imprisonment in
44 a jail or house of correction for not more than 2 years or by a fine of not more than \$5,000 or
45 both.

46 (c) Any person having caused bodily injuries of another that were sustained from any
47 type of harassment or vandalism covered under this section shall be punished by imprisonment in
48 a jail or house of correction for not more than 5 years or by a fine of not more than \$10,000 or
49 both.

50 The superior court shall have jurisdiction to issue an injunction to enjoin any such
51 conduct or conspiracy in violation of the provisions of this section. A person who sustains
52 damage as a result of any act which is in violation of this section may bring a civil action for
53 punitive damages in addition to the penalties established herein. Environmental protection
54 officers and other law enforcement officers with arrest powers shall be authorized to enforce the
55 provisions of this section.

56 (d) Unless authorized by the property owner it shall be unlawful to post land closed, or
57 restricted, to the lawful harvest of fish and wildlife. Any person convicted of illegally posting
58 land shall be punished by imprisonment in a jail or house of correction for not more than 1 year
59 or a fine of not more \$1,000 or both.

60 Any fines collected under this section shall be deposited into the Inland Fisheries and
61 Game Fund established under section 2C of chapter 131, and may be utilized for the purposes of
62 the Hunter Education Program.

63 SECTION 4. Said chapter 131, as so appearing, is hereby amended by striking out
64 section 21A and inserting in place thereof the following section:-

65 Section 21A. It shall be unlawful to pursue or hunt bear or bobcat with the aid of a dog.

66 The prohibition on the use of a dog may be waived by the director upon written
67 application (1) for the control of individual animals specifically identified as posing a threat to
68 human safety or individual animals that have destroyed livestock, property or crops, and (2) for
69 legitimate scientific research projects that are conducted in a humane manner.

70 Whoever violates the provisions of this section, or any rule or regulation made under the
71 authority thereof, shall be punished by a fine of not less than \$300 nor more than \$1,000, or by
72 imprisonment for not more than six months, or by both such fine and imprisonment for each
73 violation. A person found guilty of, or convicted of, or assessed in any manner after a plea of
74 nolo contendere, or penalized for, a second violation of this section shall surrender to an officer
75 authorized to enforce this chapter all hunting and dog training licenses and permits issued to him
76 and shall be barred forever from obtaining any such licenses and permits.

77 SECTION 5. Section 64 of said chapter 131 is hereby amended by striking, in the title,
78 the word "bows."

79 SECTION 6. Said section 64 of said chapter 131, as so appearing, is hereby further
80 amended by striking out, in lines 2 and 3, the words "or any crossbow."

81 SECTION 7. Section 66 of said Chapter 131, as so appearing, is hereby amended by
82 striking the title and replacing it with the following:- "Hunting Ammunition"

83 SECTION 8. Said chapter 131 is hereby amended by striking said section 66, as so
84 appearing, and inserting in its place thereof the following section:-

85 Section 66. The director, under the control of the board, may promulgate regulations for
86 the use and possession of ammunition types for the purposes of hunting.

87 SECTION 9. Section 68 of said chapter 131, as so appearing, is hereby amended by
88 inserting, in line 1, after the word "except" the following word:- coyote,

89 SECTION 10. Said chapter 131 is hereby amended by striking section out section 69, as
90 so appearing, and inserting in place thereof the following section:-

91 Section 69. A person shall not carry or use a bow and arrow or crossbow while hunting
92 unless said bow and arrow or crossbow meet such requirements as may be set by rules and
93 regulations which the director is hereby authorized to promulgate. Such rules and regulations
94 shall prescribe general design, weight of pull, and type of bows and arrows or crossbows, and
95 shall conform to standards generally accepted for hunting purposes.

96 SECTION 11. Said chapter 131 is hereby amended by striking section out section 70, as
97 so appearing, and inserting in place thereof the following section:-

98 Section 70. A person shall not, during the open season when deer may be hunted lawfully
99 with a shotgun, hunt a bird or mammal with a rifle, revolver or pistol or by the aid of a dog, or
100 have in his possession or under his control in any wood or field, a rifle, revolver or pistol, or a
101 dog. Nothing in this section shall be deemed to prohibit the use of dogs to hunt upland game or
102 waterfowl as regulated by the division.

103 Notwithstanding the provisions of this section, the director may authorize the use of
104 primitive firearms or shotguns with a rifled bore for hunting during any period when deer may be
105 hunted by means of a firearm under rules and regulations promulgated in accordance with
106 section five.

107 SECTION 12. Section 73 of said Chapter 131 of the General Laws is hereby repealed.

108 SECTION 13. Section 12D of chapter 269 of the General Laws, as appearing in the 2014
109 Official Edition, is hereby amended by striking out subsection (b) in its entirety.