

HOUSE No. 1285

By Mr. Telford of Plainville, petition of the Norfolk County League of Sportsmen's Clubs, Inc., for legislation to re-establish the Division of Fisheries and Game in the Department of Conservation. Conservation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT RE-ESTABLISHING THE DIVISION OF FISHERIES AND GAME IN THE DEPARTMENT OF CONSERVATION.

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

1 Chapter 21 in hereby amended by striking out
2 sections 6, 6A, 7 and 7A to 7C, as amended, and
3 inserting in place thereof the following sections:—
4 *Section 6.* The division of fisheries and game
5 shall be under the control of the director of fisheries
6 and game and supervision of the fish and game
7 council, which in this and the following sections is
8 referred to as the council. Said council shall consist
9 of fourteen members, appointed by the governor,
10 with the advice and consent of the executive council,
11 for terms of five years each. Not more than one
12 member of the council shall be a resident of any one
13 county and not more then eight members of said

14 council shall be of the same political party. The
15 council shall advise and assist the director of the
16 division in the administration thereof. The council
17 shall meet with the director at least once in each
18 calendar month. The members of the council shall
19 receive no compensation but shall be reimbursed
20 from the Fish and Game Fund, so called, for all
21 necessary expenses incurred in the performance of
22 their official duties; provided, that such reimburse-
23 ment shall not, in any period of twelve consecutive
24 months, exceed a total of twenty-five hundred dol-
25 lars. The director shall place before the council at
26 each regular meeting a full and detailed report of all
27 business transacted by him since the last regular
28 meeting and of all money expended and received
29 during such period; and also all plans for the future
30 conduct of the division. The director shall be the
31 chairman of the council and the executive head of
32 the division, but shall at all times be co-operative
33 with the action of the council. Notice of all meet-
34 ings of the council shall be mailed, postpaid, to all
35 members at least five days before the date of said
36 meetings. Five members may at any time in writing
37 request the director to call a special meeting, and he
38 shall thereupon call such a meeting as so requested.
39 At any meeting nine members shall constitute a
40 quorum, but a lesser number may adjourn from
41 time to time. All expenses of the division shall be
42 met out of said Fund, unless otherwise specifically
43 provided by law.

44 The director of fisheries and game, together with
45 the fish and game council, shall make an annual
46 report, not later than October first of each year,
47 which shall make available to public inspection a

48 detailed report of the activities, revenues and ex-
49 penditures of the division.

50 *Section 6A.* The members of the fish and game
51 council in the division of fisheries and game in the
52 department of conservation originally appointed
53 under authority of this act shall be appointed as
54 follows:— the members from Dukes, Hampshire
55 and Worcester counties, for terms of one year each;
56 the members from Hampden and Middlesex coun-
57 ties, for terms of two years each; the members
58 from Essex, Franklin and Nantucket counties, for
59 terms of three years each; the members from
60 Barnstable, Bristol and Suffolk counties, for terms
61 of four years each; and the members from Berk-
62 shire, Norfolk and Plymouth counties, for terms of
63 five years each.

64 *Section 6B.* Each member of the fish and game
65 council shall be a person qualified by interest and
66 experience in matters pertaining to the propagation
67 and restoration of fish and game, including hunting
68 and fishing, shall have been a resident of the county
69 which he represents for not less than three years
70 immediately prior to his appointment and shall have
71 held a license to fish or hunt or both in this com-
72 monwealth for not less than one year prior to such
73 appointment. Each member shall serve for the
74 term of his appointment and until the qualification
75 of his successor. In case of resignation, removal or
76 death of a member of the board, his successor shall
77 be appointed in like manner and with like qualifica-
78 tions for the balance of the unexpired term.

79 The governor may remove a member of the board
80 for inefficiency, neglect of duty or misconduct in
81 office; provided, that a copy of any charges against

82 such member shall be delivered to him not less than
83 ten days prior to the hearing thereof, and the mem-
84 ber shall have an opportunity at such hearing of
85 being publicly heard in person or by counsel as he
86 elects. If any such member shall be removed the
87 governor shall thereupon file in the office of the
88 state secretary a complete statement of all charges
89 made against such member and of the findings
90 thereon, together with a complete record of the
91 proceedings thereon.

92 *Section 7.* There shall be in the division of
93 Fisheries and Game a bureau of law enforcement,
94 under the charge of a chief conservation officer.
95 All conservation officers, deputy conservation officers
96 and fish and game wardens of the division shall be
97 assigned to duty in said bureau. The director shall,
98 enforce chapter one hundred and thirty-one and all
99 other provisions of law relative to inland fisheries,
100 birds and mammals and in the enforcement thereof
101 may act through said bureau. The director shall,
102 have general supervision of all such enforcement
103 officers.

104 *Section 8.* The director may, subject to the
105 approval of the council, appoint and remove such
106 experts, conservation officers, and clerical and other
107 assistants as the work of the division may require,
108 and their compensation shall be paid by the com-
109 monwealth. The director may also, subject to like
110 approval, appoint deputy conservation officers, who
111 shall serve without compensation.

112 Conservation officers and deputy conservation
113 officers may be authorized by the director, subject
114 to like approval, to exercise the powers and duties
115 of coastal wardens and deputy coastal wardens, and

116 coastal wardens and deputy coastal wardens may be
117 so authorized, subject to like approval, to exercise
118 the powers and duties of conservation officers and
119 deputy conservation officers.

120 *Section 9.* The council may appoint and remove
121 a state ornithologist who shall be qualified by
122 training and experience to perform the duties of his
123 office. He shall perform such duties as the council
124 may from time to time prescribe, and shall serve in
125 the division. The state ornithologist shall receive
126 a salary not to exceed six thousand dollars per
127 annum.

128 *Section 10.* The employees of the division of
129 fisheries and game, serving therein upon the effective
130 date of this act who are subject to the civil service
131 laws shall continue to serve in said department
132 without impairment of their civil service status or
133 retirement rights.

134 *Section 11.* Section 10 of chapter 131, as appear-
135 ing in section 2 of chapter 599 of the acts of 1941,
136 is hereby amended by striking out, in the seventh
137 line, the words "and the commissioner", — so as
138 to read as follows: — *Section 10.* An executive or
139 administrative public official of any state granting
140 similar privileges to such an officer of this common-
141 wealth may hunt any bird or mammal or may fish
142 in any of the inland waters of the commonwealth
143 if he holds a special complimentary certificate en-
144 titling him so to do, which certificate the director
145 with the approval of the governor, is hereby au-
146 thorized to issue, and the holder of such certificate
147 shall have the same rights and privileges and be
148 subject to the same privileges and penalties as if he
149 held a sporting license.

150 *Section 12.* If any of the provisions of this act
151 shall be held invalid or unconstitutional in relation
152 to any of the applications thereof, or other provi-
153 sions in said sections; and to these ends the provi-
154 sions of this and the several sections thereof are
155 declared to be severable.



