

SENATE No. 314

The Commonwealth of Massachusetts.

SENATE, March 9, 1925.

The committee on Conservation, to whom were referred so much of the recommendations of the Commissioner of Conservation (House, No. 19) as relates thereto (see House, No. 20); on the petition (accompanied by bill, House, No. 138) of Talbot Aldrich for legislation to authorize the Governor to declare a close season for certain game in times of drought; and on the petition (accompanied by bill, House, No. 394) of Newland H. Holmes relative to the close season for game in times of drought, report the accompanying Bill (Senate, No. 314).

For the committee,

WM. J. LOOK.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Five.

An Act relative to the Prevention of Forest Fires.

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 one hundred and thirty-
2 one of the General Laws, as amended in section
3 twenty-nine by section one of chapter one hun-
4 dred and seven of the acts of nineteen hundred
5 and twenty-one, is hereby further amended by
6 striking out said section twenty-nine and insert-
7 ing in place thereof the following:

8 *Section 29.* Whenever it shall appear to the
9 governor that by reason of extreme drought there
10 is danger of forest fires resulting from hunting,
11 trapping or fishing, he may, with the advice and
12 consent of the council, by proclamation suspend
13 the opening or continuance of an open season
14 established by this chapter, or any authorized
15 continuation thereof, and make it a close season
16 on any or all birds, fish or quadrupeds for such
17 time as he may therein designate and may therein
18 prohibit hunting, trapping or the discharge of
19 firearms on or near forest lands during the same
20 time, and he may in like manner and with like
21 approval proclaim that any or all sections of the
22 woodlands in the commonwealth shall be closed

23 for such time as he may therein designate to
24 hunters, trappers, fishermen and such other
25 persons, except the owners or tenants of such
26 woodland and their agents and employees, or
27 persons holding written permission from any such
28 owner or tenant to enter thereon for any lawful
29 purpose other than hunting, trapping or fishing,
30 as he deems proper under the circumstances;
31 provided, that as soon as the forest shall be
32 deemed free from danger by fire he may, for the
33 purpose of providing just and reasonable facilities
34 for hunting, trapping and fishing, in like manner
35 and with like approval extend any such open
36 season for a period or periods in the aggregate
37 equivalent to the time of such suspension, and
38 that if by reason of any such continuation such
39 open season in whole or in part coincides with
40 any other open season he may in like manner and
41 with like approval postpone such other open
42 season to such time as he deems advisable.

43 Nothing in this section shall be construed to
44 authorize the extension of the open season on
45 woodcock beyond the time established by federal
46 law as the end of the open season thereon in this
47 commonwealth or to authorize the limitation,
48 suspension or other variation of the open season
49 or the close season on migratory or shore birds
50 as established by federal law.

1 SECTION 2. Said chapter one hundred and
2 thirty-one, as amended in section thirty by sec-
3 tion two of chapter one hundred and seven of the

4 acts of nineteen hundred and twenty-one, is
5 hereby further amended by striking out said sec-
6 tion thirty and inserting in place thereof the fol-
7 lowing:

8 *Section 30.* During a close season proclaimed
9 as aforesaid, all laws relating to the close season
10 shall be in force, and whoever violates any pro-
11 vision thereof shall be subject to the penalty
12 prescribed therefor. Whoever, during a close
13 season so proclaimed, hunts, traps, fishes or dis-
14 charges firearms on or near forest lands or enters
15 woodlands in violation of any provision of the
16 proclamation provided for in the preceding sec-
17 tion, or hunts or traps any wild animal or bird
18 as to which there is no close season otherwise
19 provided by law, shall be punished by a fine of
20 not more than one hundred dollars.