

HOUSE No. 1147

By Mr. Thomas of Fall River, petition of William F. Thomas for an amendment of the law relative to issuing of sporting, trapping, hunting and fishing licenses. Conservation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act relative to Sporting, Trapping, Hunting and Fishing Licenses.

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 five of chapter one hundred
2 and thirty-one of the General Laws, inserted by
3 section two of chapter three hundred and ninety-
4 three of the acts of nineteen hundred and thirty, is
5 hereby amended by striking out, in the ninth line,
6 the words "or a" and inserting in place thereof the
7 words: —, fishing or, — so as to read as follows: —
8 *Section 5.* Except as provided in section ninety-
9 one, ninety-two, ninety-six, ninety-nine or one hun-
10 dred and eight, no person shall hunt any bird or
11 mammal, and no person, unless he is under fifteen
12 years of age, shall fish, except as hereinafter pro-
13 vided, in any of the inland waters of the common-
14 wealth, and no person shall use, set, tend or main-
15 tain any trap, or take or attempt to take any mam-

16 mal by means thereof, without first having obtained
17 a sporting, fishing or trapping license, as the case
18 may be, authorizing him so to do, as provided in the
19 three following sections; provided, that nothing in
20 sections five to twelve, inclusive, shall be construed
21 as affecting in any way the general laws relating to
22 trespass, or as authorizing the hunting, or the pos-
23 session of, birds or mammals, contrary to law, or the
24 taking of fish, or the possession thereof, contrary to
25 law. But said last mentioned sections shall not
26 prohibit any person who is a legal resident of the
27 commonwealth, and any member of his immediate
28 family residing on land owned or leased by him,
29 from hunting or trapping on such land or from fish-
30 ing in any inland waters bordered by such land;
31 provided, that he is or they are actually domiciled
32 thereon, and that the land is used exclusively for
33 agricultural purposes, and not for club, shooting or
34 fishing purposes; and provided, further, that the
35 burden of proof shall rest upon the person claiming
36 such exemptions to show that he is entitled thereto.

1 SECTION 2. Said chapter one hundred and thirty-
2 one, inserted as aforesaid, is hereby amended by
3 striking out section six and inserting in place there-
4 of the following: —

5 *Section 6.* Upon the application of any person
6 entitled to receive a sporting, fishing or trapping
7 license and upon payment of the fee hereinafter
8 specified therefor and the furnishing of an affidavit
9 by any non-resident desiring to be classified under
10 clause (2) of section eight, the director or the
11 clerk of any town shall issue to such person a sport-

12 ing, fishing or trapping license, as the case may be,
13 in the form prescribed upon a blank furnished by
14 the division. A sporting license shall authorize the
15 licensee to hunt birds and mammals, subject to exist-
16 ing laws. A fishing license shall authorize the li-
17 censee to fish, subject to existing laws. A trapping
18 license shall authorize the licensee to trap mammals,
19 subject to existing laws. Each license issued here-
20 under shall bear, in addition to any other data, the
21 name, place of residence, citizenship, birthplace,
22 signature and identifying description, and, in the
23 case of a male person, the age, of the licensee, a
24 statement that the holder has not been convicted
25 of a violation of this chapter or any provision
26 thereof, or of any corresponding provision of earlier
27 laws, within one year of the date of the license, and
28 each applicant shall furnish such information to the
29 director or the town clerk issuing such license.
30 Each license shall be valid for use to and including
31 the following December thirty-first. No person
32 holding a sporting, fishing or trapping license shall
33 transfer or loan such license, and every holder
34 thereof shall, while fishing, hunting or trapping,
35 carry upon his person his license and shall produce
36 it for examination upon the demand of any warden,
37 deputy warden or other officer qualified to serve
38 criminal process, or upon the demand of an owner
39 or lessee of land upon which the licensee is fishing,
40 hunting or trapping, or upon the demand of the
41 agents of such owner or lessee. Failure or refusal
42 to produce a license issued hereunder upon such de-
43 mand shall constitute a violation of this section.
44 Whoever for the purpose of procuring a license

45 falsely makes any representation or statement re-
46 quired by this section, shall be punished by a fine
47 of not less than ten nor more than fifty dollars, or
48 by imprisonment for not more than one month, or
49 both.

1 SECTION 3. Section seven of said chapter one
2 hundred and thirty-one, inserted as aforesaid, is
3 hereby amended by inserting after the word "li-
4 cense", the first time such word appears in the sixth
5 line, the words:—and for a fishing license,—so
6 as to read as follows:—*Section 7.* Except as
7 herein provided, any citizen of the United States
8 and any unnaturalized foreign born person resident
9 in this commonwealth for at least ten consecutive
10 days and owning real estate in the commonwealth
11 assessed for taxation at not less than five hundred
12 dollars may be granted a sporting license and for a
13 fishing license and/or a trapping license. No sport-
14 ing license or trapping license shall be granted to a
15 minor under the age of fifteen, nor, as a matter of
16 right, shall a sporting license or a trapping license
17 be granted to a minor between the ages of fifteen
18 and eighteen, but the director or any town clerk
19 may issue a sporting license to any minor between
20 the ages of fifteen and eighteen, if such minor has
21 been a resident in this commonwealth for at least
22 six months and is a citizen of the United States,
23 and a trapping license to any minor between the
24 ages of fifteen and eighteen, if such minor has been
25 a resident in this commonwealth for at least six
26 months. Every application for a license hereunder
27 from a minor under the age of eighteen shall be in

28 writing and shall be accompanied by the written
29 consent thereto of the parent or guardian, which
30 shall be preserved by the town clerk or by the direc-
31 tor, as the case may be.

1 SECTION 4. Said chapter one hundred and thirty-
2 one, inserted as aforesaid, is hereby further amended
3 by striking out section eight and inserting in place
4 thereof the following: —

5 *Section 8.* Sporting, fishing and trapping licenses
6 shall be issued to the following classes of persons
7 upon payment of the following fees:

8 (1) A citizen of the United States, resident in
9 this commonwealth for at least six months, for
10 which the fee shall be two dollars and seventy-five
11 cents for a sporting license or a fishing license and
12 five dollars and twenty-five cents for a trapping li-
13 cense, except as hereinafter provided for a trapping
14 license to a minor between the ages of fifteen and
15 eighteen, and except that there shall be no fee for
16 a sporting license or a fishing license if such person
17 has reached age seventy.

18 (2) A citizen of the United States, not a resi-
19 dent of this commonwealth for at least six months,
20 for which the fee shall be ten dollars and twenty-
21 five cents for a sporting license or for a trapping li-
22 cense, and for a fishing license; or, if he comes
23 within one of the four following classes and resides
24 or last resided in a state extending like privileges
25 to citizens of this commonwealth, the fee shall be
26 three dollars and twenty-five cents for a sporting
27 license or for a fishing license and five dollars and
28 twenty-five cents for a trapping license; but if the

29 state of which he is a resident requires a resident of
30 this commonwealth to pay a larger fee for a similar
31 privilege in such state, the fee for such a non-resi-
32 dent shall be equal to that charged by such state.

33 *Class A.* Owner of real estate in the common-
34 wealth assessed for taxation at not less than five
35 hundred dollars. *Class B.* Member of any club or
36 association incorporated prior to nineteen hundred
37 and seven, for the purpose of hunting, fishing or
38 trapping upon land owned by such corporation;
39 provided, that the land owned is equal in value to
40 five hundred dollars for each member and that the
41 membership list of the corporation shall be filed
42 from time to time upon request, and at least an-
43 nually, with the clerks of the various towns within
44 which such land is located and with the director.

45 *Class C.* Invited guest of a club or association con-
46 ducting fox hunts and incorporated under the laws
47 of this commonwealth who, on the written invita-
48 tion of a member of said club or association, attends
49 its meetings for the sole purpose of hunting foxes;
50 provided, that the membership list of such club or
51 association shall be filed from time to time upon re-
52 quest, and at least annually, with the clerk of the
53 town where the hunt takes place and with the direc-
54 tor; also, a non-resident member of any such club
55 or association. *Class D.* A citizen of the United
56 States, not a resident of this commonwealth for at
57 least six months, who desires to fish only.

58 (3) An unnaturalized foreign born person, resi-
59 dent in this commonwealth for at least ten consecu-
60 tive days, provided that he is the owner of real es-
61 tate in the commonwealth assessed for taxation at

62 not less than five hundred dollars, for which the fee
63 shall be fifteen dollars and twenty-five cents.

64 The fee for a trapping license issued to a minor
65 between the ages of fifteen and eighteen, if he is a
66 resident of this commonwealth for at least six
67 months, shall be one dollar and twenty-five cents.

68 Each person licensed to hunt or trap shall within
69 thirty days succeeding January first in each year
70 make a written report to the director at the office
71 of the division, stating the number of birds or mam-
72 mals taken by him in the preceding calendar year,
73 or stating that no such birds or mammals were so
74 taken, as the case may be.

1 SECTION 5. Section twelve of said chapter one
2 hundred and thirty-one, inserted as aforesaid, is
3 hereby amended by inserting after the word "sport-
4 ing" in the second line the word: —, fishing, — so
5 as to read as follows: — *Section 12.* Except as pro-
6 hibited or limited by federal legislation or regula-
7 tion, any person who holds a sporting, fishing or
8 trapping license issued to him as a non-resident may
9 carry from the commonwealth such fish, birds or
10 mammals as have been legally taken within the
11 commonwealth.

1 SECTION 6. Section one hundred and forty-eight
2 of chapter one hundred and forty of the General
3 Laws, as amended by section fifteen of said chapter
4 two hundred and ninety-five, is hereby further
5 amended by inserting after the word "sporting"
6 in the fifth and in the eighth lines, in each instance,
7 the word: —, fishing, — so as to read as follows: —

8 *Section 148.* City clerks, except in Boston, shall
9 give bond with sureties to their respective cities,
10 which, within ten days after their election and
11 qualification, shall be approved by the aldermen,
12 conditioned faithfully to account for all fees received
13 for dog licenses, and for sporting, fishing and trap-
14 ping licenses and duplicates thereof, and for the pay-
15 ment of all fees received for such dog licenses, less
16 their fees, into their respective county treasuries,
17 and of all fees received for such sporting, fishing
18 and trapping licenses and duplicates thereof, less
19 their fees, to the commonwealth.

1 SECTION 7. This act shall take effect on January
2 first, nineteen hundred and thirty-two.