An Act further regulating the Use of Traps and Other Devices for the Capture of Fur-bearing Animals and providing for Local Option Thereon.

 Whereas, The deferred operation of this act would in part defeat its purpose to terminate without further delay the uncertainty that has attended its subject matter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

Section 1. Chapter one hundred and thirty-one of the General Laws is hereby amended by inserting after section one hundred and five A, as appearing in the Tercentenary edition, the following two new sections:

Section 105B. Subject to the provisions of sections one hundred and five C and one hundred and
8 fourteen A, whoever uses, sets or maintains any
9 trap or other device for the capture of fur-bearing
10 animals which is likely to cause continued suffering
11 to an animal caught therein, and which is not de-
12 signed to kill such animal at once or to take it alive
13 unhurt, shall be fined fifty dollars; but this section
14 shall not apply to traps or other devices for pro-
15 tection of property if set or maintained not more
16 than fifty yards from any building, cultivated plot
17 of land, or enclosure used for the rearing of poultry,
18 including game birds, to the use of which building,
19 plot or enclosure the presence of vermin may be
20 detrimental.
21 Section 105C. If there is filed with the clerk of
22 any city or town a petition signed by twenty-five
23 registered voters thereof or in towns having a popu-
24 lation of less than five hundred, by two per centum
25 of the registered voters thereof, requesting such
26 action, said clerk shall cause to be submitted to the
27 voters of such city or town at the next municipal
28 election the following question, to be voted on by
29 ballot, said question to be placed on the official
30 ballot in cities, and in towns using official ballots
31 at town elections, for the election of city and town
32 officers: — "Shall the operation of section one hun-
33 dred and five B of chapter one hundred and thirty-
34 one of the General Laws, requiring for the tak-
35 ing of fur-bearing animals the use of traps that
36 kill at once or take such animals alive
37 unharmed, be suspended within this city
38 (or town)?"
Section 2. Section one hundred and five A of said chapter one hundred and thirty-one, as amended by chapter two hundred and three of the acts of nineteen hundred and thirty-three, is hereby repealed.

Section 3. Said chapter one hundred and thirty-one is hereby further amended by inserting after section one hundred and fourteen, as appearing in the Tercentenary edition, the following new section: —

Section 114A. The commissioner may by order, whenever in his opinion such action is necessary, suspend for not exceeding thirty days the operation, within any specified territory under the control of the department and designated in such order, of the provisions of section one hundred and five B. The provisions of section one hundred and eighteen, so far as apt, shall apply to such an order.

Section 4. The selectmen of a town, upon petition
filed with the town clerk and signed by twenty-five registered voters thereof, or in towns having a population of less than five hundred, by two per centum of the registered voters thereof, requesting that the question first set forth in section one hundred and five C of chapter one hundred and thirty-one of the General Laws, as appearing in section one of this act, be submitted to the voters of the town at a special town meeting in the current year, shall call such a meeting to be held not later than thirty days following the filing of such petition. Said question shall be submitted to the said voters at such meeting voting by ballot thereon, with the same force and effect as if submitted under said section. Towns divided into voting precincts shall, if the selectmen so order, vote on said question at such election in their several precincts.