

HOUSE No. 5489

By Mr. Wetmore of Barre, petition of Robert D. Wetmore for legislation to provide for the protection of endangered species of wildlife. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROVIDING FOR THE PROTECTION OF ENDANGERED SPECIES OF WILDLIFE.

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 131 of the General Laws is hereby amended by in-
2 serting after section 26 the following six sections: —

3 *Section 26A.* In sections twenty-six A to twenty-six F, in-
4 clusive, the following words shall have the following meanings
5 unless the context otherwise requires: —

6 “Board”, the board of fisheries and game.

7 “Endangered species”, any species of animal, bird, fish or
8 other living thing which after a hearing held as provided in sec-
9 tion twenty-six C has been determined by the director and board
10 to have its survival as a species endangered. Such determination
11 shall include any species of wildlife whose numbers in the wild
12 state have been so reduced as to seriously impair its rate of
13 reproduction so that in the opinion of the director and board
14 there is serious danger that the species may not survive in the
15 wild state, or one for which the present rate of harvesting or
16 killing or capturing would so reduce its numbers in the wild state
17 as to seriously impair its rate of reproduction within the next ten
18 years, or one whose numbers have been seriously reduced by
19 disease or disaster. Until hearings have been held and regulations
20 issued, endangered species shall mean those species listed in the
21 following paragraph.

22 The list of endangered species shall include leopard (*Panthera*
23 *pardus*), snow leopard (*Uucia uncia*), clouded leopard (*Neofelis*
24 *nebulosa*), tiger (*Panthera tigris*), cheetah (*Acinoyx jubatus*), al-
25 ligators, caiman or crocodile of the Order *Crocodylia*, vicuna
26 (*Vicugna vicugna*), red wolf (*Canis niger*), polar bear (*Thalarctos*
27 *maritimus*), mountain lion, sometimes called cougar or puma
28 (*Felis concolor*), jaguar (*Panthera onca*), ocelot (*Felis pardalis*),
29 margay (*Felis wiedii*). Any species or subspecies on any list pro-
30 mulgated by the United States Secretary of the Interior under
31 the provisions of the federal Endangered Species Conservation
32 Act of 1969 shall be considered an endangered species.

33 *Section 26B.* The sale or manufacture within the common-
34 wealth of any part of the skin or body or other part of an
35 endangered species, whether raw or manufactured, including the
36 practice of taxidermy, is prohibited unless it has been licensed by
37 the director under regulations issued by the director and board
38 under section twenty-six C or unless the article is more than ten
39 years old. Endangered species shall not be brought alive into the
40 commonwealth or sold unless licensed by the director.

41 *Section 26C.* The director and board shall from time to time
42 hold hearings upon their own motion or upon the petition of
43 responsible scientific research organizations or upon the petition
44 of not less than three citizens for the purpose of adding to or
45 removing from the list of endangered species, and for the setting
46 of regulations under which licenses may be issued under section
47 twenty-six B. Such hearings will be subject to the provisions of
48 chapter thirty A.

49 *Section 26D.* After a hearing a license may be issued for the
50 following purposes and under the following conditions: for scien-
51 tific research and experimentation which will lead to the prop-
52 agation and expansion of the species; for the purpose of differen-
53 tiating between specimens of an endangered species coming from
54 a geographical area in which the species is not endangered as
55 opposed to a specimen from an area where the species is endan-
56 gered; or for the purpose of identifying specimens raised domes-
57 tically for the purpose of sale or manufacture as differentiated
58 from those captured or killed in the wild state.

59 *Section 26E.* The provisions of section twenty-six B shall
60 apply to any skin, flesh, or other part, whether raw or manufac-
61 tured of any wild species which is not labelled to show the

62 country of origin or state within the United States and which is
63 not duly certified by papers on file with the manufacturer or
64 sales office by the responsible office of the country or state of
65 origin that the animal was killed or captured legally under the
66 laws of that country or state. The director and board shall have
67 power after hearing to set regulations for the enforcement of this
68 section.

69 *Section 26F.* The director of law enforcement, his assistants,
70 natural resource officers, the director of the division of fisheries
71 and game, his assistants, members of the state police, inspectors
72 of the division of the registry of motor vehicles, and city, town
73 and metropolitan district commission police officers shall have
74 authority under warrant to search for and seize any goods, mer-
75 chandise or wildlife sold or offered for sale in violation of sec-
76 tions twenty-six A to twenty-six E, inclusive, or any property or
77 item used on connection with a violation of said sections. Who-
78 ever violates any provisions of section twenty-six A to twenty-
79 six E, inclusive, shall be punished by a fine of not more than five
80 hundred dollars. Goods, merchandise or wildlife seized under the
81 provisions of this section shall be forfeited and, upon forfeiture,
82 either offered to a recognized public institution for scientific or
83 educational purposes, or otherwise disposed of in the best in-
84 terests of the commonwealth. The possessor of a part of the skin,
85 body or other part, whether raw or manufactured, of any en-
86 dangered species or the animal itself shall have the burden of
87 proof that it is not for sale or offered for sale or manufactured
88 within the commonwealth.

The following is a list of the names of the persons who have been
 appointed to the various positions in the office of the
 Secretary of the Board of Education for the year 1917.
 The names are listed in alphabetical order of the last name.
 The positions are listed in the order in which they were
 appointed. The names of the persons who have been
 appointed to the same position are listed together.
 The names of the persons who have been appointed to
 different positions are listed in separate groups.
 The names of the persons who have been appointed to
 the same position in different years are listed
 together. The names of the persons who have been
 appointed to the same position in the same year
 are listed together. The names of the persons who
 have been appointed to the same position in
 different years and in different offices are listed
 together. The names of the persons who have been
 appointed to the same position in the same year
 and in the same office are listed together.