

By Mr. Durand of Marlborough, petition of Robert A. Durand relative to the issuance of sporting and hunting licenses and providing for a program of hunter education. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE ISSUANCE OF SPORTING AND HUNTING 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 11 of Chapter 131 of the General Laws
2 as most recently amended by Section 232 of Chapter 572 of the
3 Acts of 1980 is hereby further amended by inserting after the word
4 "seven" in line five of the second paragraph the words "provided,
5 however that in the case of sporting and hunting licenses an
6 individual shall supply the issuing authority with proof of
7 compliance with Section 14 of Chapter 131: —", and by inserting
8 in the third paragraph of said section of said chapter as so
9 appearing after the word "paragraph" in line three the words,
10 "provided however, in the case of hunting licenses an individual
11 shall supply the issuing authority with proof of compliance with
12 Section 14 of Chapter 131.", and by inserting in the fourth
13 paragraph of said section of said chapter as so appearing after
14 the word "forty" in line five the words: "and Section 14 of Chapter
15 131.", and by inserting in the fifth paragraph of said section of
16 said chapter as so appearing after the word "fourth" in line three
17 the words, "and section 14 of chapter 131."

1 SECTION 2. Chapter 131 of the General Laws is hereby
2 amended by striking out section 14 as most recently amended by
3 section 7 of chapter 267 of the Acts of 1979 and inserting in place
4 thereof the following section: —

5 Section 14. On and after January 1, 1989 it shall be unlawful
6 for any resident or non-resident or then to hunt for any bird or

7 mammal in the Commonwealth unless such person has
8 successfully completed a prescribed course in Hunter Education,
9 or unless such person has held a license so to hunt, prior to
10 December 31, 1988. Said Hunter Education course shall be
11 conducted, under the direction of the Division of Law
12 Enforcement and shall include, but not be limited to: safe handling
13 of hunting equipment, firearms, archery tackle or other equipment
14 used in recreational hunting; and the responsibilities of the hunter
15 to himself, the wildlife, the landowner and the general public. Said
16 course shall be a minimum of twelve (12) hours in length and shall
17 be made available to the public in all areas of the Commonwealth
18 of Massachusetts. The Division of Law Enforcement shall provide
19 agency-qualified instructors and furnish said instructors with
20 necessary materials and equipment to conduct such courses. Said
21 instructors shall be certified by the Division of Law Enforcement
22 and shall meet such requirements as may be established by the
23 Hunter Safety Coordinator of the Division of Law Enforcement,
24 with the approval of the Director of Law Enforcement, in
25 cooperation with the Director of the Division of Fisheries &
26 Wildlife.

27 The Division of Law Enforcement shall establish the content
28 of said courses. A person, upon the successful completing of said
29 course shall be issued a certificate of completion except that
30 nothing in this section shall require the issuance of a certificate
31 of completion, to a person who is under the age of fifteen. A
32 certificate issued by another State or province, which claims
33 completion of a comparable course, shall if approved by the
34 Director, be accepted by the Division of Law Enforcement and
35 the provisions of this paragraph shall be waived. The Division of
36 Law Enforcement shall be authorized to provide insurance for
37 participants, officers and civilian instructors in said course of
38 instruction.

39 The Hunter Safety Program of the Division of Law
40 Enforcement, for the purpose of conducting such courses may
41 cooperate with any departments or divisions of the Federal
42 Government, the Commonwealth or any of its sub-divisions,
43 associations or organizations.

44 Except as hereinafter provided, no sporting, hunting, fishing
45 or trapping license shall be granted to a minor under the age of

46 fifteen, nor, except as hereinafter provided, shall a sporting or
47 hunting license be granted to a minor fifteen to seventeen years
48 of age, inclusive; but the director, any city or town clerk, or any
49 person duly authorized under the provisions of section twelve may
50 issue a fishing license to any minor fifteen to seventeen years of
51 age, inclusive, if such minor has been a resident of the
52 commonwealth for at least six months and is a citizen of the
53 United States, or a fishing license to a nonresident minor fifteen
54 to seventeen years of age, inclusive, if such minor is a citizen of
55 the United States. The director or any city or town clerk shall issue
56 a hunting or sporting license to any minor fifteen to seventeen
57 years of age, inclusive, who presents to the person authorized to
58 issue such license a written statement that at all times when
59 hunting or target practicing other than on a duly recognized range
60 said minor shall be accompanied by a person eighteen years of
61 age or older; or a certificate of completion as provided in this
62 section.

63 Every application for a license hereunder, except a fishing
64 license, from a minor fifteen to seventeen years of age, inclusive,
65 shall be in writing and shall be accompanied by the written consent
66 thereto of the parent or guardian, which shall be preserved for
67 one year by the city or town clerk or the director, as the case may
68 be.

69 Nothing in this section or any other provision of law shall
70 prohibit, any minor from participating in target practice on any
71 skeet, trap or target range; nor prohibit a minor twelve to fourteen
72 years of age, inclusive, from participating in the hunting of birds
73 and mammals when accompanied by a duly licensed adult;
74 provided that the bag limit established by law or regulation for
75 one person shall not be exceeded; and provided, further than only
76 one firearm shall be used. Not more than one such minor shall
77 at any one time accompany one adult, and such minors shall not
78 be required to be licensed.

79 Any firearm whether discharged by air, mechanical action or
80 otherwise, used or possessed by any minor who is not licensed,
81 or who is not accompanied as provided in this section, or which
82 is used in violation of this section, shall be confiscated by any
83 officer empowered to enforce this section, and shall be disposed

84 of by the director of law enforcement for the best interest of the
85 commonwealth, after a hearing, due notice of which has been
86 given.