

HOUSE No. 277

Bill accompanying fourth recommendation of the Board of Commissioners on Fisheries and Game (House, No. 273). Fisheries and Game. January 11.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

To provide for the Establishment of State Bird and Game Preserves or Reservations for the Better Protection and Propagation of Wild Birds and Animals.

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. For the purpose of affording protection
2 to, and aiding the propagation of any species of useful
3 wild birds and animals, the board of commissioners on
4 fisheries and game may establish by an order in the man-
5 ner hereinafter provided, close seasons for one or more
6 periods of time not exceeding five years each and for
7 any areas or sections of land, water or seashore within
8 the commonwealth. After the adoption of an order by
9 said board establishing a close season as aforesaid it shall
10 be unlawful for any person to molest, hunt, pursue or

11 kill any birds or animals specified in said order within the
12 time and territory prescribed therein, which shall be des-
13 ignated and posted as a state bird and game preserve or
14 reservation.

1 SECTION 2. Further said board may, by an instrument
2 in writing duly acknowledged before an officer authorized
3 under the laws of this state to take acknowledgments,
4 acquire by gift, lease or consent of owners any land, water
5 or shore, or the right to the use of such land, water or
6 shore as may be deemed necessary for the purpose of
7 establishing bird and animal preserves or reservations,
8 and may control and use such as they may deem best for
9 the purpose of improving the feeding and nesting condi-
10 tions for the birds or game. After acquiring such land,
11 water or shore, or the right to the use thereof as aforesaid,
12 said board may adopt an order declaring the land or
13 lands described in said instruments, or any part thereof,
14 state preserves for the protection and propagation of wild
15 birds and animals and thereafter it shall be unlawful to
16 molest, hunt, trap, snare, pursue or kill any birds or ani-
17 mals, or to disturb or injure the nests, eggs or young of
18 any bird, or remove the eggs or young from the nests,
19 specified in said order within the territory comprising
20 such preserves, except as specified in section seven. The
21 board of commissioners on fisheries and game may from
22 time to time make such rules and regulations relating to
23 such territory as may seem to them to be best adapted
24 for securing the purposes of this act, and these rules and
25 regulations, when approved by the governor and council,
26 shall have the force of laws.

1 SECTION 3. Said board for the purposes named in sec-
2 tion one of this act when duly petitioned by the selectmen

3 of a town, or by the mayor and aldermen of a city, or by
4 one or more owners of land, and when satisfied of the
5 suitable character and situation of the properties of such
6 owner or owners, may order a close season for such time
7 as may be deemed necessary on the area, or upon any
8 part of the same, specified in the petition, on all wild birds
9 and animals for which close season regulations are already
10 provided by law.

1 SECTION 4. Said commissioners may appoint deputy
2 fish and game commissioners for the enforcement of the
3 provisions of this act and of their orders, rules and regu-
4 lations pertaining to said areas, and they may authorize in
5 writing any deputy fish and game commissioner, or owner
6 or occupant of land within the limits of such areas, to
7 kill on such areas, under the direction of said commis-
8 sioners, any animals and birds not otherwise protected by
9 the fish and game laws, which in their judgment consti-
10 tute a menace to the increase of protected birds and game
11 in such bird reservations, or are harmful to agricultural
12 interests.

1 SECTION 5. The commissioners on fisheries and game
2 are hereby authorized to liberate native birds within the
3 limits of such bird reservations, and, when in their judg-
4 ment such action is advisable, to co-operate with land-
5 owners within such areas in experiments in propagation
6 of such native birds.

1 SECTION 6. Whenever said board shall be of opinion
2 that such close seasons, or bird reservations, or both,
3 should be established a time and place for a public hear-
4 ing to be held in or near the territory under consideration
5 shall be appointed; said board shall cause a notice thereof

4 STATE BIRD AND GAME PRESERVES. [Jan. 1911.

6 and of their intention in the matter to be advertised once
7 a week for two successive weeks in one or more news-
8 papers published in the county or counties embracing such
9 territory, the last publication to be at least seven days
10 prior to the time fixed for the hearing. If an order is
11 adopted establishing close seasons, or bird reservations, the
12 board shall cause a copy thereof to be published once a
13 week for two successive weeks in one or more newspapers
14 published in said county or counties and shall also cause
15 copies of the same to be posted in ten or more conspicuous
16 places within the limits of the territory embraced in said
17 order. Said order shall contain a full description of the
18 territory so closed or established as a preserve, the time
19 limits, if any are adopted, and shall specify the birds or
20 animals whose taking, killing, hunting or pursuing is
21 regulated or prohibited thereby.

1 SECTION 7. Whoever violates any provision of this
2 chapter, or any order of said board made as aforesaid, or
3 mutilates or destroys any notice of the said board posted
4 as aforesaid shall be punished by a fine not exceeding one
5 hundred dollars. The entrance of any person with a gun,
6 trap, or snare, upon a state bird or game reservation shall
7 be presumptive evidence of a violation of the provisions
8 of this chapter.

1 SECTION 8. The expenses incurred in carrying out the
2 provisions of this act shall be charged to the moneys re-
3 ceived from fees for hunting licenses.

1 SECTION 9. This act shall take effect upon its passage.