

HOUSE No. 460

Bill accompanying the petition of Salem D. Charles for the establishment of game and bird refuges. Fisheries and Game. January 13.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

AN ACT

To provide 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 all kinds of wild birds
3 and animals, the board of commissioners of fisheries and
4 game may establish in the manner hereinafter provided,
5 close seasons for any period of time not exceeding five
6 years and for any areas or sections of land within the
7 commonwealth. After the adoption of an order by said
8 board establishing a close season as aforesaid it shall be
9 unlawful to molest, hunt, kill or pursue any birds or
10 animals specified in said order within the time and terri-
11 tory prescribed therein.

1 SECTION 2. Said board may acquire by gift, lease or
2 consent of owners, by an instrument in writing duly ac-
3 knowledged before an officer authorized under the laws
4 of this state to take acknowledgments, such land or
5 lands, or the right to the use of such land or lands, as
6 may be deemed necessary for the purpose of establishing
7 bird and animal sanctuaries. After acquiring such land,
8 or the right to the use thereof as aforesaid, said board
9 may adopt an order declaring the land or lands described
10 in said instruments, or any part thereof, state sanctuaries
11 for the protection and propagation of wild birds and ani-
12 mals, and thereafter it shall be unlawful to molest, hunt,
13 kill or pursue any birds or animals specified in said order
14 within the territory comprising such sanctuaries.

1 SECTION 3. Said board for the purpose named in sec-
2 tion one of this act when duly petitioned by one or more
3 owners of land and when satisfied of the suitable charac-
4 ter and situation of the properties of such owner or
5 owners may order a close season for such time as may be
6 deemed necessary on the lands of such owner or owners
7 on all wild birds and animals for which close season regu-
8 lations are already provided by law.

1 SECTION 4. This act shall not prevent the owner or
2 any member of his immediate family from shooting on
3 his own land any bird or animal not otherwise protected
4 by law, within the limits of such preserves.

1 SECTION 5. The Wachusett mountain reservation, the
2 Greylock reservation, and the Martha's Vineyard state
3 reservation shall be used by the said board for the breed-
4 ing and propagation of wild birds and animals.

1 SECTION 6. Whenever said board shall be of opinion
2 that such close seasons, sanctuaries or preserves should

3 be established, a time and place for a public hearing to be
4 held in or near the territory under consideration shall be
5 appointed; said board shall cause a notice thereof and
6 of their intention in the matter to be advertised once a
7 week for two successive weeks in two newspapers pub-
8 lished in the county or counties embracing such territory,
9 the last publication to be at least seven days prior to the
10 time fixed for the hearing. If an order is adopted estab-
11 lishing close seasons, sanctuaries or preserves the board
12 shall cause a copy thereof to be published once a week
13 for two successive weeks in two newspapers published in
14 said county or counties, and shall also cause copies of
15 the same to be posted in ten or more conspicuous places
16 within the limits of the territory embraced in said order.
17 Said order shall contain a full description of the territory
18 so closed or established as a sanctuary or preserve, the
19 time limits, and shall specify the birds or animals whose
20 taking, killing, hunting or pursuing is regulated or pro-
21 hibited thereby.

1 SECTION 7. Whenever said board shall establish a bird
2 or animal sanctuary or preserve as aforesaid, they may
3 appoint one or more additional deputy game wardens to
4 care for such preserve or sanctuary at a salary not exceed-
5 ing three hundred dollars a year. Such deputy game
6 warden shall have all the powers of a regular fish and
7 game warden.

1 SECTION 8. Whoever molests, hunts, kills or pursues
2 any bird or animal within the limits of the territory
3 ordered closed or established as a sanctuary or preserve
4 by said board shall be punished by a fine of twenty dol-
5 lars for each bird or animal. Whoever violates any order
6 of said board made as aforesaid, mutilates or destroys

7 any notice of the said board posted as aforesaid shall be
8 punished by a fine not exceeding twenty dollars.

1 SECTION 9. The expense incurred in carrying out the
2 provisions of this act shall be charged to the regular ap-
3 propriation for the department of fisheries and game.

1 SECTION 10. This act shall take effect upon its passage.