

## The Commonwealth of Massachusetts.

DEPARTMENT OF CONSERVATION, STATE HOUSE, BOSTON, December 1, 1924.

*To the Honorable Senate and House of Representatives.*

In accordance with the provisions of section 33 of chapter 30 of the General Laws, as amended by section 43 of chapter 362 of the Acts of 1923, I submit herewith the recommendations which will be contained in my annual report (Pub. Docs. Nos. 25 and 73), together with bills embodying the legislation recommended.

Yours very truly,

WM. A. L. BAZELEY,  
*Commissioner.*

### RECOMMENDATIONS OF THE DEPARTMENT OF CONSERVATION.

#### DIVISION OF FORESTRY.

##### 1. *Relative to Hunting Season.*

The law which gives to the Governor authority to suspend the hunting season whenever in his opinion the use of firearms in the fields and woods will result in an increase in fires has been invoked during the past two years because of long continued droughts.

While each year an appreciable reduction in the number of fires followed such action, the Commissioner is convinced that the law should be so amended as to authorize the closing of the woods to all persons except the owners or their agents during periods of extreme danger from fire.

Under the present law it is obligatory upon the Governor to suspend the open season for the hunting of birds and wild animals of every kind. During the suspension of the open season this year it became evident that such a general suspension worked an unnecessary hardship upon those accustomed to hunting migratory waterfowl upon the coastal and inland waters of the commonwealth and that such a far-reaching suspension of the hunting season is not necessarily essential to adequately protect the forest lands from the dangers of fire. The accompanying bill will allow the Governor to use his discretion as to the species of birds and animals on which a close season should be proclaimed. It is also desirable to give the Governor the right to rearrange the open seasons in a year when such extraordinary conditions exist in order to give the hunters the largest opportunities to hunt consistent with conserving the forests and the wild stock.

##### 2. *Standish Monument.*

On August 6, 1920, the Standish Monument Association acting under authority granted it by the General Court conveyed to the Commonwealth the monument and grounds in the town of Duxbury to be known hereafter as the Standish Monument Reservation. During the summer of 1922 the monument was struck by lightning and the statue of Captain Myles Standish which surmounts the monument was nearly ruined.

Owing to the fact that the Legislature thus far has failed to make the necessary appropriation, the damage to the statue has not been repaired. The interest and sentiment felt for this historic reservation is attested by the fact that during the season of 1923 over 50,000 people visited the reservation. Recently a public-

spirited person has offered to defray the entire expense of restoring the statue, but the Commissioner of Conservation, who is in charge of the reservation, finds that there is no authority allowed him under existing law to accept on behalf of the Commonwealth this generous offer. He, therefore, believes that legislation should be enacted empowering him to do so.

3. *To allow Persons in Charge of Public Lands to permit the Hunting and Trapping of Certain Birds and Animals.*

Under the present law all of the public lands are game refuges, and for the benefit of useful birds and animals within those reservations, the persons in charge thereof should be empowered to issue permits allowing the hunting of predatory birds and animals which prey upon the birds and quadrupeds which are an economic asset. Because of the damage caused by deer to young forest trees on the forest reservations, the Commissioner is of the opinion that he should be given authority to declare an open season for the killing of deer on forest reservations coincident with Section sixty-three, Chapter one hundred and thirty-one of the General Laws.

DIVISION OF FISHERIES AND GAME.

4. *An Act relative to Sporting and Trapping Licenses.*

The budget commission has taken the position that it will not recommend increases in the appropriations for the Division of Fisheries and Game until the revenues exceed the present appropriations. Last year the total sum appropriated was \$219,950.

The total amount of the income from revenues and other sources was \$189,535.79.

The increasing demands of law enforcement and artificial propagation in order to keep the supply of wild life at least equal to the present drain through hunting, fishing, destruction by vermin, and the encroachments of civilization, will require from year to year increases in our appropriation over and above the 1923 figures.

The only course open is to increase the license fees and to devise ways and means of decreasing the annual cost of distributing the licenses. While economies of operation are being constantly worked out, the ground has been so thoroughly covered that future improvement is not likely to be an important factor in offsetting failure to receive reasonable annual increases in appropriations.

5. *An Act relative to Search and Seizure under the Law respecting Fish and Game.*

Under existing law no officer of the Division can obtain from any of our judges a right to search a dwelling house in order to obtain evidence of a violation of the fish and game laws. Short lobsters may be taken, and fish birds and quadrupeds illegally killed, and if they can be gotten into a dwelling house they are safe from pursuit and the violators cannot be apprehended with their quarry. Unless our officers can have the use of search warrants under such conditions, with suitable safeguards to prevent any unreasonable violations of the right of privacy, it will continue to be extremely difficult, if not impossible, to stop many persistent violations of the fish and game laws.

6. *An Act relative to Ruffed Grouse.*

The reports from all over the Commonwealth prior to the time that these recommendations must be filed indicate a scarcity of grouse in certain sections. The shooting season was so curtailed by reason of drought conditions that there was not the opportunity for as full an investigation based on actual field reports as was desirable. Under our practices, the open seasons, with the exception of pheasants, are determined by the Legislature. In order to cover the situation between now and the time of consideration by the Legislature, we are including this recommendation. If subsequent reports show no legislation necessary, this recommendation will be withdrawn in due course.

7. *An Act providing for a Close Season on Quail in Certain Counties.*

The stock of wild quail in certain counties is not sufficient to warrant the maintenance of an open season. The following legislation is in line with the policy of past years to keep the season closed in all such counties.

8. *An Act relative to Muskrats.*

The protection and increase of the fur-bearers, particularly those which are more or less harmless, is highly desirable. The value of the annual catch of fur is substantial and affords some occupation for a number of our citizens. The muskrat is the most valuable fur animal in the Commonwealth. Because of the high prices of pelts, it has been reduced to the verge of extinction in many localities, and no where can be considered abundant. It should be given an opportunity to re-establish itself, while at the same time according to property owners (particularly cranberry growers) the right at all times to protect property against destructive operations by these animals.

