

mission, shall be made a permanent employee in said department and his tenure of office shall be unlimited, subject to the civil service rules, but he shall be subjected by the division of civil service to a qualifying examination, and upon passing said examination shall be certified for his office and shall be deemed to be permanently appointed thereto without being required to serve any probationary period.

SECTION 2. This act shall take effect upon its passage.

*Approved August 27, 1949.*

AN ACT FURTHER REGULATING THE TRAPPING OF CERTAIN ANIMALS AND PROVIDING FOR THE REGISTRATION OF TRAPS USED THEREFOR.

*Chap. 758*

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make effective immediately provisions of law relating to trapping of certain animals and providing for the registration of traps used therefor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 131 of the General Laws is hereby amended by striking out section 68, as most recently amended by section 3 of chapter 615 of the acts of 1948, and inserting in place thereof the following section:— *Section 68.* Except as otherwise provided in this chapter, no person shall hunt or trap, or have in possession the living or dead bodies of, minks, otters, muskrats, opossums or raccoons; provided, that such mammals, other than opossums or raccoons, may be taken by hunting or trapping between November fifteenth and the following March first, both dates inclusive, and that opossums or raccoons may be taken with the aid or by the use of dogs or guns between October tenth and the following January first, both dates inclusive, and by trapping between November fifteenth and the following January first, both dates inclusive. No person shall remove or attempt to remove a raccoon from any hole in the ground, stone wall, from within any ledge, or from under any stone or from any hole in any log or tree. Not more than two raccoons shall be taken during any period from sunset of one day to sunset of the following day by any one person, or three raccoons by two or more persons hunting in one party, and not more than ten raccoons shall be taken by any person in any open season. Any raccoons taken in traps in excess of the daily or season limit, shall immediately be released or turned over to the district conservation officer for disposal by the director for the best interests of the commonwealth. No person, except as provided in sections fourteen and ninety-three, shall hunt or possess a beaver at any time, except that the director may declare an open season on beaver in any and all counties and may make rules and regulations governing the taking of same.

G. L. (Ter. Ed.), 131, § 68, etc., amended.

Hunting, etc., of mink and other mammals, regulated.

Notwithstanding any provision of general or special law, and except as otherwise provided in this chapter, it shall be unlawful for any person:—

(a) To have in his possession the green pelt of any fur-bearing mammal, or any part of such pelt, except during the open season for such mammal and for ten days thereafter.

(b) To trap between March second and the following November fifteenth, both dates inclusive.

(c) To possess or have under his control a trap on the land of another where fur-bearing mammals might be found, between March second and six o'clock ante meridian on the following November fifteenth, both dates inclusive.

(d) At any time to possess or have under control an unregistered trap on the land of another where fur-bearing mammals might be found.

(e) To possess or have under his control, unless duly authorized as provided in clause (n), the registered trap of another.

(f) To trap on the improved or enclosed land of another or on land posted as provided in section one hundred, without the written consent of the owner or occupant of such land.

(g) To trap in a public way, cart road or path commonly used as a passageway for human beings or domestic animals.

(h) To trap within ten feet of a muskrat house, or beaver house.

(i) To tear open, disturb or destroy a muskrat house, beaver house, or beaver dam.

(j) To trap with a steel or jaw trap, or a dead fall trap with a spread of more than six inches, or a "stop-thief" trap, or a dead fall trap with an opening of more than six inches, or a choke trap, or a trap with teeth on one or both jaws, or a trap with two sets of jaws either set of which has a spread of more than six inches, or a combination of one set of jaws of one size and another set of jaws of another size, one jaw of which is stationary and one free moving, or one or all jaws free moving, with a spread of more than six inches, or a trap capable of taking more than one mammal at a time. For the purpose of this clause a trap shall be measured across the open jaws to determine the spread. Nothing in this clause shall be deemed to prohibit the use of a stop-loss trap, so called, having one movable arm attached, the purpose of which being to prevent an animal caught therein from gnawing his foot or leg. For the purpose of this clause in determining the jaw spread of a trap, it shall be measured midway across the open jaws at right angles to the hinges from the extreme outside edges.

(k) To trap before six o'clock, ante meridian, on the opening day of the season, to wit, November fifteenth.

(l) To fail to visit at least once in each calendar day, between the hours of four o'clock ante meridian and six o'clock post meridian all traps by him staked out, set, used, tended, placed or maintained.

(m) To destroy, mutilate or spring the trap of another.

(n) To take any fur-bearing mammal or predator from the trap of another, unless he has upon his person a specific written authorization to do so, signed by the owner of such trap. The owner of traps may give such authorization to any person licensed to trap under this chapter, for a period not to exceed one week from the day he himself last tended his traps; provided, that notice of the giving of such authorization, including the name and trapping license number of the person so authorized, shall be given to the district conservation officer and to the director within twenty-four hours after the same has been given.

(o) To set, use, place, locate, tend or maintain a trap not bearing the name of the person or persons using the same in such a manner that it shall be legible at all times.

Any trap set in violation of law shall be forfeited to the commonwealth by any officer empowered to enforce this chapter and shall be disposed of by the director in the best interests of the commonwealth.

Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five nor more than three hundred dollars in addition to any other penalty or forfeiture provided for in this chapter. Any registration certificate held by any person convicted of, found guilty of or penalized in any manner for a second or later violation of this section shall be declared void by the director and no registration certificate shall be renewed or a transfer of registration number approved for a period of from two to five years as the director shall determine.

SECTION 2. Said chapter 131 is hereby further amended by striking out section 68A, inserted by section 4 of said chapter 615, and inserting in place thereof the following: —

*Section 68A.* For the purpose of providing for the registration and identification of traps, the division shall provide application forms, renewal forms, registration certificates and other forms and records necessary for the registration of traps as hereinafter provided. The division shall require the applicant for registration or renewal to supply necessary information and shall charge a fee of one dollar for the original certificate and twenty-five cents for each yearly renewal, which shall cover and apply to all traps then and thereafter owned by the applicant. The registration number of any certificate issued by the division may be any combination of letters and figures, and said number shall be permanently imbedded or cut into the metal of the traps with letters and figures not less than one eighth of an inch high in such a manner that it shall be legible at all times.

Upon the sale of any registered trap, the owner and purchaser shall send a joint notice of such transfer to the division, and thereupon the seller's registered number, as appearing upon each trap so transferred, shall have the letter "T" added to it to indicate that said transfer has been so registered with the division, and in addition the buyer's

G. L. (Ter. Ed.), 131, § 68A, etc., amended.

Registration and identification of traps.

registered number shall forthwith be stamped upon each such trap.

Upon the request of two or more persons, stating that they have entered into a partnership and are willing that all members of the partnership shall trap with the registered traps of any partner, each member of the partnership shall be furnished by the division with a special certification, written upon his registration certificate, that he is authorized to use traps belonging to the other members thereof, and it shall be unnecessary for any trap used by such partnership to bear any registration number other than that of its owner.

A registration certificate issued to an applicant hereunder shall be valid throughout the calendar year, unless sooner revoked for cause, as provided in this chapter, and provided, that if the holder of any registration number fails to renew his registration for two consecutive years, his number may then be assigned to another applicant.

The division shall, from time to time, furnish to all district conservation officers a list of all holders of registration certificates issued hereunder, including the registration number assigned to each such holder.

G. L. (Ter. Ed.), 131, §§ 72 and 76, etc., repealed.

SECTION 3. Sections 72 and 76 of said chapter 131, as appearing in section 2 of chapter 599 of the acts of 1941, are hereby repealed. *Approved August 27, 1949.*

**Chap. 759** AN ACT PROVIDING FOR THE REINSTATEMENT OF HOWARD B. CARROLL AS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM.

Emergency preamble.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make the reinstatement effective without delay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Any provision of chapter thirty-two of the General Laws to the contrary notwithstanding, the teachers' retirement board is hereby authorized and directed to cancel the application for retirement and the retirement of Howard B. Carroll of Taunton and to reinstate him in the teachers' retirement system. Said Carroll shall forthwith return any checks which have been issued in connection with said retirement.

SECTION 2. Upon such reinstatement, he shall be eligible to employment as a teacher in the schools of the commonwealth; provided, that nothing in this act shall entitle said Carroll to his former position or to any compensation in connection therewith after July first in the current year.

*Approved August 27, 1949.*