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By Mr. MacKenzie, a petition of Ronald C. MacKenzie, David H. Locke, Philip A. Quinn and Bruce N. Freeman for legislation to further protect endangered species of fish and wildlife by prohibiting the sale thereof. Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT TO FURTHER PROTECT ENDANGERED SPECIES OF FISH AND WILDLIFE BY PROHIBITING THE SALE THEREOF.

*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. Chapter 131 of the general laws is hereby  
2 amended by adding the following section 26A:

3 A person shall not sell or offer for sale, within the com-  
4 monwealth, any foreign and native endangered species of fish  
5 and wildlife as defined and listed under Public Law 135, 91st  
6 Congress (83 Stat. 275). The director with the approval of  
7 the fish and game board may supplement said list with other  
8 species of fish and wildlife considered to be rare and endan-  
9 gered if deemed advisable following the holding of regulatory  
10 hearings under the provisions of section 37 chapter 30 and  
11 section 2 of chapter 30A.

12 The director, the director of law enforcement, his assistants,  
13 natural resource officers, deputies, wardens, members of the  
14 state police, members of the metropolitan district commission  
15 police in areas over which they have jurisdiction and all other  
16 officers qualified to serve criminal process shall have author-  
17 ity under warrant to search for and seize any fish and wildlife  
18 sold or offered for sale in violation of this section, or any  
19 equipment so used in connection with a violation of this sec-  
20 tion. Any fish, wildlife and/or equipment described in such  
21 warrant shall be forfeited to the commonwealth, division of  
22 fisheries and game, provided, that this section shall not apply

23 to fish, wildlife and/or equipment passing through the com-  
24 monwealth under authority of the laws of the United States.  
25 The burden of proof that fish and/or wildlife subject to this  
26 section were lawfully acquired and that such are not for sale  
27 or to be offered for sale within the commonwealth shall be  
28 upon the person possessing the same.

29 Upon conviction of any violation of this section, such seized  
30 fish, wildlife and/or equipment shall be disposed of by the  
31 director for the best interests of the commonwealth.

1 SECTION 2. Chapter 131 of the General Laws is hereby  
2 amended by inserting in the second paragraph of Section 90,  
3 between the words, "nineteen" and "twenty-eight" the words,  
4 "twenty-six" and "twenty-six A."