

By Mr. Durand of Marlborough, petition of Robert A. Durand, Robert Emmet Hayes, Steven Angelo and Christopher J. Hodgkins relative to providing restitution to the Commonwealth for illegal taking or illegal possession of wildlife and fish. Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Eighty-Six.

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**AN ACT PROVIDING RESTITUTION TO THE COMMONWEALTH FOR ILLEGAL TAKING OR ILLEGAL POSSESSION OF WILDLIFE AND FISH.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 131, section 90 of the General Laws, as appearing in the  
2 1984 Official Edition is hereby amended by adding the following  
3 new paragraphs: —

4 In addition to the penalties provided for in this section for violat-  
5 ing any of the provisions of Chapter 131, or any rule or regulation  
6 made under the authority thereof, any person convicted of the  
7 illegal taking or illegal possession of animals, birds, fur bearing  
8 animals and fish, resulting in the injury, death or destruction of the  
9 same, may be required to make restitution to the Commonwealth  
10 for the value of each animal, bird, fur-bearing animal or fish so  
11 taken or possessed as follows:

12 (a) Deer and bear: \$300.00 per animal illegally taken or illegally  
13 possessed.

14 (b) Wild turkey, fisher, bobcat and otter: \$200.00 per animal  
15 illegally taken or illegally possessed.

16 (c) Fox, coyote and beaver: \$50.00 per animal illegally taken or  
17 illegally possessed.

18 (d) Mink, muskrat, raccoon, wild rabbit, hare and gray squirrel:  
19 \$25.00 per animal illegally taken or illegally possessed.

20 (e) Ruffed grouse, pheasant, quail, woodcock and migratory  
21 waterfowl: \$25.00 per bird illegally taken or illegally possessed.

22 (f) Fish: \$5.00 per fish illegally taken or illegally possessed.

23 (g) Endangered, Threatened and Special Concern Species  
24 included on the official Massachusetts List of Endangered Wildlife  
25 and Wild Plants (CMR 8.01)

26 Endangered Species \$2,000.00

27 Threatened Species \$1,000.00

28 Species of Special Concern \$ 500.00 per animal

29 (h) Other animals or birds: \$ 10.00 each.

30 In every case of conviction involving the illegal taking or illegal  
31 possession of animals, birds, fur-bearing animals and fish, the  
32 court may order the defendant to reimburse the Commonwealth  
33 in a sum or sums not to exceed the amount as established in the  
34 previous paragraph. Such reimbursement shall be paid directly  
35 to the court. If two or more defendants are convicted of the illegal  
36 taking or illegal possession of the animal, bird, fur-bearing animal  
37 or fish, the reimbursement above prescribed shall be declared  
38 against them jointly and severally. Court ordering such  
39 reimbursement shall remit such monies as prescribed in section  
40 3, chapter 131, General Laws.

41 Any person failing to make a damage assessment payment as  
42 ordered by the court shall be guilty of contempt and such person  
43 shall not be eligible to purchase any license issued by the Division of  
44 Fisheries and Wildlife until all assessments are paid in full.