

HOUSE No. 5929

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 25, 1982.

The committee on Taxation, to whom was referred the petition (accompanied by bill, Senate, No. 1353) of Robert D. Wetmore for legislation to establish designated funding for Massachusetts nongame wildlife programs, reports recommending that the accompanying bill (House, No. 5929) ought to pass.

For the committee,

RICHARD T. MOORE.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING DESIGNATED FUNDING FOR MASSACHUSETTS NON-GAME WILDLIFE PROGRAMS.

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. The general court intends by this act to authorize
2 a separate funding mechanism for Massachusetts nongame wildlife
3 programs. The general court finds the revenues derived from li-
4 cense sales, permit sales and other sources pertaining to inland
5 fishing, hunting and trapping both inadequate and inappropriate
6 to finance necessary nongame research and management. All con-
7 cerned citizens can assume an important role in protecting the
8 commonwealth's wildlife resources. The general court intends by
9 the enactment of this bill to provide those citizens with the means
10 by which to contribute monetarily to Massachusetts nongame
11 wildlife programs.

1 SECTION 2. Chapter 62c of the General Laws is hereby
2 amended by inserting after section 5 the following section: —

3 *Section 5A.* The Commissioner shall print and distribute annu-
4 ally a state income tax return which permits a taxpayer to make a
5 contribution to the Massachusetts Nongame Wildlife Program
6 from that taxpayer's income tax refund.

7 The language permitting designation of contributions shall read
8 as follows: —

9 *Massachusetts Nongame Wildlife Program.* Check if you wish
10 to contribute \$1, \$5, \$10 or \$____ (write in amount of
11 your tax REFUND for this program.

12 If joint return, check if your spouse wishes to contribute
13 \$1, \$5, \$10 or \$____ (write in amount).

14 Each taxpayer required to file a tax return under section 6 of
15 chapter 62c of the General Laws may contribute to the Massachu-

16 sets Nongame Wildlife Program by marking the appropriate box
17 on the state income tax return form.

18 The commissioner shall annually report the total amount desig-
19 nated under this section to the state treasurer, who shall credit that
20 amount to the Nongame Wildlife Fund established in section 2A of
21 chapter 131 of the General Laws.

22 This section shall apply to tax return forms filed on or after
23 January 1, 1982.

1 SECTION 3. Section 1 of chapter 131 of the General Laws, as
2 most recently amended by section 221 of chapter 706 of the acts of
3 1975, is hereby amended by inserting after the definition of "mam-
4 mals" the following definition: —

5 "Management," means the collection and application of bio-
6 logical information for the purpose of obtaining optimum levels of
7 wildlife within an ecosystem and maintaining those levels. The
8 term includes, but is not limited to, research, census, law enforce-
9 ment, habitat acquisition, preservation and maintenance, propa-
10 gation, live trapping and transplanted, education and other
11 activities effective in encouraging better conservation of wildlife in
12 the commonwealth. This term also includes, when and where
13 appropriate, the periodic or total protection of a species or popula-
14 tion, as well as regulated taking.

1 SECTION 4. Section 1 of chapter 131 of the General Laws, as
2 most recently amended by section 221 of chapter 706 of the acts of
3 1975, is hereby amended by inserting after the definition of "natu-
4 ral resource officer" the following definition: —

5 "Nongame wildlife," means any member of any non-domesticat-
6 ed species of the animal kingdom not otherwise legally classified by
7 statute or regulation of the Commonwealth."

8 For the purpose of this chapter nongame wildlife shall include
9 any member of the plant kingdom native to the Commonwealth
10 that is not classified as domesticated and plants classified by the
11 Division as endangered, threatened, and rare and for all non-game
12 wildlife species.

1 SECTION 5. The first sentence of section 2 of chapter 131 is
2 hereby amended by adding the words: — except that sums received
3 for nongame programs shall be credited to the Nongame Wildlife
4 Fund established by section 2A of this chapter.

1 SECTION 6. Chapter 131 is hereby further amended by insert-
2 ing after section 2 the following section: —

3 *Section 2A.* A separate Nongame Wildlife Fund shall exist
4 within the division. The state treasurer shall credit all revenues
5 received by the Commonwealth: —

6 1) under the provisions of sections 5A of chapter 62C and 11A
7 of chapter 131 of the General Laws: —

8 2) from public and private sources as gifts, grants and donations
9 to further nongame programs; or

10 3) from the federal government as reimbursement, grant-in-aid
11 or other receipts on account of the division's nongame activities; to
12 the Nongame Wildlife Fund. All revenues credits under this section
13 shall remain in the Nongame Wildlife Fund for the director to use
14 in programs to manage inventory, preserve, protect, perpetuate
15 and enhance nongame wildlife in the commonwealth. The state
16 treasurer may not deposit these revenues in, or transfer them to, the
17 general fund of the commonwealth or any other fund. Upon re-
18 quest by the Commissioner of the Department of Environmental
19 Management the Division of Fisheries and Wildlife shall, subject
20 to the approval of the Board, make available 20% of the annual
21 appropriation or \$50,000, whichever is less, from the nongame
22 fund for the inventory of nongame wildlife by the Department of
23 Environmental Management.

1 SECTION 7. Chapter 131 is hereby further amended by insert-
2 ing after section 5 the following section: —

3 *Section 5A.* The director shall administer the Massachusetts
4 Nongame Wildlife Program in accordance with sections 4(3) and
5 4(13) of chapter 131 of the General Laws.

6 An advisory conservation council composed of seven members
7 exists within the division to assist the director in matters pertaining
8 to nongame wildlife. The director shall appoint the seven council
9 members. Council members shall have expertise in the area of

10 nongame wildlife and its management. Council members shall
11 serve three year terms, except the initial appointees, of whom two
12 shall serve for one year, two for two years, and three for three years.
13 The council shall advise the director on all nongame matters,
14 including those pertaining to threatened or endangered species.

15 The director shall annually appoint a chairman of the council.
16 The council shall meet at least quarterly and at the request of the
17 director or the council chairman. Council members may not re-
18 ceive any compensation but will receive reimbursement for ex-
19 penses necessary to the performance of their duties.

20 The Fisheries and Wildlife Board and the Non-game Advisory
21 Committee shall annually conduct a public hearing to consider the
22 status of the Massachusetts Non-game Wildlife Program, to include
23 a review of the program's budget for the coming fiscal year. At the
24 hearing the Director shall present a report on programs concerning
25 non-game species which the Division has been engaged in since the
26 last hearing and his plans for the coming year. The hearing shall be
27 conducted in such a way as to allow the public reasonable time to
28 present their views.

29 *Section 8.* Subject to appropriation, one percent of the annual
30 proceeds for the contributions made pursuant to Section 5A of
31 Chapter 62C of the General Laws shall be made available to the
32 State Revenue Department for the collection and accounting of
33 receipts.

