

By Mr. Angelo of Saugus, petition of Steven Angelo, Joseph B. McIntyre and Robert A. Durand for legislation to further protect the wildlife resources of the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT FOR THE FURTHER PROTECTION OF THE WILDLIFE RESOURCES OF THE COMMONWEALTH.

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 purpose of this act is to foster improved
2 protection of the wildlife resources of the commonwealth by
3 providing for increased efficiency in the operation of the division
4 of fisheries and wildlife, by authorizing such division to
5 promulgate rules and regulations with regard to the distinction
6 between coastal and inland waters of the commonwealth; the
7 disposition of deer taken by means other than sport hunting; the
8 type and size of munitions permitted in any place where birds or
9 mammals may be found; and the transportation of deer taken by
10 means of sport hunting.

1 SECTION 2. Section 1 of chapter 130 of the General Laws,
2 as most recently amended by chapter 336 of the acts of 1981, is
3 hereby further amended by deleting the definition "Coastal
4 waters" and replacing it with the following new definition: —
5 "Coastal waters," all waters of the commonwealth within the
6 rise and fall of the tide and the marine limits of the jurisdiction
7 of the commonwealth, but not waters within or above any fishway
8 or dam nor waters above any jurisdictional boundary legally
9 established pursuant to section five of chapter one hundred and
10 thirty of the General Laws in rivers and streams flowing into the
11 sea.

1 SECTION 3. Chapter 130 of the General Laws is hereby
2 amended by adding the following new section: —

3 Section 5. The director and the director of the division of
4 fisheries and wildlife, shall from time to time determine and
5 establish the jurisdictional boundaries of each agency in rivers and
6 streams flowing into the sea. Said jurisdictional boundaries may be
7 based upon existing, man-made, natural, geographic or other
8 known landmarks, or determined and established by other
9 appropriate methods or means.

10 The determination and establishment of any jurisdictional
11 boundary made pursuant to this section shall serve to distinguish
12 the jurisdiction of the division from the division of fisheries and
13 wildlife for purposes of fisheries management authority, shall be
14 prima facie the jurisdiction of each respective agency, and shall
15 have no other independent legal significance.

16 The director and the director of the division of fisheries and
17 wildlife may prepare plans and maps delineating said jurisdic-
18 tional boundaries, and shall file a copy thereof with the secretary
19 of state and the director of the division of law enforcement.

1 SECTION 4. Section 1 of chapter 131 of the General Laws,
2 as most recently amended by chapter 706 of the acts of 1975, is
3 hereby further amended by deleting the definition "Coastal
4 waters" and replacing it with the following new definition: —

5 "Coastal waters," all waters of the commonwealth within the
6 rise and fall of the tide and the marine limits of the jurisdiction
7 of the commonwealth, but not waters within or above any fishway
8 or dam nor waters above any jurisdictional boundary legally
9 established pursuant to section five of chapter one hundred and
10 thirty of the General Laws in rivers and streams flowing into the
11 sea.

1 SECTION 5. Section 4 of chapter 131 of the General Laws,
2 as most recently amended by chapter 572 of the acts of 1981, is
3 hereby further amended by striking out clause (12) and inserting
4 in place thereof the following clause: —

5 (12) for the purpose of this chapter and of chapter one hundred
6 and thirty, establish suitable markers designating the jurisdic-
7 tional bounds established pursuant to section five of chapter one
8 hundred and thirty. Thereupon, the director shall file a plan or

9 maps showing the location of said markers with the clerk of the
10 city or town wherein the marker has been established. A person
11 shall not alter, remove or destroy any marker so established by
12 the director.

1 SECTION 6. Section 11 of chapter 131 of General Laws is
2 hereby amended by striking the same and inserting in place thereof
3 the following: —

4 Section 11. A person shall not fish in any inland waters of the
5 commonwealth unless he is a minor under fifteen years of age,
6 nor hunt or trap any bird or mammal except as otherwise provided
7 in sections four, fourteen, fifteen, twenty-one, twenty-three and
8 thirty-seven without first having obtained a sporting, hunting,
9 fishing or trapping license.

10 Sporting, hunting, fishing and trapping licenses shall be issued
11 to the following classes of persons upon payment of the
12 appropriate fee:

13 (1) a resident of the commonwealth for at least six consecutive
14 months immediately prior to his application for such license or
15 person who is on extended active duty in the armed forces of the
16 United States and is stationed in the Commonwealth and

17 (2) any other person. The director may by regulation establish
18 types of licenses and permits to be sold to such classes of persons,
19 the amount of the fee for which to be determined annually by the
20 commissioner of administration under the provision of section
21 three B of chapter seven. No fee shall be charged for any license
22 issued under this section to a person over the age of seventy, or
23 for a license issued under this paragraph to paraplegic, or for any
24 fishing license issued under authority of this paragraph to a person
25 who is blind or mentally retarded. The director or any person duly
26 authorized under the provisions of section twelve, may issue at
27 no fee nonresident hunting and fishing licenses to a nonresident
28 person who is a paraplegic; provided, that said nonresident shows
29 sufficient evidence to the issuing agent that he or she is so afflicted
30 and provided, further, that the state or sovereignty in which said
31 nonresident is a resident provides a reciprocal privilege to
32 residents of this commonwealth who are similarly afflicted.

33 The director may waive payment of the fee for antlerless deer
34 permits for farmers, landowners or sportsmen's clubs based on
35 criteria set out in regulations provided, that no sportsmen club

36 shall receive more than one permit. The director is hereby
37 authorized to issue such licenses or permits in such form as he
38 may prescribe and the term of any license or permit shall be
39 specified on its face.

40 The fee for an archery stamp issued under section thirteen
41 and the portion of such fee which the authorized agent or city
42 or town clerk issuing such stamp may retain shall be determined
43 under the aforementioned chapter seven provision.

44 The fee for a Massachusetts waterfowl stamp issued under
45 section thirteen, the designated portion of said fee which may be
46 retained by the authorized agent or city or town clerk issuing such
47 stamp and the amount which shall be transferred to the state
48 treasurer for deposit and disbursement shall be determined by the
49 commissioner of administration annually pursuant to the
50 aforementioned provision. The state treasurer shall forward
51 upon request of the director and subject to annual appropriation,
52 eighty cents of the fee for each stamp issued to Ducks Unlimited,
53 Inc., of Chicago, Illinois pursuant to an agreement between the
54 director and Ducks Unlimited, Inc. Such funds are to be used
55 exclusively for waterfowl management in the Atlantic provinces
56 of Canada. A written report shall be annually submitted to the
57 division by Ducks Unlimited, Inc. setting forth what projects,
58 activities and expenses were realized from the commonwealth's
59 contribution. Any unexpended balance shall be credited to the
60 inland fisheries and game fund.

1 SECTION 7. Clause (3) of the second paragraph of section 31
2 of said chapter 131, as most recently amended by chapter 110 of
3 the acts of 1979, is hereby further amended by striking out, in lines
4 5 and 6, and the words "and good only on commercial shooting
5 preserves".

1 SECTION 8. Section 34 of Chapter 131 of the General Laws
2 is hereby amended by striking out in line 23 the words "on three
3 or more separate occasions for violations" and inserting in its
4 place the words "for any violation."