HOUSE DOCKET, NO. 3033 FILED ON: 1/18/2013

HOUSE . . . . . No. 1198

The Commonwealth of Massachusetts

PRESENTED BY:

Matthew A. Beaton

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act enhancing the enforcement of illegal hunting practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Matthew A. Beaton	*11th Worcester*
Denise Andrews	*2nd Franklin*
George N. Peterson, Jr.	*9th Worcester*
Ruth B. Balser	*12th Middlesex*
F. Jay Barrows	*1st Bristol*
John J. Binienda	*17th Worcester*
Paul Brodeur	*32nd Middlesex*
Thomas J. Calter	*12th Plymouth*
Christine E. Canavan	*10th Plymouth*
Thomas P. Conroy	*13th Middlesex*
Mark J. Cusack	*5th Norfolk*
Angelo L. D'Emilia	*8th Plymouth*
Carolyn C. Dykema	*8th Middlesex*
Christopher G. Fallon	*33rd Middlesex*
Kimberly N. Ferguson	*1st Worcester*
John V. Fernandes	*10th Worcester*
Ann-Margaret Ferrante	*5th Essex*
Paul K. Frost	*7th Worcester*

Sean Garballey	*23rd Middlesex*
Anne M. Gobi	*5th Worcester*
Kenneth I. Gordon	*21st Middlesex*
Danielle W. Gregoire	*4th Middlesex*
Jonathan Hecht	*29th Middlesex*
Kate Hogan	*3rd Middlesex*
Bradley H. Jones, Jr.	*20th Middlesex*
Peter V. Kocot	*1st Hampshire*
Kevin J. Kuros	*8th Worcester*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Brian R. Mannal	*2nd Barnstable*
Harold P. Naughton, Jr.	*12th Worcester*
Shaunna O'Connell	*3rd Bristol*
Elizabeth A. Poirier	*14th Bristol*
Denise Provost	*27th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
Alan Silvia	*7th Bristol*
Benjamin Swan	*11th Hampden*
Bruce E. Tarr	*First Essex and Middlesex*
Walter F. Timilty	*7th Norfolk*
Cleon H. Turner	*1st Barnstable*
Aaron Vega	*5th Hampden*
David T. Vieira	*3rd Barnstable*
Chris Walsh	*6th Middlesex*
Martin J. Walsh	*13th Suffolk*
John P. Fresolo	*16th Worcester*
Kay Khan	*11th Middlesex*
Jason M. Lewis	*31st Middlesex*
Paul McMurtry	*11th Norfolk*
Tom Sannicandro	*7th Middlesex*
Thomas M. Stanley	*9th Middlesex*
Sarah K. Peake	*4th Barnstable*

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HOUSE . . . . . No. 1198

By Mr. Beaton of Shrewsbury, a petition (accompanied by bill, House, No. 1198) of Matthew A. Beaton and others for legislation to increase the penalties for violations of certain hunting laws. The Judiciary.

The Commonwealth of Massachusetts

An Act enhancing the enforcement of illegal hunting practices.

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

SECTION 1. Section 21A of chapter 131 of the general laws, is hereby amended by striking out, in the last paragraph, the figure "$300" and inserting in place thereof the following figure:- $1000.

SECTION 2. Said Section 21A of chapter 131 of the general laws, is hereby further amended by striking out, in the last paragraph, the figure "$1000" and inserting in place thereof the following figure:- $5000.

SECTION 3. Section 34 of chapter 131 of the general laws, is hereby further amended by striking out, in the first paragraph, the words "eleven, thirty-two, sixty-two, sixty-five, sixty-eight, seventy-three, seventy-five.

SECTION 4. Section 34 of chapter 131 of the general laws, is hereby further amended by striking out, in the first paragraph, the words "or for fishing, hunting or trapping outside the season established under section five, or for the unlawful taking or possession of a deer,"

SECTION 5. Section 34 of chapter 131 of the general laws, is hereby further amended by inserting the following paragraph after the last paragraph:- A license, permit, or certificate issued under a provision of this chapter, except a license issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight, seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate was issued, such particular license, permit, or certificate shall be void, and shall immediately be surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his behalf shall not be given or make application for, that particular license, permit or certificate with respect to the violation for which said person was found guilty or penalized as aforesaid, during the period of not less than one year and not

24 more than three years from the date such person was found guilty or penalized, and such
25 particular license, permit or certificate so issued shall be void and shall be surrendered to an
26 officer authorized to enforce this chapter.

27 A license, permit, or certificate issued under a provision of this chapter, except a license
28 issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or
29 convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a
30 second violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight,
31 seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate
32 was issued, such particular license, permit, or certificate shall be void, and shall immediately be
33 surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his
34 behalf shall not be given or make application for, that particular license, permit or certificate
35 with respect to the violation for which said person was found guilty or penalized as aforesaid,
36 during the period of not less than three years and not more than ten years from the date such
37 person was found guilty or penalized, and such particular license, permit or certificate so issued
38 shall be void and shall be surrendered to an officer authorized to enforce this chapter.

39 A license, permit, or certificate issued under a provision of this chapter, except a license
40 issued under clauses (3), (4) or (6) of section twenty-three, held by a person found guilty of, or
41 convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a third
42 or subsequent violation of section five, ten, eleven, thirty-two, sixty-two, sixty-five, sixty-eight,
43 seventy-three, seventy-five, or eighty-five, for which that particular license, permit, or certificate
44 was issued, such particular license, permit, or certificate shall be void, and shall immediately be
45 surrendered to an officer authorized to enforce this chapter. Said person or a person acting on his
46 behalf shall not be given or make application for, that particular license, permit or certificate
47 with respect to the violation for which said person was found guilty or penalized as aforesaid,
48 during the period of not less than ten years and not more than a lifetime from the date such
49 person was found guilty or penalized, and such particular license, permit or certificate so issued
50 shall be void and shall be surrendered to an officer authorized to enforce this chapter.

51 SECTION 6. Section 90 of chapter 131 of the general laws is hereby amended by striking
52 out, in the first paragraph, the words "five, ten, eleven, thirty-two, sixty-two, eighty-five or"

53 SECTION 7. Section 90 of chapter 131 of the general laws is hereby further amended by
54 inserting the following paragraph after the first paragraph:- Whoever violates any provision of
55 section five, ten , eleven, thirty-two, sixty-two, eighty-five, or any rule or regulation made under
56 authority thereof, shall be punished by a fine of not less than one hundred nor more than five
57 hundred dollars, or by imprisonment for not more than ninety days, or both such fine and
58 imprisonment; in addition, for each bird or mammal other than a deer, bear or turkey unlawfully
59 killed, taken, held or possessed, or for each nest or egg unlawfully taken, molested, distributed or
60 destroyed, by a fine of not less than fifty nor more than two hundred dollars; and for each deer
61 unlawfully killed or unlawfully possessed, by a fine of not less than five hundred nor more than

62 three thousand dollars, or by imprisonment for not more than six months, or both such fine and
63 imprisonment; and for each bear unlawfully killed or unlawfully possessed, by a fine of not less
64 than one thousand nor more than ten thousand dollars, or by imprisonment for not more than six
65 months, or both such fine and imprisonment; and for each turkey unlawfully killed or unlawfully
66 possessed, by a fine of not less than five hundred nor more than three thousand dollars, or by
67 imprisonment for not more than six months, or both such fine and imprisonment.

68 SECTION 8. Section 90 of chapter 131 of the general laws is hereby further amended by
69 striking out, in the second paragraph, the words "five hundred" and inserting in place thereof the
70 following words:- one thousand.

71 SECTION 9. Section 90 of chapter 131 of the general laws is hereby further amended by
72 striking out, in the second paragraph, the word "two" and inserting in place thereof the following
73 word:- five.

74 SECTION 10. Section 90 of chapter 131 of the general laws is hereby further amended
75 by striking out, in the second paragraph, the word "six" and inserting in place thereof the
76 following word:- twelve.

77 SECTION 11. Section 90 of chapter 131 of the general laws is hereby further amended
78 by striking out, in the third paragraph, the word "sixty-eight"

79 SECTION 12. Section 90 of chapter 131 of the general laws is hereby further amended
80 by inserting the following paragraph after the third paragraph:- Whoever violates any provision
81 of section sixty eight, or of any rule or regulation made under authority thereof, shall be punished
82 by a fine of not less than five hundred nor more than three thousand dollars, or by imprisonment
83 for not more than one year, or both.

84 SECTION 13. Section 90 of chapter 131 of the general laws is hereby further amended
85 by striking out the fourth paragraph and inserting in place thereof the following paragraph:-
86 Whoever violates any provision of section twenty-two, or of any rule or regulation made under
87 authority thereof, shall be punished by a fine of not less than fifty nor more than one thousand
88 dollars, or by imprisonment for not more than six months, or both for each fish, bird or mammal,
89 other than a deer, bear, or moose, unlawfully bought, sold, bartered, exchanged, offered or
90 exposed for sale, or had in possession for the purpose of sale, and in case of a deer, by a fine of
91 not less than one thousand nor more than five thousand dollars or by imprisonment for not more
92 than one year, or both, and in the case of a bear, by a fine of not less than two thousand nor more
93 than ten thousand dollars or by imprisonment for not more than one year, or both, and in the case
94 of a moose, not less than one thousand nor more than five thousand dollars or by imprisonment
95 for not more than one year, or both. Any person found guilty of, or convicted of, any violation of
96 this section who is the holder of any hunting or sporting license issued under the provisions of
97 this chapter shall forthwith lose any rights thereunder, and said license shall be surrendered to

98 any officer empowered to enforce the provisions of this chapter and no other hunting or sporting
99 license shall be granted to him for a period not less than one year nor more than lifetime.

100 SECTION 14. Section 90 of chapter 131 of the general laws is hereby further amended
101 by striking out, in the sixth paragraph, the following words "sixty-five"

102 SECTION 15. Section 90 of chapter 131 of the general laws is hereby further amended
103 by inserting the following paragraph after the sixth paragraph:- Whoever violates any provision
104 of section sixty-five shall be punished by a fine of not less than five hundred dollars nor more
105 than three thousand hundred dollars, or by imprisonment for not more than thirty days, or both.

106 SECTION 16. Section 90 of chapter 131 of the general laws is hereby further amended
107 by striking out, in the ninth paragraph, the words "one hundred" and inserting in place thereof the
108 following words:- three hundred.

109 SECTION 17. Section 90 of chapter 131 of the general laws is hereby further amended
110 by striking out, in the ninth paragraph, the words "five hundred" and inserting in place thereof
111 the following words:- one thousand.

112 SECTION 18. Section 90 of chapter 131 of the general laws is hereby further amended
113 by striking out the eleventh paragraph and inserting in place thereof the following paragraph:-
114 Whoever violates any provision of section seventy-five A shall be punished by a fine of not less
115 than one thousand nor more than ten thousand dollars or by imprisonment for not more than six
116 months or both; and such person, subject to the provisions of section thirty-four, shall not be
117 issued a license or permit or certificate under authority of any provision of this chapter during the
118 period of not less than three years nor more than a lifetime from the date of being found guilty or
119 penalized as aforesaid.

120 SECTION 19. Section 90A of chapter 131 of the general laws is hereby amended by
121 striking out the last sentence of the first paragraph and inserting in place thereof the following
122 paragraph:- Any person who hunts, traps, or fishes in the commonwealth when that person's
123 privilege to conduct such activity has been suspended or revoked in any jurisdiction of the
124 United States or Canada for an offense that would constitute a violation of section ten, thirteen,
125 twenty-two, sixty-one, sixty-two, sixty-four, sixty-five, sixty-eight, sixty-nine, seventy-three,
126 seventy-four, seventy-five, seventy-five A, seventy-nine, eighty, eighty A, or eighty-two, shall be
127 punished consistent with the penalties assessed for hunting, trapping, or fishing without a license
128 in violation of Section 11 of this Chapter. Any person who fails to immediately return a license
129 in violation of this section shall be punished by a fine of not less than fifty nor more than two
130 hundred dollars.

131 SECTION 20. Section 90B of chapter 131 of the general laws is hereby added with the
132 following paragraphs:- Section 90B. Penalties for Multiple Offenses

133 Whoever violates any provision of section five, twenty-two, sixty-five, or sixty-eight, or
134 any rule or regulation made under authority thereof, and has thereby violated any of these
135 sections, rules, or regulations with respect to three or more animals of any species covered by
136 this section within the preceding ten years, shall be punished by a fine of not less than one
137 thousand nor more than fifteen thousand dollars, or by imprisonment for not more than five years
138 in state prison, or both such fine and imprisonment.

139 The penalties set forth in this section shall apply to the violation in which the total
140 number of animals involved in violations by the person within the last ten years reaches three or
141 more animals, and also shall apply to every violation thereafter.

142 Species covered by this section are deer, turkey, moose, fisher, bobcat, bear, any bird of
143 prey as defined in section seventy-five A of this chapter, and any endangered, threatened, or
144 special concern species included on the official Massachusetts List of Endangered Wildlife and
145 Wild Plants established pursuant to section four of chapter one-hundred thirty-one A.

146 Any person penalized pursuant to this section shall immediately surrender to an officer
147 authorized to enforce this chapter any license, permit, or certificate issued under a provision of
148 this chapter for which said person was found guilty or penalized, except a license issued under
149 clauses (3), (4) or (6) of section twenty-three, and such surrendered license, permit, or certificate
150 shall be void. Said person or a person acting on his behalf shall not be given or make application
151 for, that particular license, permit or certificate with respect to the violation as aforesaid, during
152 the period of not less than ten years and not more than a lifetime from the date such person was
153 found guilty or penalized, and any license, permit or certificate so issued shall be void and shall
154 be surrendered to an officer authorized to enforce this chapter.