321 CMR: DIVISION OF FISHERIES AND WILDLIFE

321 CMR 3.00: HUNTING.
321 CMR 3.02: HUNTING, PARTICULAR GAME.

(2) Migratory Game Bird Regulations. In accordance with the authority found in M.G.L. c. 131, §§ 5 and 63, and subject to 321 CMR 3.02(2), the annual open seasons for the hunting and possession of certain migratory game birds are hereby adopted.

(a) Definitions: For the purposes of 321 CMR 3.02(2), the following words or phrases shall have the following meanings:
American Coot or Coot means the American coot (*Fulica americana*).
Berkshire Zone means that portion of Massachusetts west of a boundary line running south from the Vermont border along Route I-91 to Route 9, west on Rte. 9 to Rte. 10, south on Rte. 10 to Rte. 202, and south on Rte. 202 to the Connecticut border.
Central Zone means that portion of Massachusetts lying between the Berkshire Zone and the Coastal Zone.
Coastal Zone means that portion of Massachusetts east and south of a boundary line running south from the New Hampshire border along Route I-95 south to Rte. 1, to Rte. I-93, south along I-93 to Rte. 3, south on Rte. 3 to Rte. 6, west on Rte. 6 to Rte. 28, west on Rte. 28 to Rte. I-195, and west on Rte. I-195 to the Rhode Island border, provided that the waters and lands 150 yards above the high water mark of the Assonet River from the mouth of said Assonet River to the Route 24 bridge and 150 yards above the high water mark of the Taunton River from the mouth of said Taunton River to the Center Street-Elm Street bridge shall be in the Coastal Zone.
Director means the Director of the Division of Fisheries and Wildlife or his authorized agent.
Gender means, unless the context requires otherwise, that words importing the masculine gender shall include the feminine and neuter.
Migratory Game Birds means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in 321 CMR 3.02(2) and belong to the following families:

1. Anatidae (ducks, mergansers, geese, and brant);
2. Rallidae (rails and American coot);
3. Scolopacidae (snipe and woodcock).

Non-Toxic Shot means steel shot or such other non-toxic shot as shall be approved by the United States Fish and Wildlife Service as an acceptable non-toxic alternative to lead shot.
Primitive Firearm Loaded with Shot means loose shot carried in a shot pouch or similar container, or which is carried on the person and could readily be so loaded, as well as shot which has been loaded in the barrel of a primitive firearm.
Sea Ducks means scoter, eider, and long-tailed (oldsquaw) ducks.

Waterfowl means migratory game birds of the family Anatidae (ducks, mergansers, geese and brant).

(b) Open Seasons. The dates of the open seasons for the various species herein mentioned, the daily bag limits, possession limits, and related matters are shown in Table 1.

(c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except as provided in 321 CMR 3.01(1)(n).

(d) Falconry. Notwithstanding the dates of the open seasons and the bag and possession limits as prescribed in 321 CMR 3.02(2)(b) and Table 1 thereof, ducks and coots may be hunted or taken with falcons by licensed falconers from October ~~3~~8, ~~2015~~ 2016 through February ~~4~~8, ~~2016~~2017. The bag limits for such falconry hunting shall be three birds daily or nine in possession, singly or in the aggregate, subject to the limitations prescribed in 321 CMR 3.02(2)(b), Table 1, footnotes A through E. Hunting with falconry on Sundays is prohibited.

(e) Restrictions.

1. Migratory game birds shall not be hunted by the aid of salt, bait, grain of any kind, or other feed or means similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are hunting or attempting to hunt or take them.
2. Migratory game birds mentioned in 321 CMR 3.02(2) may be hunted only with bow and arrow or with a shotgun not larger than No. 10 gauge, fired from the shoulder, or by falconry. Automatic loading or hand-operated repeating shotguns capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal, plastic or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined, shall not be used in the hunting of migratory game birds.
3. A person shall not hunt migratory game birds by means or aid of any motor-driven land, water or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of such birds either for himself or for others.
4. A person shall not hunt migratory game birds from or by means of a sinkbox (battery), live duck or live goose decoys or domesticated fowl or any kind.
5. A person shall not kill or cripple any migratory game bird pursuant to 321 CMR 3.02(2) without making a reasonable effort to retrieve the bird and include it in his daily bag.
6. A person shall not hunt migratory game birds by the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.
7. All counties of Massachusetts have been designated as non-toxic shot areas. Within these counties, no person hunting waterfowl or coot by means of a shotgun (including a primitive firearm) shall use or have in his possession while

hunting waterfowl or coot, any shotgun shell or shells or any primitive firearm loaded with shot other than non-toxic shot.

8. A person shall not hunt, take or possess waterfowl within Massachusetts or its coastal waters unless he possesses on his person a current valid Massachusetts waterfowl stamp, if aged 15 years or older, and, in addition, a current valid federal Migratory Bird Hunting and Conservation Stamp, if aged 16 years or older, except as provided in 321 CMR 3.02(2), Table 1E. Said stamps shall be signed across the face in ink by the bearer thereof and shall not be transferable. The display of such stamps shall be as provided in 321 CMR 2.11(4).

(f) Loaded Shotguns in Motor Boats. A person may have in his possession or under his control in a motor boat a loaded shotgun while such boat is beached, resting at anchor or fastened within or tied immediately alongside of any type of fixed hunting blind.

(g) Retrieval of Dead or Crippled Birds. A hunter may pick up or retrieve dead or crippled migratory game birds from a craft under power, but shall not shoot any birds from such craft except that wounded or crippled waterfowl or coot may be shot from a powered craft in coastal waters and in waters of rivers and streams seaward of the first upstream bridge.

(h) Harvest Information Program. No person shall hunt migratory game birds unless such person has completed a Migratory Game Bird Harvest Information Program (H.I.P.) survey as provided for by the U.S. Fish and Wildlife Service pursuant to the Code of Federal Regulations and has proof of completion inscribed on his hunting or sporting license in such a manner as provided for by the Director.

(i) Wampanoag Tribe of Gay Head (Aquinnah). The Wampanoag Tribe of Gay Head (Aquinnah), a federally recognized tribe, may set migratory game bird seasons on Settlement Lands, after consultation with the U.S. Fish and Wildlife Service pursuant to 50 CFR 20.110.

Regulatory Authority: M.G.L. c. 131, §§ 5 and 63.
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