

HOUSE No. 736

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi, George N. Peterson, Jr.

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 bill:
An Act safeguarding our natural resources.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	5th Worcester
George N. Peterson, Jr.	9th Worcester
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Todd M. Smola	1st Hampden
Stephen Kulik	1st Franklin
Benjamin B. Downing	Berkshire, Hampshire and Franklin
Robert L. Rice, Jr.	2nd Worcester
Cleon H. Turner	1st Barnstable
Denis E. Guyer	2nd Berkshire

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT SAFEGUARDING OUR NATURAL RESOURCES.

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: Chapter 131 of the Massachusetts general Laws, as appearing in the 2002 Official Edition, is hereby amended by striking Section 80A in its entirety and inserting in place thereof the following:-
Section 80A. Notwithstanding any other provision of this chapter, a person who has been certified through any state or federal agency using the Association of Fish and Wildlife Agencies (AFWA) wildlife management curriculum and legally licensed by the state of Massachusetts may use, set, place, maintain, manufacture or possess any tested and recommended device designed to restrain or secure mammals, as described in the Best Management Practices (BMP's) produced and published by AFWA. Any restraint device not identified for the capture of furbearers, tested and recommended in the BMP's is to be considered illegal. The BMP's are to be used as guidance to address the; a) welfare of animals, b) efficiency and selectivity of the restraint devices, c) safety of these devices to people, and the d) practical application for the management of wildlife. The use of BMP tested and recommended devices are subject to the regulations promulgated by the Massachusetts Division of Fisheries & Wildlife.

Limitations and restrictions to the above paragraph are a follows:

- Any species specific Division of Fisheries & Wildlife tested and recommended device placed on land must not have a restraint target diameter exceeding 5 3/8". The restraint target diameter is determined by the greatest inside distance, in a set position, from one side of the device to the other, where an animal is designed to be held.
- Any species specific Division of Fisheries & Wildlife tested and recommended device placed on land must be covered by natural material (dirt, sand, leaf litter, etc) or be a minimum of 3 vertical feet above ground, or snow height.
- Any species specific Division of Fisheries & Wildlife tested and recommended device with a restraint target diameter greater than 5 3/8" must be limited to and placed in a permanent waterbody, river or stream, and submerged at the time of deployment.
- Any species specific Division of Fisheries & Wildlife tested and recommended device placed on land and designed to restrain an animal alive must be equipped with a pan tension device.

- Any species specific Division of Fisheries & Wildlife tested and recommended device designed to restrain an animal alive must have a minimum of 3 swivels between the device itself and a secure fixed point.
- Any species specific Division of Fisheries & Wildlife tested and recommended device designed to restrain an animal alive must have a shock absorption spring attached between the device itself and the anchoring point.
- Any species specific Division of Fisheries & Wildlife tested and recommended device designed to restrain an animal alive must have a restraint surface area other than steel or similar iron alloy.
- Any species specific Division of Fisheries & Wildlife tested and recommended device designed to restrain an animal alive must not have a distance that exceeds 24” between the device itself and its anchoring point.
- Any species specific Division of Fisheries & Wildlife tested and recommended device placed on land and designed to restrain an animal alive must use an appropriate staking system as described in the BMP’s and Massachusetts Division of Fisheries and Wildlife regulations.

Exemptions to above limitations and restrictions:

- Box or cage devices designed to hold the animal in a confined space.
- Hancock® or Bailey® type devices designed to restrain and confine beavers.
- Species specific encapsulation live restraints such the Littl’ Griz ®, Coon Cuffs® or similar design.
- Devices specifically designed and manufactured to kill small mammals, such as rats, mice or weasels and include device types like the "Koro Rodent®", "Macabee Gopher®" or "Plunger style” equipment, and similar designs there to.

The above provision shall not apply to the use of prohibited devices by federal and state departments of health for the purpose of protection from threats to human health and safety.

Whoever violates any provisions of this section, or any rule or regulation made under the authority thereof, shall be punished by a fine of not less than \$300 no more than \$1000, or by imprisonment for each illegal capture device possessed, used, set, maintained, or manufactured.

Each day of violation shall constitute a separate offense. A person found guilty of, or convicted of, or assessed in any manner after a plea of nolo contendere, or penalized for, a second violation of this section shall surrender to an officer empowered to enforce this chapter, any trapping license and shall be barred forever from obtaining a future trapping license or problem animal control permit.