



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

Furbearer and Wanton Waste Regulations as Approved by the Fisheries and Wildlife Board

December 19, 2019

Notes:

(1) These regulations *are not yet in effect* and are still subject to administrative processing prior to promulgation. MassWildlife anticipates that the regulations will go into effect well before the 2020 fall hunting season.

(2) This regulatory language contains three minor changes to the public comment draft. First, in 321 CMR 2.17(2), the word “fur” was changed to “pelt” as explained above in response to Comment Theme 3 (Page 4). Second, the word “such” was added to 321 CMR 2.17(2) to clarify the applicability of this subsection to “...hunting or trapping in accordance with 321 CMR 3.02...,” as stated in 321 CMR 2.17(1). Third, wherever the phrase “animals and birds” appeared, this was changed to “animals,” because birds are already covered by the regulation through the reference to animals (i.e., birds are animals). The removal of the word “bird” does not in any way alter the species covered in the wanton waste regulation as originally proposed, which applies to game birds.

Regulations:

321 CMR 2.16: Prohibition on Contests for the Capture, Take or Waste of Predator and Furbearer Animals

It shall be unlawful for any person to organize, sponsor, promote, conduct or participate in a contest in which participants compete for prizes or other inducements that results in the capture, take or waste of those predatory or furbearing animals regulated by the Division pursuant to 321 CMR 3.02(3) or 3.02(5)(b)(2.) and (5.-11.).

321 CMR 2.17: Prohibition on the Waste of Certain Game Animals ~~and Birds~~

(1) It is unlawful for any person while hunting or trapping in accordance with 321 CMR 3.02 to waste an animal ~~or bird~~. For the purposes of 321 CMR 2.16 and 2.17, “waste” means to intentionally or knowingly leave a wounded or dead animal ~~or bird~~ that the person has hunted or trapped in the field or the forest without making a reasonable effort to retrieve the animal ~~or bird~~ and use it.

(2) Each *such* retrieved animal ~~or bird~~ shall be retained in the individual’s possession or transferred to another and retained in their possession until processed or used as food, or for ~~the pelt its fur~~, feathers, or for taxidermy.

(3) Each retrieved animal ~~or bird~~ shall be checked in accordance with 321 CMR 3.02.

MASSWILDLIFE

(4) The requirements of 321 CMR 2.17 (1) and (2) shall not apply to animals that are unfit for consumption or use. For the purposes of this section, “unfit for consumption or use” shall mean animals ~~or birds~~ or their parts that are damaged, destroyed, decayed, rotting, diseased or infected.

(5) The prohibition of waste in 321 CMR 2.17(1) and (2) shall not apply to:

(a) any animal ~~or bird~~ taken pursuant to M.G.L. c. 131, § 37; or

(b) those animals ~~and birds~~ identified in M.G.L. c. 131, § 5 except for fox and wildcat, the take of which are regulated pursuant to 321 CMR 3.02(3); or

(c) any animal ~~or bird~~ taken in accordance with 321 CMR 2.08 or 2.14.

321 CMR 3.02(3) Hunting of Bobcat, Fox and Coyote in Massachusetts

Coyote and fox shall be sealed no later than 48 hours after the animal is killed.

321 CMR 3.02(5) Hunting and Trapping of Certain Mammals

Coyote and fox shall be sealed no later than 48 hours after the animal is killed.