



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

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MASS.GOV/MASSWILDLIFE

### PUBLIC HEARING NOTICE 321 CMR 3.02(2)

In accordance with the Massachusetts General Laws, Chapter 131, Sections 5 and 63, and Chapter 30A, Section 2, NOTICE is hereby given that the Division of Fisheries and Wildlife will hold a public hearing on Friday, April 23, 2021, 9:30 a.m., on the 2021-2022 Migratory Game Bird Seasons via a Zoom video webinar with the Hearing Officer, MassWildlife staff, and Board members, with the public joining via computer or phone line.

Please note that the hearing, which will begin at 9:30 a.m., will be held in the same webinar as the April monthly business meeting (begins at 9:00 a.m.; [meeting notice](#)). Attendees can enter and exit the webinar at any time. Instructions for how to join are below.

Join from a PC, Mac, iPad, iPhone or Android device:

<https://us02web.zoom.us/j/82480458458?pwd=dFh1YUN4dC9PSk1uRERYa2VmZUdrZz09>

Passcode: Nf493y

Or join by phone: 929-205-6099

Webinar ID: 824 8045 8458

Passcode: 532851

The proposed regulatory amendments relative to the 2020-2021 migratory game bird seasons are posted at <https://www.mass.gov/service-details/fisheries-and-wildlife-board-public-hearings-on-proposed-regulatory-amendments> so that interested persons can review them and provide written comments prior to the hearing and oral comments during the public-comment portion of the virtual hearing. Due to the migratory game bird season filing requirements of the U.S. Fish and Wildlife Service, the Fisheries and Wildlife Board must vote to approve the 2021-2022 migratory bird seasons at the close of the hearing. Therefore, please note: **There will be no written comment period after this public hearing.**

On March 10, 2020, the Baker-Polito Administration announced new guidance for Executive Branch employees in order to prevent and mitigate the spread of COVID-19, including virtually holding required meetings hosted by Executive Branch agencies involving external parties.

Thank you for your cooperation and support as the Commonwealth works to address this public health issue.

Mark S. Tisa, Ph.D., M.B.A.

Director

MASSWILDLIFE

3.02: continued

(j) Prohibited:

1. to make, set or use any trap or other device for the purpose of ensnaring, trapping, taking, injuring, or killing a black bear;
2. to hunt or attempt to hunt black bear by baiting;
3. to hunt or pursue or attempt to hunt or pursue black bear with dogs, except as provided in 321 CMR 2.02;
4. to use or possess while black bear hunting or while accompanying a black bear hunter during any period of the open season as described in 321 CMR 3.02(1)(b), any radio-telemetry transmitter or receiver, including directional antennas, or any other electronic device designed or intended or adapted for the emitting of an electronic signal. Transmitters, receivers, or antennas carried by or under the control of a person hunting black bear shall be *prima facie* evidence of a violation of 321 CMR 3.02(1)(j). No person shall, except under permit from the Director pursuant to M.G.L. c. 131, §§ 4 or 23, at any time possess alive any bear, or use at any time any radio-telemetry transmitter, receiver, or similar device with the intent to locate any bear. Nothing in 321 CMR 3.02(1)(j) shall be construed to prohibit the use of possession of citizen's band radios or cellular telephones used for verbal communication with other persons.

(k) Hunter Orange: During the shotgun deer season, as prescribed in 321 CMR 3.02(4)(b)3., any person hunting bear shall wear in a conspicuous manner on his or her chest, back and head, a minimum of 500 square inches of clothing or material of a hunter orange color as defined by the Director pursuant to 321 CMR 3.01(2).

(2) Migratory Game Bird Regulations. In accordance with the authority found in M.G.L. c. 131, §§ 5 and 63, and subject to federal law and 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); and
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.

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3.02: continued

TABLE 1. OPEN SEASONS, ALL DATES INCLUSIVE.

Species	Open Season	Daily Bag	Possession Limit
Sora Rail	Sep. 1 - Nov. <del>7</del> <u>6</u>	5	15
Virginia Rail	Sep. 1 - Nov. <del>7</del> <u>6</u>	10	30
Snipe	Sep. 1 - Dec. 16	8	24
Woodcock	Oct. <del>7</del> <u>1</u> - Nov. <del>21</del> <u>7</u> <del>0</del>	3	9
Ducks <sup>A</sup> Berkshire	Oct. 12 - Nov. <del>27</del> <u>8</u> Dec. 6 - Dec. <del>26</del> <u>7</u>	6* 6*	18* 18*
Ducks <sup>A</sup> Central	Oct. <del>13</del> <u>11</u> - Nov. <del>28</del> <u>7</u> Dec. <del>14</del> <u>3</u> - Jan. <del>4</del> <u>1</u>	6* 6*	18* 18*
Ducks <sup>A</sup> Coastal	Oct. 16 - Oct. <del>24</del> <u>3</u> Nov. <del>26</del> <u>3</u> - Jan. <del>25</del> <u>2</u>	6* 6*	18* 18*
American Coot	Same Dates as Ducks	15	45
Mergansers <sup>B</sup>	Same Dates as Ducks	5*	15*
Geese Berkshire (except blue & snow)	Oct. 12 - Nov. <del>14</del> <u>5</u>	<del>2</del> <u>1</u>	<del>6</del> <u>3</u>
Geese Central (except blue & snow)	Oct. <del>13</del> <u>1</u> - Nov. <del>28</del> <u>7</u> Dec. <del>14</del> <u>3</u> - Jan. <del>4</del> <u>1</u>	2 2	6 6
Geese Coastal (except blue & snow)	Oct. 16 - Oct. <del>24</del> <u>3</u> Nov. <del>26</del> <u>3</u> - Jan. <del>25</del> <u>2</u>	2 2	6 6
Early Canada Goose <sup>C</sup> (Statewide)	Sep. <del>8</del> <u>7</u> - Sep. <del>24</del> <u>5</u>	15	45
Late Canada Goose (Central)	Jan. 15 - Feb. 15	5	15
Late Canada Goose (North Coastal)	Jan. <del>26</del> <u>4</u> - Feb. 15	5	15
Snow & Blue Goose	Same Dates as Ducks	15	45
Late Snow & Blue Goose (Central)	Same as Late Canada Goose	15	45
Late Snow & Blue Goose (North Coastal)	Same as Late Canada Goose	15	45
Sea Ducks <sup>D</sup> (Scoter, Eider, Long-tailed duck)	Nov. <del>17</del> <u>15</u> - Jan. <del>25</del> <u>22</u>	5**	15**
Brant (Coastal Only)	Nov. <del>22</del> <u>15</u> <del>8</del> - Jan. <del>18</del> <u>11</u> <del>25</del>	2	6
Falconry (Ducks and Coot only, no Geese)	Oct. <del>28</del> - Feb. <del>38</del>	3*	9*
Youth Waterfowl Hunt <sup>E</sup> (Ducks, Coots, Mergansers and Geese Only)	Sept. <del>26</del> <u>5</u> & Oct. <del>10</del> <u>9</u>	6*	18*
Veterans and Active Military Personnel Waterfowl Hunt (Ducks, Coots, Mergansers and Geese only) <sup>E</sup>	<del>Sept. 25</del> <u>Oct. 3</u> & <del>Oct. 9</del> <u>Jan. 30</u>	6*	18*

\* Singly or in the aggregate

\*\* In Sea duck zone (Count as regular ducks in all other zones): five singly or in the aggregate, but no more than four scoter, four eider (one female), four long-tailed duck (old squaw) in the daily bag. 15 in possession, but no more than 12 scoter, 12 eider (three females), 12 long-tailed ducks.

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3.02: continued

- A. The daily bag for ducks may contain no more than six ducks, and no more than four of any species that are not additionally restricted as indicated below.

<u>Species</u>	<u>Daily Bag</u>	<u>Possession Limit</u>
American Black Duck	2	6
Hooded Merganser	2	6
Redhead	2	6
Canvasback	2	6
Mallard	2 (only 1 female)	6 (only 3 females)
Scaup	1	3
Scaup (coastal zone Jan. 1 - Jan. 23)	2	6
Fulvous Whistling Duck	1	3
Mottled Duck	1	3
Wood Duck	3	9
Northern Pintail	1	3
Scoter <sup>D</sup>	4	12
Long-tailed Duck <sup>D</sup>	4	12
Eider <sup>D</sup>	4 (only 1 female)	12 (only 3 females)
All other duck species	4	12

- B. Daily bag of mergansers may not include more than two Hooded Mergansers; no more than six Hooded Mergansers in possession.

- C. For Early Canada Goose season only, hunting hours are ½ hour before sunrise to ½ hour after sunset.

- D. Scoter, Eider, and Long-tailed duck shall be hunted only in coastal waters and rivers and streams seaward of the first upstream bridge during the open sea duck season. Any other sea ducks taken in the Central and Berkshire zones shall be counted toward the regular daily duck bag.

- E. On ~~October-September 253, 2020-2021~~ and ~~January-October 309, 2021-2021~~, there shall be a veterans and active military personnel waterfowl hunt in all counties of the state for Veterans (as defined in 38 USC, § 101) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters shall possess a Massachusetts Hunting or Sporting License, a Massachusetts Waterfowl Stamp, and Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). On September ~~2625, 2020-2021~~ and October ~~409, 2020-2021~~, there shall be a youth waterfowl hunt in all counties of the state for minors 12 through 17 years of age only. During the veterans and active military personnel and youth waterfowl hunts, such participants may hunt ducks, geese, mergansers, and coot during the period from ½ hour before sunrise to sunset, with a bag limit of six, possession 18, singly or in the aggregate, subject to the species restrictions in 321 CMR 3.02(2): *Table 1A* and *1B*. During the youth waterfowl hunt all such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts Waterfowl Stamp. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt but may carry the minor's firearm when unloaded and cased. During this youth waterfowl hunt, minors 12 through 14 years of age shall not be required to possess a hunting or sporting license and a Massachusetts and Federal Migratory Bird Hunting and Conservation stamp. Minors 15 years of age shall possess a Massachusetts hunting or sporting license and a Massachusetts waterfowl stamp but need not possess a Federal Migratory Bird Hunting and Conservation stamp. Minors 16 and 17 years old shall possess a Massachusetts hunting or sporting license, a Massachusetts waterfowl stamp, and a Federal Migratory Bird Hunting and Conservation stamp. All minors shall otherwise conform to all provisions of M.G.L. c. 131 and 321 CMR 3.02(2) not excepted or specified in 321 CMR 3.02(2)(b): *Table 1E*.

(c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except that hunting hours for the Early Canada Goose seasons shall be from ½ hour before sunrise to ½ hour after sunset, and 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 ~~82, 2020-2021~~ through February ~~83, 2021-2022~~. 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

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prohibited.

3.02: continued

(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 ten 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.

NON-TEXT PAGE

3.02: continued

(j) Prohibited:

1. to make, set or use any trap or other device for the purpose of ensnaring, trapping, taking, injuring, or killing a black bear;
2. to hunt or attempt to hunt black bear by baiting;
3. to hunt or pursue or attempt to hunt or pursue black bear with dogs, except as provided in 321 CMR 2.02;
4. to use or possess while black bear hunting or while accompanying a black bear hunter during any period of the open season as described in 321 CMR 3.02(1)(b), any radio-telemetry transmitter or receiver, including directional antennas, or any other electronic device designed or intended or adapted for the emitting of an electronic signal. Transmitters, receivers, or antennas carried by or under the control of a person hunting black bear shall be *prima facie* evidence of a violation of 321 CMR 3.02(1)(j). No person shall, except under permit from the Director pursuant to M.G.L. c. 131, §§ 4 or 23, at any time possess alive any bear, or use at any time any radio-telemetry transmitter, receiver, or similar device with the intent to locate any bear. Nothing in 321 CMR 3.02(1)(j) shall be construed to prohibit the use of possession of citizen's band radios or cellular telephones used for verbal communication with other persons.

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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.

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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.



321 CMR: DIVISION OF FISHERIES AND WILDLIFE

3.02: continued

TABLE 1. OPEN SEASONS, ALL DATES INCLUSIVE.

Species	Open Season	Daily Bag	Possession Limit
Sora Rail	Sep. 1 - Nov.-6	5	15
Virginia Rail	Sep. 1 - Nov. 6	10	30
Snipe	Sep. 1 - Dec. 16	8	24
Woodcock	Oct. 7 - Nov. 27	3	9
Ducks <sup>A</sup> Berkshire	Oct. 12 - Nov. 27 Dec. 6 - Dec. 27	6* 6*	18* 18*
Ducks <sup>A</sup> Central	Oct. 11- Nov. 27 Dec. 13 - Jan. 1	6* 6*	18* 18*
Ducks <sup>A</sup> Coastal	Oct. 16 - Oct. 23 Nov. 23 - Jan. 22	6* 6*	18* 18*
American Coot	Same Dates as Ducks	15	45
Mergansers <sup>B</sup>	Same Dates as Ducks	5*	15*
Geese Berkshire (except blue & snow)	Oct. 12 - Nov. 15	1	3
Geese Central (except blue & snow)	Oct. 11 - Nov. 27 Dec. 13 - Jan. 1	2 2	6 6
Geese Coastal (except blue & snow)	Oct. 16 - Oct. 23 Nov. 23- Jan. 22	2 2	6 6
Early Canada Goose <sup>C</sup> (Statewide)	Sep. 7 - Sep. 24	15	45
Late Canada Goose (Central)	Jan. 15 - Feb. 15	5	15
Late Canada Goose (North Coastal)	Jan. 24 - Feb. 15	5	15
Snow & Blue Goose	Same Dates as Ducks	15	45
Late Snow & Blue Goose (Central)	Same as Late Canada Goose	15	45
Late Snow & Blue Goose (North Coastal)	Same as Late Canada Goose	15	45
Sea Ducks <sup>D</sup> (Scoter, Eider, Long-tailed duck)	Nov. 15 - Jan. 22	5**	15**
Brant (Coastal Only)	Nov. 15 - Jan. 11	2	6
Falconry (Ducks and Coot only, no Geese)	Oct. 2 - Feb. 3	3*	9*
Youth Waterfowl Hunt <sup>E</sup> (Ducks, Coots, Mergansers and Geese Only)	Sept. 25 & Oct. 9	6*	18*
Veterans and Active Military Personnel Waterfowl Hunt (Ducks, Coots, Mergansers and Geese only) <sup>E</sup>	Sept. 25 & Oct. 9	6*	18*

\* Singly or in the aggregate

\*\* In Sea duck zone (Count as regular ducks in all other zones): five singly or in the aggregate, but no more than four scoter, four eider (one female), four long-tailed duck (old squaw) in the daily bag. 15 in possession, but no more than 12 scoter, 12 eider (three females), 12 long-tailed ducks.

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

3.02: continued

- A. The daily bag for ducks may contain no more than six ducks, and no more than four of any species that are not additionally restricted as indicated below.

<u>Species</u>	<u>Daily Bag</u>	<u>Possession Limit</u>
American Black Duck	2	6
Hooded Merganser	2	6
Redhead	2	6
Canvasback	2	6
Mallard	2 (only 1 female)	6 (only 3 females)
Scaup	1	3
Scaup (coastal zone Jan. 1 - Jan. 23)	2	6
Fulvous Whistling Duck	1	3
Mottled Duck	1	3
Wood Duck	3	9
Northern Pintail	1	3
Scoter <sup>D</sup>	4	12
Long-tailed Duck <sup>D</sup>	4	12
Eider <sup>D</sup>	4 (only 1 female)	12 (only 3 females)
All other duck species	4	12

- B. Daily bag of mergansers may not include more than two Hooded Mergansers; no more than six Hooded Mergansers in possession.

- C. For Early Canada Goose season only, hunting hours are ½ hour before sunrise to ½ hour after sunset.

- D. Scoter, Eider, and Long-tailed duck shall be hunted only in coastal waters and rivers and streams seaward of the first upstream bridge during the open sea duck season. Any other sea ducks taken in the Central and Berkshire zones shall be counted toward the regular daily duck bag.

- E. On September 25, 2021 and October 9, 2021, there shall be a veterans and active military personnel waterfowl hunt in all counties of the state for Veterans (as defined in 38 USC, § 101) and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty (other than for training), may participate. All hunters shall possess a Massachusetts Hunting or Sporting License, a Massachusetts Waterfowl Stamp, and Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). On September 25, 2021 and October 9, 2021, there shall be a youth waterfowl hunt in all counties of the state for minors 12 through 17 years of age only. During the veterans and active military personnel and youth waterfowl hunts, such participants may hunt ducks, geese, mergansers, and coot during the period from ½ hour before sunrise to sunset, with a bag limit of six, possession 18, singly or in the aggregate, subject to the species restrictions in 321 CMR 3.02(2): *Table 1A* and *1B*. During the youth waterfowl hunt all such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts Waterfowl Stamp. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt but may carry the minor's firearm when unloaded and cased. During this youth waterfowl hunt, minors 12 through 14 years of age shall not be required to possess a hunting or sporting license and a Massachusetts and Federal Migratory Bird Hunting and Conservation stamp. Minors 15 years of age shall possess a Massachusetts hunting or sporting license and a Massachusetts waterfowl stamp but need not possess a Federal Migratory Bird Hunting and Conservation stamp. Minors 16 and 17 years old shall possess a Massachusetts hunting or sporting license, a Massachusetts waterfowl stamp, and a Federal Migratory Bird Hunting and Conservation stamp. All minors shall otherwise conform to all provisions of M.G.L. c. 131 and 321 CMR 3.02(2) not excepted or specified in 321 CMR 3.02(2)(b): *Table 1E*.

(c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except that hunting hours for the Early Canada Goose seasons shall be from ½ hour before sunrise to ½ hour after sunset, and 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 2, 2021 through February 3, 2022. 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.

3.02: continued

(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 ten 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.

NON-TEXT PAGE