

321 CMR 3.00: HUNTING

3.01: Hunting, Generally

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(1) Wildlife Management Areas.

(a) Purpose: 321 CMR 3.00 governs the administration of wildlife management areas and sets forth permissible and prohibited activities on such areas. The provisions of 321 CMR

3.00 incorporate the philosophy of the Division that conservation shall encompass the wise use of wildlife resources, including, where appropriate, protection, utilization, and management. Therefore, except as provided in 321 CMR 3.03, hunting, fishing, and trapping shall be permitted on wildlife management areas in accordance with the provisions of 321 CMR 3.00 and other provisions of 321 CMR and of M.G.L. c. 131.

(b) Definitions: Alcoholic Beverage shall be defined as in M.G.L. 138, § 1. Camping means the utilization of any piece of equipment for sleeping in or upon, including, but not limited to, a sleeping bag, hammock, tent, tarp, motor vehicle, recreational vehicle, trailer, or watercraft, for the purpose of occupying a piece of land or water for transient and temporary outdoor living. Controlled Substance and Counterfeit Substance shall be defined as in M.G.L. c. 94C, § 1. Director means the Director of the Division of Fisheries and Wildlife. Installation means fish hatcheries, wildlife district offices, and the Westborough field headquarters. Nature Preserve means those lands, waters, shores and interests therein as defined and established pursuant to 321 CMR 11.00 and administered under provisions of M.G.L. c. 131, §§ 10A through 10D. Wildlife Management Area means any real property, except installations, nature preserves and wildlife sanctuaries, owned by the Commonwealth of Massachusetts through the Division of Fisheries and Wildlife and subject to the control and charge of said Division, or owned by or subject to the control and charge of another agency of the Commonwealth or political subdivision thereof or of the United States and operated or managed by the Division of Fisheries and Wildlife under lease, easement, or cooperative agreement as a wildlife management area. Additionally, the Director, with the approval of the Fisheries and Wildlife Board, may, by lease, easement, or cooperative agreement establish a wildlife management area with a partnership, corporation, whether profit or non-profit, firm, business, or other commercial or non-commercial entity, club, organization, or association and such area shall be subject to provisions of 321 CMR 3.01(1). For the purposes of 321 CMR 3.01(1), "wildlife management area" shall be construed as inclusive of "public shooting ground". Wildlife Sanctuary means those lands, waters, shores, and interests therein as defined in 321 CMR 7.01(2)(e) and administered under provisions of M.G.L. c. 131, §§ 7 through 10, or any other lands designated by the Director as subject to 321 CMR 7.01.

(c) No person shall illegally consume, use, cultivate, or possess any controlled substance of any schedule or class or any counterfeit substance within the bounds of any wildlife management area.

(d) No person, except with the written permission of the Director or his authorized agent, shall consume, use, or possess any alcoholic beverage within the bounds of any wildlife management area.

(e) No person shall dump or discard, or cause to be dumped or discarded, any container, papers, garbage, brush, stumps, leaves, solid or liquid wastes, tires, or other material within the bounds of any wildlife management area.

(f) No person shall remove, damage, or disturb vegetation, soil, or stones within any wildlife management area except under permit from the Director or his authorized agent, provided that nothing in 321 CMR 3.01(1)(f) shall be construed to prohibit the harvesting for personal consumption of edible wild fruits, berries, fungi, or nuts.

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(g) No person shall use excessive speed in driving a vehicle on roads within any wildlife management area.

(h) No person, except under permit from the Director or his authorized agent, and except governmental employees in the performance of their duties, shall drive, operate, or possess within the bounds of any wildlife management area any motor vehicle, snow vehicle, or recreational vehicle, except on roads or trails maintained by a governmental agency and designated for the express purpose of permitting public vehicular traffic.

(i) No person shall deface, damage, remove, or molest any sign, fence, gate, building, monument or equipment within or on any wildlife management area.

(j) No person shall build or maintain, or cause to be built or maintained, a fire within any wildlife management area without written permission from the Director or his designated agent and the city or town fire chief or the District Fire Warden.

(k) No person shall camp within any wildlife management area without written permission from the Director or his designated agent.

(l) No person shall engage in target practicing or target shooting within any wildlife management area without written permission from the Director or his designated agent. "Target practicing" shall be construed to include the "sighting in" or testing of firearms and bows-and-arrows.

(m) No person, except for the hunting of raccoon and opossum in accordance with 321 CMR 3.01(1)(o) and except for the shooting of trapped fur-bearing mammals by licensed trappers, shall use any weapon other than shotgun or bow-and-arrow during the pheasant or quail seasons on any wildlife management area where pheasant or quail are stocked. Stocked areas are listed in 321 CMR 3.01(1)(n).

(n) No person, except in accordance with 321 CMR 3.01(1)(o), shall hunt before sunrise or after sunset during the pheasant and quail seasons on any wildlife management area where pheasant or quail are stocked. Stocked areas are as follows: Central Wildlife District: Barre Falls Wildlife Management Area (WMA) Bennett WMA Birch Hill WMA Bolton Flats WMA High Ridge WMA Hubbardston WMA Millers River WMA (Athol, Royalston, Phillipston) Moose Hill WMA Oakham WMA Phillipston WMA Quaboag River WMA Richardson WMA Ware River WMA West Hill WMA Westborough WMA Winimuset WMA Connecticut Valley Wildlife District: Bennett Meadows WMA Great Swamp WMA Herman J. Covey (Swift River) WMA Leyden WMA Montague Plains WMA Pauchaug Brook WMA Poland Brook WMA Southampton WMA Southwick WMA Northeast Wildlife District: Ashby WMA Charles River WMA (Area C) Crane Pond WMA Harold Parker WMA

Martin H. Burns WMA Squannacook River WMA Southeast Wildlife District: Erwin S. Wilder Section of Hockomock WMA Fall River/Freetown WMA Frances A. Crane WMA Marconi WMA Myles Standish WMA Noquochoke WMA Western Wildlife District: Eugene D. Moran WMA George L. Darey Housatonic Valley WMA Hinsdale Flats WMA Hop Brook WMA Knightville Dam WMA Stafford Hill WMA

(o) The night hunting of raccoon and opossum by means of a pistol or revolver not larger than .38 caliber, or by means of a rifle chambered to take ammunition not larger than .22 caliber long rifle shall be permitted on the following wildlife management areas between ½ hour after sunset and ½ hour before sunrise in accordance with the prescribed seasons, bag limits, and other provisions of 321 CMR 3.02(5). During this night hunting period, the wearing of a "hunter orange" cap or hat is not mandatory.

1. Central Wildlife District: Breakneck Brook Wildlife Management Area (WMA) Fish Brook WMA Lawrence Brook WMA Leadmine WMA McKinstry Brook WMA Merrill Pond WMA Moose Brook WMA Muddy Brook WMA Poutwater WMA Prince River WMA Quisset WMA Raccoon Hill WMA Savage Hill WMA Wolf Swamp WMA Connecticut Valley Wildlife District: Catamount WMA Coy Hill WMA East Mountain WMA Facing Rock WMA Lake Warner WMA Leadmine WMA Ludlow WMA Millers River WMA (Wendell) Montague WMA Mt. Toby WMA Orange WMA Palmer WMA Satan's Kingdom WMA Tully Mountain WMA Wales WMA Warwick WMA Wendell WMA Westfield WMA Whately WMA Williamsburg WMA

Northeast Wildlife District: Boxborough Station WMA Dunstable Brook WMA Hunting Hills WMA Mulpus Brook WMA Nissitissit River WMA Pantry Brook WMA Salisbury Marsh WMA William Forward WMA Southeast Wildlife District: Black Brook WMA Burrage Pond WMA Canoe River WMA Church Homestead WMA Copicut WMA Dartmoor Farms WMA English Salt Marsh WMA Freetown Swamp WMA Haskell Swamp WMA Hockomock Swamp WMA (exclusive of Erwin S. Wilder Section) Hyannis Ponds WMA Mashpee Pine Barrens WMA Meetinghouse Swamp WMA Peterson Swamp WMA Purchase Brook WMA Quashnet River WMA Red Brook WMA Rochester WMA Rocky Gutter WMA Sly Pond WMA Taunton River WMA West Meadows WMA Western Wildlife District: Becket WMA Chalet WMA Cummington WMA Day Mountain WMA Dolomite Ledges WMA Fairfield Brook WMA Farmington River WMA Fisk Meadows WMA Fox Den WMA Green River WMA Hancock WMA Hiram H. Fox WMA John J. Kelly Memorial Forest and WMA Jug End State Reservation and WMA Lily Pond WMA Maple Hill WMA Mount Tekoa WMA Otis WMA Peru WMA Powell Brook WMA Savoy WMA Taconic Ridge WMA Three Mile Pond WMA Walnut Hill WMA

2. Night hunting of raccoon and opossum under special conditions shall also be permitted on all other wildlife management areas, except on the Delaney (Harvard, Bolton, and Stow) and Flint Pond (Tyngsborough) Wildlife Management Areas. During the period from the first Friday after Columbus Day through the Saturday following Thanksgiving, night hunting of raccoon and opossum shall be permitted on these areas only between the hours of 9:00 P.M. to 3:00 A.M. subject to the limitations pertaining to firearms in 321 CMR 3.01(1)(o). During this night hunting period, the wearing of a "hunter orange" color cap or hat is not mandatory.

(p) No person shall hunt during the pheasant or quail seasons on any wildlife management area where pheasant or quail are stocked without wearing a "hunter orange" color cap or hat, except for the hunting of raccoon or opossum in accordance with 321 CMR 3.01(1)(o) and except for persons hunting waterfowl from within a blind or a boat. For the purposes of 321 CMR 3.01(1)(p), "hunter orange" color shall be that color defined in 321 CMR 3.01(2).

(q) No person, except with the written permission of the Director or his authorized agent, shall, within any wildlife management area, dig, excavate, remove or disturb, or cause to be dug, excavated, removed or disturbed, any archaeological or paleontological artifacts, remains, ruins, sites, fossils, or other objects of unusual historical or prehistorical antiquity.

(r) Rules of Conduct on Wildlife Management Areas for Dogs, Horses and Other Domesticated Animals

(i) No person may cause or permit any dog, horse, or other domesticated animal listed in 321 CMR 9.02(3) to be unattended or to roam or be at large on any wildlife management area. No person may cause or permit any dog, horse, or other domesticated animal listed in 321 CMR 9.02(3) owned by him or her or in his or her custody or under his or her control to be on any

wildlife management area unless such animal is restrained within a cage, or is bridled, or is restrained on a **physical** tether or leash by the animal's owner or handler.

(ii) In addition to the requirements in 321 CMR 3.010(1)(r)(i), ~~that no person may cause or permit any dog owned by him or her or in his or her custody or under his or her control to be on any wildlife management area unless restrained,~~ ~~nNo person may cause or permit any dog owned by him or her or in his or her custody or under his or her control to be on any wildlife management area unless such dog is restrained at all times on a leash by such person. No more than four properly restrained dogs may be under a person's custody or control at any one time;, nor may a person~~ ~~. A person may not otherwise allow a dog under his or her control as required by 321 CMR 3.01(1)(r) to interfere with any other person's use and enjoyment of a wildlife management area.~~ ~~Any dog feces shall be collected immediately by the person who has custody or control of the dog(s) and disposed of properly by that person outside of the boundaries of the wildlife management area.~~

(iii) The provisions of 321 CMR 3.01(1)(r)(i) and ~~321 CMR 3.01(1)(r)(ii)~~ shall not apply to persons using dogs on any wildlife management area while in the act of hunting in accordance with the Division's regulations, or training dogs for hunting, including hunt tests and field trials by persons holding a valid Massachusetts hunting or sporting license or by persons participating in a Retriever or Bird Dog ~~field~~ Trial event permitted by the Division pursuant to 321 CMR 2.01. For the purposes of 321 CMR 3.01(1)(r)(iii), the training of dogs for the above purposes shall include, but not be limited to, obedience training, pointing, retrieving, water handling, quartering, casting, marking and trailing. ~~Those persons dog owners or handlers that possess a valid Massachusetts hunting or sporting license, or those persons participating in a Retriever or Bird Dog Trial event using dogs pursuant to under this subsection shall immediately, are required to collect dog feces deposited by their dog within a designated parking area, or within 100 feet of a designated parking area, and dispose of it properly outside the boundaries of the wildlife management area.~~

(iv) Division personnel, an environmental police officer or other law enforcement officer may direct that any dog, horse, or other domesticated animal listed in 321 CMR 9.02(3) be removed from a wildlife management area by the animal's owner or handler for failure to comply with 321 CMR 3.01(1)(r).

(v) If the Director deems it necessary to fulfill the purpose of a wildlife management area as described in 321 CMR 3.01(1)(~~r~~), he or she may, by posting notice on the wildlife management area or on the Division's website, prohibit from or restrict the access of any dog, horse, or other domesticated animal listed in 321 CMR 9.02(3) to any portion of a wildlife management area or for a particular time period.

(s) The Director is authorized to declare special regulations as deemed necessary by him for the purpose of dealing with situations or conditions peculiar to specific wildlife management areas. Those special regulations appearing in 321 CMR 3.03 shall be construed to be part of 321 CMR 3.01(1)(s).

(2) Requirements Defining Hunter Orange Color. Hunter orange color is a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85% and luminance factor of not less than 40%.

(3) Hunting with Bows and Arrows.

(a) No person shall use or have in his possession or under his control while hunting any poisoned arrow or arrow with explosive tips.

(b) No person shall use or have in his possession or under his control while hunting any arrow gun or any firearm or other device which projects or propels an arrow, dart or bolt by gunpowder, compressed air, or by any other means except by the flexing and release of a bow string.

(c) No person shall use or have in his possession or under his control while hunting any bow drawn or held by mechanical means, except as provided in 321 CMR 3.01(3). Hand-held, hand-operated bow string releases are permitted.

(d) A crossbow may be used for hunting by a person who is permanently disabled such that the person cannot operate a conventional bow and arrow, as certified by a licensed physician. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second

medical opinion are the responsibility of the applicant. A person who wishes to use a crossbow for hunting in accordance with 321 CMR 3.01(3)(d) shall obtain a permit to do so from the director of the division of fisheries and wildlife, and such permit shall be valid for life. Nothing in 321 CMR 3.01(3) shall be construed to permit the use of a crossbow by any other person, except on a skeet, trap, or target range.

(e) Arrows used for hunting deer, bear or wild turkey shall have well-sharpened steel broadhead blades not less than f of an inch in width.

(f) No person shall hunt deer, bear or wild turkey with a bow having a pull of less than 40 lbs. at 28" draw provided that compound bows and recurved bows shall have a minimum pull of 40 lbs. at peak draw.

(g) No person while hunting shall release an arrow from a bow upon or within 150 feet of any State or hard surfaced highway or within 500 feet of any dwelling in use, except as authorized by the owner or occupant thereof.

(h) Any person found guilty of any violation of 321 CMR 3.01 shall be punished as provided in M.G.L. c . 131, § 90.