



DIVISION OF FISHERIES & WILDLIFE

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COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE
PUBLIC HEARING NOTICE
321 CMR 3.02(1)

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 two public hearings on proposed regulatory amendments to 321 CMR 3.02(1) Hunting of Bear Regulations in Massachusetts via a Zoom video webinar with the Hearing Officer and MassWildlife staff, with the public joining via computer or phone line. The proposed amendments will expand the bear hunting season and create a free youth bear hunting permit.

For the convenience of the public, the proposed regulations will be presented and an oral comment period will be offered in two separate hearings:

Monday, January 27, 2025, 1:30 p.m.

Monday, January 27, 2025, 6:00 p.m.

Join either time slot from a PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/89719283589?pwd=6Hk4awtnrrSz9ahbQQbbDa4B5IAAza.1>

Passcode: 798798

Or join via telephone: (929) 205-6099

Webinar ID: 897 1928 3589

Passcode: 798798

The proposed regulatory amendments relative to 321 CMR 3.02(1) and the link to join the Zoom webinars are posted at Mass.gov/MassWildlife/Hearings so that interested persons can review the proposed regulations and provide written comments before and for 2 weeks after the hearings or oral comments during the virtual hearings. The instructions to join the webinars are also contained in the draft regulations document posted on the public hearings page above. Written public comments on these proposed regulations will be accepted until Monday, February 10, 2025, at 4:00 p.m.

Please note: MassWildlife is committed to providing equitable access to its public meetings, hearings, and events. American Sign Language (ASL) and Communication Access Realtime Translation (CART) captioning, as well as live interpretation, including in Español, Português, 中文, Kreyòl Ayisyen, or Tiếng Việt, will be provided upon request. Please contact Susan Sacco at susan.sacco@mass.gov to request accommodation or interpretation by 12:00 p.m. on Wednesday, January 22, 2025.

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

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3.02: Hunting, Particular Game

(1) Hunting of Bear. In accordance with the authority vested in M.G.L. c. 131, § 5, an annual open season for the hunting of black bear in Massachusetts is established, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(1) and unless the context requires otherwise, the following words and phrases shall have the following meanings:

Bait means any natural or artificial substance, including but not restricted to, shucked or unshucked corn or other grains, apples or other fruits or vegetables, honey, molasses, anise or other spices, pastries or other breadstuffs, meat or fish products, or any other substances or products which may be fed upon, ingested by, or which otherwise constitute a nutritive ~~attraction~~-attractant or enticement to bear.

Baited Area means any area where baiting has taken place and such area shall remain a baited area for the period from ten days prior to the opening of the ~~September portion of the~~ bear season as provided in 321 CMR 3.02(1)(b) to 12:00 P.M. on the day following the close of the ~~November portion of the~~ bear season as provided in 321 CMR 3.02(1)(b), all days inclusive.

Baiting means the placement, exposing, depositing, distributing, or scattering of any bait or other substance so as to constitute for bears a lure or attraction to areas where hunters are attempting to take them. Food sources deposited by natural vegetation, from agricultural or gardening practices, or standing crops planted and left as wildlife food plots do not constitute baiting.

Bow and Arrow means a bow and arrows of the type and design specified for the hunting of deer, bear, and wild turkey pursuant to 321 CMR 3.01(3).

Director means the director of the Division of Fisheries and Wildlife, as specified in M.G.L. c. 21, § 7F through 7G, or ~~his~~-their agent.

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

Youth Bear Hunt Permit means a special permit issued by the Director exclusively to minors 12 to 17 years of age which allows them to hunt for bear with shotgun (321 CMR 3.02(1)(i)(4)) during the Youth Deer Hunt, as provided in 321 CMR 3.02(4)(b)(5), with the possession of a Youth Deer Hunt Permit. The Youth Bear Hunt permit also allows hunters 12-14 to hunt and harvest a bear during the open bear season as specified in 321 CMR 3.02(1)(b) without using the bear permit of their supervising adult. The Youth Bear Hunt Permit may also be used by minors 12-17 years old during the open bear season provided the relevant season stamps have been obtained by either the holder of the Youth Bear Hunt Permit or accompanying adult.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

(b) Open Season: The open season shall ~~be in three periods as follows:—~~

~~B~~beginning on the first Tuesday after Labor Day in September and end ~~ing on the third Saturday thereafter; and—~~

~~1. Beginning the first Monday in November and ending the third Saturday thereafter.—~~

~~3. During the at the close of~~ shotgun deer season as prescribed in 321 CMR 3.02(4)(b)(3).

(c) Hunting Hours: A person shall not hunt black bear on any day during the open season except during the period between ½ hour before sunrise and ½ hour after sunset, except ~~—on~~ wildlife management areas as provided in 321 CMR 3.01(1)(n) where the hunting hours shall be from sunrise to sunset.

(d) Zone: Black bears may be hunted in all zones.

(e) Bag Limit: A person shall not kill more than one black bear in any calendar year.

(f) Permit: A person shall not hunt, kill, or possess a black bear unless he possesses on his person a permit from the Director to do so. A person killing a black bear shall immediately, before transporting or removing the carcass in any manner from where it was killed, complete and attach to the carcass in a conspicuous manner that portion of the permit, hunting license, or equivalent document, designated “bear tag”. Said bear tag shall remain attached to the bear until the bear is presented to a duly authorized person or checking station. At this time, the bear tag shall be surrendered upon request to the official agent in charge thereof or shall remain on the bear after being reported online. No person shall possess a detached bear tag except as affixed to a bear as described in 321 CMR 3.02(1)(f). Tags detached except as provided herein shall be void and shall be surrendered to any officer

empowered to enforce M.G.L. c. 131 and 321 CMR.

(g) Transportation: A person shall not have in his or her possession or under his or her control in any motor vehicle or otherwise transport the carcass of a bear unless such carcass is open to view, provided that after the bear is tagged with an official seal or a confirmation number having been issued after being reported online is written or printed on the attached tag in accordance with 321 CMR 3.02(1)(h), the bear may be concealed.

(h) Harvest Reporting: Within 48 hours after killing a black bear, its harvest shall be reported to the Division of Fisheries and Wildlife by one of the following means:

1. Check Station: The entire carcass shall be presented by the person who killed the black bear to a duly authorized person or bear checking station designated by the Director for the purpose of being recorded and examined for research purposes and to have affixed thereto an official seal in such manner as prescribed by the Director; or
2. Online Reporting: The person who killed the black bear shall access the Online system to report the harvest of the black bear. The person shall receive an Online system confirmation number, which shall be the official seal issued by the Division of Fisheries and Wildlife, and record the confirmation number on the tag affixed to the bear as prescribed in 321 CMR 3.02(1)(f).
3. The official seal shall remain affixed to the black bear until the animal is skinned, cut up, or otherwise prepared for food purposes or for mounting by a taxidermist. The official seal is non-transferable and shall be valid only for the bear or carcass to which it is applied.
4. Any violation of the requirements of 321 CMR 3.02(1)(h) shall be heard in the District Court for the location where the violation occurred.

(i) Hunting Implements.

1. During that period of the open season beginning the first ~~Tuesday-Monday~~ in September and ending ~~on the third-Saturday thereafter~~ the beginning of the archery deer season as specificized at 321 CMR 3.04(b)(2), a person may hunt black bear only by means of: a bow and arrow; or a rifle .23 caliber or larger; or a muzzle-loading firearm, fired from the shoulder and not less than .44 caliber nor greater than .775 caliber; or a revolver chambered to take .357 Magnum cartridges, using only .357 Magnum cartridges, or a revolver chambered .40 caliber or larger.
2. During that period of the open season ~~beginning the first Monday in November and ending the third-Saturday thereafter~~ that corresponds with the deer archery season as specified at 321 CMR 3.02(4)(b)(2), a person may hunt black bear only by means of a bow and arrow; or a rifle .23 caliber or larger; or a muzzle-loading firearm, fired from the shoulder and not less than .44 caliber nor greater than .775 caliber.
3. During the shotgun deer season, as prescribed in 321 CMR 3.02(4)(b)(3), bear may be hunted by means of a:
 - a) shotgun not larger than ten gauge, including shotguns with a rifled bore, using a shotgun shell loaded with a rifled slug or single ball,
 - b) muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or
 - c) bow and arrow.

4. During the Youth Deer Hunt day as specified at 321 CMR 3.02(4)(b)(5), youth 12-17 may use
 - a) shotgun not larger than ten gauge, including shotguns with a rifled bore, using a shotgun shell loaded with a rifled slug or single ball,
 - b) muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or
 - c) bow and arrow,to hunt black bear with the possession of a Youth Bear Hunt Permit.

(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:

1. 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).

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

Last Revised: 1/6/23

3.02: Hunting, Particular Game

(1) Hunting of Bear. In accordance with the authority vested in M.G.L. c. 131, § 5, an annual open season for the hunting of black bear in Massachusetts is established, subject to the following rules and regulations:

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Baited Area means any area where baiting has taken place and such area shall remain a baited area for the period from ten days prior to the opening of the bear season as provided in 321 CMR 3.02(1)(b) to 12:00 P.M. on the day following the close of the bear season as provided in 321 CMR 3.02(1)(b), all days inclusive.

Baiting means the placement, exposing, depositing, distributing, or scattering of any bait or other substance so as to constitute for bears a lure or attraction to areas where hunters are attempting to take them. Food sources deposited by natural vegetation, from agricultural or gardening practices, or standing crops planted and left as wildlife food plots do not constitute baiting.

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Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

(b) Open Season: The open season shall begin on Labor Day and end at the close of shotgun deer season as prescribed in 321 CMR 3.02(4)(b)(3).

(c) Hunting Hours: A person shall not hunt black bear on any day during the open season except during the period between ½ hour before sunrise and ½ hour after sunset, except on wildlife management areas as provided in 321 CMR 3.01(1)(n) where the hunting hours shall be from sunrise to sunset.

(d) Zone: Black bears may be hunted in all zones.

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(g) Transportation: A person shall not have in his or her possession or under his or her control in any motor vehicle or otherwise transport the carcass of a bear unless such carcass is open to view, provided that after the bear is tagged

with an official seal or a confirmation number having been issued after being reported online is written or printed on the attached tag in accordance with 321 CMR 3.02(1)(h), the bear may be concealed.

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2. Online Reporting: The person who killed the black bear shall access the Online system to report the harvest of the black bear. The person shall receive an Online system confirmation number, which shall be the official seal issued by the Division of Fisheries and Wildlife, and record the confirmation number on the tag affixed to the bear as prescribed in 321 CMR 3.02(1)(f).
3. The official seal shall remain affixed to the black bear until the animal is skinned, cut up, or otherwise prepared for food purposes or for mounting by a taxidermist. The official seal is non-transferable and shall be valid only for the bear or carcass to which it is applied.
4. Any violation of the requirements of 321 CMR 3.02(1)(h) shall be heard in the District Court for the location where the violation occurred.

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 - a) shotgun not larger than ten gauge, including shotguns with a rifled bore, using a shotgun shell loaded with a rifled slug or single ball,
 - b) muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or
 - c) bow and arrow,to hunt black bear with the possession of a Youth Bear Hunt Permit.

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

Last Revised: 1/6/23