



DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

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

MASS.GOV/MASSWILDLIFE

MASSWILDLIFE

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF FISHERIES AND WILDLIFE
PUBLIC HEARING NOTICE
321 CMR 2.0 and 3.02(4)

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 2.0 Miscellaneous Regulations Relating to Fisheries and Wildlife and 321 CMR 3.02(4) Hunting and Tagging of Deer 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 a) Authorize shed hunting; b) Create a winter primitive firearm season for the month of January in Wildlife Management Zones 13 and 14; c) Sunset captive deer facilities; d) Expand deboning requirements in response to Chronic Wasting Disease; e) Clarify that food plots are legal; f) Authorize deer decoys during archery season; g) Authorize the use of the Youth Deer Permit for the entire season; and h) Remove the daily deer bag limit.

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

Thursday, January 23, 2025, 1:30 p.m.

Thursday, January 23, 2025, 6:00 p.m.

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

<https://us02web.zoom.us/j/83513543444?pwd=GpDgDMXZlYmJzXklAQJubEwIAJzAaZ.1>

Passcode: 246642

Or join via telephone: (929) 205-6099

Webinar ID: 835 1354 3444

Passcode: 246642

The proposed regulatory amendments relative to 321 CMR 2.0 and 321 CMR 3.02(4) and the link to join the Zoom webinars are posted at [Mass.gov/MassWildlife/Hearings](https://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 will be accepted before the hearings and after they close, until Wednesday, February 5, 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 Friday, January 17, 2025.

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

MASSWILDLIFE

321 CMR 2.00: MISCELLANEOUS REGULATIONS RELATING TO FISHERIES AND WILDLIFE

Section

- 2.02: Permits to Take or Possess
- 2.11: Display of Sporting, Hunting, Fishing, and Trapping Licenses
- 2.12: Artificial Propagation of Birds, Mammals, Reptiles and Amphibians
- 2.15: Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals

2.02: Permits to Take or Possess

(1) Definitions. For the purposes of 321 CMR 2.02, and unless the context requires otherwise, the following words shall have the following meanings:

Board means the Fisheries and Wildlife Board established pursuant to M.G.L. c. 21, § 7.

Director means the Director of the Division of Fisheries and Wildlife, ~~with principal offices at 100 Cambridge Street, Leverett Saltonstall Building, Boston, MA.~~

Person means any named individual, partnership, corporation, whether profit or non-profit, firm, business, or other commercial or non-commercial entity, club, organization, or association.

(2) Authority of Director. In accordance with the provisions of M.G.L. c. 131, § 4(2), the ~~director~~Director may take or in writing authorize employees of the Division of Fisheries and Wildlife or other persons to take and possess fish, fish spawn, birds, the nest and eggs thereof, mammals, reptiles and amphibians at any time or in any manner for the purposes of observation, research, control or management, and, in his discretion, excuse certain persons so authorized from any licensing provision of M.G.L. c. 131.

(3) Scope. The provisions of 321 CMR 2.02 set forth certain special permits which may be granted pursuant to M.G.L. c. 131, § 4(2) and establish procedures for the granting of special permits or exemptions to certain classes of persons. 321 CMR 2.02 does not apply to permits or licenses issued pursuant to other provisions of M.G.L. c. 131 or c. 131A.

(4) Categories of Permits. Permits which may be issued pursuant to M.G.L. c. 131, § 4(2) may include, but not be limited to, bird-banding, salvage, and scientific collecting permits, or letter permits incorporating specialized authorizations. The director may establish reasonable standards and conditions for each category of special permit, consistent with the intent and purpose of the permit, and such standards and conditions shall be construed as limiting the authority of the permit to such extent. The ~~director~~Director may further require a permittee to keep certain records or submit certain reports as a condition of the permit, or renewal thereof, and failure to keep or submit such records or reports, when required, may be cause for suspension, revocation, or non-renewal of the permit.

(5) Exceptions. Notwithstanding the provisions of 321 CMR 2.02(4), wildlife rehabilitation permits shall be administered in accordance with 321 CMR 2.13 and problem animal control permits in accordance with 321 CMR 2.14.

(6) Beaver Dams. Beaver are aquatic mammals which depend on impounded water as an essential part of their life cycle. Beaver construct dams from natural materials to provide such impounded water where not existing naturally in proximity to their food supply. The destruction or damaging of a beaver dam therefore may cause harm to or loss of the beavers inhabiting the water impounded by the dam. This destruction or damage, when caused by humans, is construed to constitute a take of the beavers harmed, or potentially harmed, by such action. The destruction, altering, or damage of a beaver dam as defined in 321 CMR 3.02(5)(a) is prohibited without a permit to do so. The ~~director~~Director is authorized ~~to~~ issue such permit, when, in his judgement, such permit is necessary to avoid harm to essential human interests including, but not limited to, flooding of roads, structures, septic systems, ~~agricultural~~agricultural crops, and wellfields, or the cutting of ornamental or fruit-bearing trees.

(7) Requirements for Group Permits and Exemptions. The ~~director~~Director may, subject to federal law, issue a permit to any group or class of persons to take or possess fish, fish spawn, amphibians, reptiles, birds, the nest or eggs thereof, mammals, or invertebrates, or may issue an exemption for the taking thereof or for the manner, time or purpose of taking or other related requirements, in accordance with 321 CMR 2.02(8). Such permit or exemption may provide that such group or class of persons are authorized to engage in the specified activity, or to be exempted from certain

requirements, as the case may be, by expanding the authority of such other permit or license as may be held by such persons. Alternatively, the ~~director~~ Director may determine that a notice published in the Massachusetts Register shall constitute the permit or exemption for those persons so authorized or exempted and such persons shall not be required to receive a individual permit to engage in the specified activity or exemption. In the case of 321 CMR 2.02(8)(d) and (e), the ~~director~~ Director may determine in writing, subject to the provisions of 321 CMR 2.02(9) and (10) that no permit is required to engage in certain specified activities. The provisions of 321 CMR 2.02(7) shall not be construed to limit the issuance of group fishing permits to the head of a veteran's hospital or to the administration of a publicly supported schools for the ~~mentally retarded~~ intellectually disabled, as provided for in M.G.L. c. 131, § 13.

(8) Determination. The director may issue a permit or make a determination pursuant to 321 CMR 2.02(7) if:

- (a) the proposed activity is necessary or appropriate to preserve, protect, or enhance the public health or welfare;
- (b) the proposed activity is necessary or appropriate to preserve, protect or enhance the health of fish, birds, amphibians, reptiles, birds, mammals, or invertebrates;
- (c) the proposed activity is necessary or appropriate as a part of research or management of fish, amphibians, reptiles, birds, mammals, or invertebrates;
- (d) the proposed activity is necessary or appropriate as part of observation or inventory of fish, amphibians, reptiles, birds, mammals, or invertebrates;
- (e) the proposed activity is necessary or appropriate to promote interest in or understanding of fish, amphibians, reptiles, birds, mammals, or invertebrates.

(9) Procedure. A written determination made by the director in accordance with 321 CMR 2.02(7) shall not be effective until:

- (a) such determination is approved in writing by the Board;
- (b) such determination is published in the Massachusetts Register stating the reasons therefor;
- (c) such determination is made available to the public at all the Division field installations and its Board offices;
- (d) included with such determination is a statement that comments as to such determination may be submitted to the Division for a two-week period.

(10) Comments. The ~~director~~ Director shall consider any written comments which may be submitted to the Division for a period of two weeks after the publication date. Based upon these written comments the director may amend, alter or rescind the determination.

(11) Denials. In the event of the denial, non-renewal, or suspension of a permit, other than a letter permit, the director shall follow those procedures set forth in 321 CMR 2.12(9), (20) and (21).

(12) A permit to use bear hounds or bait may be issued by the Director upon written application for the control of individual animals specifically identified as posing a threat to human safety or individuals that have destroyed livestock, property, or crops, or for legitimate scientific research projects that are conducted in a humane manner.

(a) Definitions:

Bear hound means a dog, regardless of breed, which is used to harass, hunt, pursue, scent, take, or trail black bear.

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 authorized agent.

Training means the harassment, hunting, pursuing, scenting, taking, or trailing of black bear with or by means of bear hounds, and includes attempts and acts of assistance for such purposes.

(b) Registration. All bear hounds used for training in Massachusetts shall be registered with the Director who may issue a permit for such use in accordance with M.G.L. c. 131, § 21A and 321 CMR 2.01(12). Such permit shall be valid for a period not to exceed one calendar year and shall be restricted to such locality or geographical area(s) as shall be approved by the Director.

(c) Applications. A person seeking a permit as provided in 321 CMR 2.01(12)(b) shall submit a written application to the Director. Such permit may be issued to the applicant or to such agent of the applicant as shall be approved by the Director. Completed applications shall include a self-addressed stamped business-size envelope and shall be addressed to the Director of the Division of Fisheries and Wildlife.

(d) Information and Requirements for Applications. All applications shall include the following information:

1. name, street address, and telephone number of applicant;
2. name, street address, and telephone number of dog owner and/or trainer/handler; if different from 321 CMR 2.02(12)(d)1.;
3. license plate number and state of registration of vehicle used to transport bear hounds;
4. for each individual bear hound, the breed, color, sex, tattoo number (if any), dog license or kennel number and city or town where licensed, and radio frequency of telemetry collar (if any);
5. signature of the applicant and owner or trainer/handler, executed under the pains and penalties of perjury;
6. date the application was executed; and
7. such other information as the Director shall require.

(e) Amendments. A permittee may add or delete individual bear hounds or vehicles to ~~his~~their permit at any time during the period during which such permit is valid. Such additions or deletions shall otherwise conform to the provisions of 321 CMR 2.01(12) .

(f) Permit to be Carried. A person shall not train a bear hound unless ~~he~~they possesses on ~~his~~their person at all times during such training a bear hound registration permit as provided in 321 CMR 2.01(12)(b).

(g) Bear Hound Pack Limitations. Possession, use or control of more than four bear hounds while training, in any vehicle or in any field or woodland, is prohibited. Combined or relayed packs of more than four bear hounds by one or more permittees are prohibited.

(h) Baiting. A permit to use bait shall generally conform to the provisions of 321 CMR 2.01(12)(b) through (f) and shall include such other restrictions or conditions as the Director shall deem advisable, including, but not limited to, kinds and amount of bait, placement of bait, and bait removal requirements.

(13) A permit to use bobcat hounds may be issued by the Director for the purposes and in like manner as provided for the purposes and in like manner as provided for 321 CMR 2.02(12).

(14) The possession of deer and moose antlers is exempt from the possession permit requirements provided they were found naturally shed in the environment without the use of any device that encourages the removal of antlers such as a shed antler trap.

2.11: Display of Sporting, Hunting, Fishing, and Trapping Licenses

(1) Definitions.

Mobile Device means any electronic device that can be carried on one's person, such as a smart phone, which is capable of displaying a true, complete and legible image of a current and valid hunting, fishing, or trapping license issued by the Division.

Online System means the online licensing and game harvest reporting system of the Department of Fish and Game and Division of Fisheries and Wildlife accessible via the Department's and the Division's website that allows for automated licensing and game harvest reporting, including issuance of applicable official seals or tags via the internet in accordance with M.G.L. c. 131, § 12. The purchase online of a license, official seal, tag or other applicable required permit to hunt, fish or trap for inland fish and wildlife species requires an electronic signature made after an online affirmation under the pains and penalties of perjury by the applicant that the information provided is true and accurate and that the applicant shall comply with all applicable hunting, fishing and trapping rules and regulations.

(2) Each person, except those lawfully hunting, fishing or trapping without a license under provisions of M.G.L. c. 131, § 13, shall while hunting, fishing, or trapping possess on their person a current and valid license to do so and such license shall be signed on the face thereof by the person to whom issued or electronically signed when such license is purchased through the Online System. Persons may show that they possess a current and valid license on their person by displaying a true, complete and legible image of it on their mobile device.

(3) Each person hunting waterfowl, except certain persons 12 through 14 years of age as provided in 321 CMR 3.02(2): *Table 1E*, shall possess on their person a Massachusetts waterfowl stamp as provided in M.G.L. c. 131, § 13 and 321 CMR 3.02(2)(e)8. Such persons shall sign their license as provided in 321 CMR 2.11(2) and such signature shall constitute compliance with the requirement specified in M.G.L. c. 131, § 13, paragraph 3. The license documenting the issuance of such stamp shall be carried on the person at all times while exercising the authority granted thereby. Persons may show that they possess on their person the license documenting the issuance of the stamp by displaying a true, complete and legible image of it on their mobile device.

(4) Each person hunting deer during the exclusive archery season, ~~or the exclusive primitive firearms seasons,~~ or during any other season during which an archery stamp or a primitive firearms stamp may be required by law, shall possess on their person a Massachusetts archery stamp or primitive firearms stamp, as the case may be, as provided in M.G.L. c. 131, § 13. ~~Such person shall sign their license, or the form on which the stamp is imprinted, as the case may be, as provided in 321 CMR 2.11(2) and such signature shall constitute compliance with the requirement specified in M.G.L. c. 131, § 13, paragraph 2.~~ The license documenting the issuance of such stamp shall be carried on the person at all times while exercising the authority granted thereby. Persons may show that they possess on their person the license documenting the issuance of the stamp by displaying a true, complete and legible image of it on their mobile device.

(5) When engaged in the act of hunting deer, wild turkey or black bear, a paper copy of the applicable license or permit with associated tags shall be carried on the person in accordance with the requirements of 321 CMR 3.02(1)(f), (4)(h) and (9)(g). No person shall detach or remove from their license or permit, as the case may be, their deer, wild turkey, or black bear tag or tags, except as provided in 321 CMR 3.02(1)(f), (4)(h), and (9)(g). Any such tags detached or removed except as provided therein shall be void and shall be surrendered on demand to any officer empowered to enforce the provisions of M.G.L. c. 131.

(6) All persons hunting, fishing, or trapping pursuant to M.G.L. c. 131 shall produce for examination upon demand of any officer or other person specified in M.G.L. c. 131, § 32 any licenses, permits, stamps, or certificates issued to them. Persons may produce any such license or permit, including those that document the issuance of a stamp or certificate, by

displaying a true, complete and legible image of it on their mobile device.

2.12: Artificial Propagation of Birds, Mammals, Reptiles, and Amphibians

(1) Purpose and Scope. The purpose of 321 CMR 2.12 is to establish the procedural and substantive requirements for the licensing, possession, propagation, maintenance, and disposition of wild birds, mammals, reptiles and amphibians. 321 CMR 2.12 is designed to protect wild animals from unnecessary or undesirable interference and from improper treatment. 321 CMR

2.12 is also necessary for the protection of the public health, welfare and safety when wild animals are possessed, maintained or propagated in Massachusetts.

Wild animals, regardless of whether or not they are born in captivity, often revert to their wild nature when sexually mature and can do considerable harm to persons. Furthermore, wild animals retained in captivity and dependent on humans for care may not be capable of surviving in the wild if problems arise and they are ejected by those who had attempted to care for them. The result is an animal that may suffer a lingering fate prior to death and may be a potential danger to the public. The purpose of 321 CMR 2.12 is to prevent not only the potential public menace, disease, personal injury and property damage which result when the animals are ejected, but to protect the animals from the potential for needless or unnecessary suffering as well. Thus, the scope of 321 CMR 2.12 is to regulate:

- (a) the importation, taking from the wild, possession, propagation, purchasing or receipt of protected animals intended to be kept by any person in Massachusetts;
- (b) to define specific categories for which licenses may be issued for the possession, maintenance, propagation or cultivation of protected wildlife;
- (c) to establish minimum requirements for the possession, maintenance and artificial propagation of protected animals;
- (d) to establish administrative procedures for the initial issuance and subsequent renewal of licenses; and
- (e) to otherwise implement the licensing provisions of M.G.L. c. 131, § 23.

321 CMR 2.12 is promulgated and effective in addition to and in conjunction with 7 U.S.C. § 2132 *et seq.* as amended, commonly known as the federal Animal Welfare Act and the licensing program of the United States Department of Agriculture. Compliance with the requirements of the United States Department of Agriculture does not exempt an applicant from compliance with 321 CMR 2.12 or other laws of Massachusetts. Thus, the issuance of the so-called federal exhibitor's permit to any person other than a zoo, as defined in 321 CMR 2.12(2), does not exempt that person from compliance with 321 CMR 2.12 and its licensing provisions.

(2) Definitions. For the purposes of 321 CMR 2.12, the following words have the following meanings:

Animals means any undomesticated bird, mammal, reptile or amphibian, that is not the product of hybridization with a domestic form and not otherwise contained in the exemption list found at 321 CMR 9.01: *Exemption List*.
Class 4 - Class 8 Licenses means respectively licenses issued under authority of clauses 4 through 8, M.G.L. c. 131, § 23.

Director means the Director of the Division of Fisheries and Wildlife or ~~his or her~~their agents, ~~251 Causeway Street, Suite 400, Boston,~~

Educational Use means a use or uses as contained in a course of training, of any extent or duration, and which pertains to the acquisition, development, or maintenance of a person's moral, intellectual, vocational, and physical faculties, insofar as such course of training shall relate to fisheries or wildlife, and the habitats, ecological relationships, or the environment thereof.

Environmental Police Officer means the Director of the Division of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Division of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Scientific Use means a use or uses concerned with the classification, formulation, verification, and documentation of various natural laws, principles, and events by induction, deduction, hypothesis, and experimentation, including, but not limited to, the collection, analysis, propounding, and display of data, whether written, recorded or otherwise, and of artifacts, specimens, and similar physical samples, and shall further relate generally to the physical world and its associated phenomena, and specifically to those branches of systematized knowledge categorized as zoology, botany, ecology, wildlife management, fisheries management, medicine, and veterinary medicine, or such other skills and disciplines which shall require such use or uses.

Wild Animal Farm means a person licensed pursuant to 321 CMR 2.12(10)(d).

Zoo means a permanent site or a permanent location where a collection of living non-domesticated animals are maintained for regular exhibition to the public.

(3) Licenses. Unless otherwise provided by law, it is unlawful for any person to possess, maintain, propagate or cultivate, sell or offer to sell any animal without having a valid license issued to them by the Director in one of ~~five~~four classes.

(a) A class 4 propagator's license authorizes a person to possess, maintain, propagate, buy, sell or otherwise lawfully dispose of specified birds, mammals, reptiles or amphibians. A Class 4 license may, in addition and as a condition of the license, allow the liberation and recapture of bobwhite quail or ring-necked pheasant for the sole purpose of training dogs.

(b) A class 5 public stocking license (including a Class 5 special propagator's license) authorizes any individual, club or association to possess, maintain and propagate birds or mammals for the sole purpose of liberation into covers open for public hunting. A Class 5 public stocking license may be issued as a Letter Permit in accordance with M.G.L. c. 131, § 4(2) and 321 CMR 2.02 but shall otherwise conform to the requirements of 321 CMR 2.12.

(c) A class 6 dealer's license authorizes a person to possess or maintain for food purposes, and to purchase, sell, offer to sell, barter, offer to barter, or conduct commercial transactions of any nature, fish, birds, or mammals which have been lawfully imported into Massachusetts or lawfully propagated within Massachusetts, provided that dealing in fish shall be in accordance with 321 CMR 4.09: *Artificial Propagation and Maintenance of Fish*. A class 6 dealer's license issued for purposes other than human food shall be issued at the discretion of the director, and the director shall not issue such permit unless, in his discretion, such permit is in the public interest and is not detrimental to the fish and wildlife resources of Massachusetts or the populations of the fish and wildlife proposed for the license, wherever found. When a fish, bird, or mammal proposed for licensing closely resembles a fish, bird, or mammal not so proposed, or for which a license may not be issued, or which derives from a source not authorized pursuant to 321 CMR 2.12(16)(a), the director may consider such similarity of appearance as constituting an adverse or detrimental effect on such protected or non-licensed fish, birds, and mammals, or on the enforcement of laws relating to the conservation and management of the same, and may deny the license on such basis.

~~(d) A class 7 possessor's license authorizes a person to possess and maintain, but not to propagate, sell or barter, a non-exempt bird or mammal in accordance with 321 CMR 2.12(10)(l); or a non-exempt mammal for the sole purpose of training dogs, when such mammal was lawfully possessed and held under a Class 7 license prior to December 31, 1994; or for the possession of a non-exempt reptile or amphibian. After December 31, 1994, no initial Class 7 license may be issued for the purpose of possessing a non-exempt mammal for the purpose of training dogs. A Class 7 license may be issued as a Letter Permit in accordance with M.G.L. c. 131, § 4(2) and 321 CMR 2.02 but shall otherwise conform to the requirements of 321 CMR 2.12.~~

(ed) A dog training license (including a Class 8 quail license) authorizes a person to possess no more than 25 quail,

six ring-necked pheasant, and two chukar partridge to liberate and recapture for the sole purpose of training dogs.

(4) Application. A person seeking a license provided for in 321 CMR 2.12(3) shall complete a written application on forms supplied by the Director. Completed applications shall include a self-addressed stamped envelope and be addressed to the Permit Section, Division of Fisheries and Wildlife, ~~251 Causeway Street, Suite 400, Boston, MA 02114~~ 100 Cambridge Street, 6th floor, Boston, MA 02114.

(5) Information and Requirements. All initial license applications shall contain the following information. Renewal license applications shall include but not be limited to 321 CMR 2.12(5)(a), (c), (f), and (g):

- (a) the applicant's name, address and telephone number where he or she can be reached between the hours of 9:00 A.M. to 5:00 P.M.;
- (b) the applicant's date of birth;
- (c) in the event the applicant is a corporation, firm, partnership, institution or agency, either public or private, the name, address and telephone number of the president, director, head or principal officer;
- (d) the location or locations where the licensed activity will be conducted;
- (e) the specific source or sources from which the animals are to be obtained;
- (f) the date of the application;
- (g) the applicant's signature executed under the pains and penalties of perjury;
- (h) for a class 4 license, accurate diagrams, models or drawings in scale or pictures depicting the precise physical conditions under which the animals will be maintained;
- (i) for a commercial license requested pursuant to 321 CMR 2.12(10)(c) or (d), a signed affidavit certifying that the applicant has to the best of his or her knowledge paid all state taxes as required by the Massachusetts Department of Revenue; and
- (j) a written plan detailing the intended activity for which the animals are to be maintained, the disposition of the animals if relevant, and other information pertinent to a full explanation and justification for the possession of the animals.
- (k) for a license requested pursuant to 321 CMR 2.12(10)(a), (b), (c), (d), (f), or (g), a copy of the applicant's résumé, letters of recommendation, diplomas or certificates, and such other documentary items as shall provide evidence of the applicant's qualifications, training, and experience in the activity which has been applied for.

(6) Fees. All applications and renewals shall be accompanied by the appropriate fee indicated on the application in the form of a check or money order payable to the Division of Fisheries and Wildlife. Cash may be used only when the application is made in person.

(7) Exception. Payment of fees shall not be required of any federal, state, or municipal agency or official, nor of any person under contract to the Division of Fisheries and Wildlife or otherwise involved in projects conducted or directly supervised by the Division of Fisheries and Wildlife.

(8) Abandoned Applications. Upon receipt of an incomplete application, an improperly executed application, or an insufficient fee, the applicant shall be notified of the deficiency. If the applicant fails to supply the requested information, pay the required fee or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned and shall be returned to the applicant.

(9) Denials. Applications for a license provided for in 321 CMR 2.12(3), including both initial applications and renewals, shall, unless otherwise provided, be denied when:

- (a) the application is for a license to possess, maintain, propagate or cultivate animals as pets except as otherwise provided for in 321 CMR 2.12(10)(h) and (i);
- (b) the application is for a class 4 license to possess, maintain, or propagate animals for purposes or intentions based purely on curiosity, impulse or novelty, or to provide for personal amusement or entertainment;

- (c) the applicant has within one year preceding the date of application been criminally convicted of a violation of any provision of M.G.L. c. 131, c. 131A, any provision of 321 CMR, or any federal statute or federal regulation which is related to the activity for which the license is sought;
- (d) the applicant has failed to disclose material information or has made false statements as to any fact in connection with the application;
- (e) a prior inspection of the facilities where the animal will be possessed, maintained, propagated or cultivated by a duly authorized state or federal official has disclosed that the facilities do not meet the requirements found in 321 CMR 2.12(11) and (15) and such deficiencies have not been corrected within 30 days;
- (f) the application is for a license to possess an animal in a commercial venture involving amusement or sport;
- (g) the applicant for a Class 4 license has imported into or received in Massachusetts any animal without a valid importation license as required by M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15;
- (h) the applicant has failed to satisfy the director that his or her qualifications, training, and experience are sufficient to properly maintain, propagate or care for the animals in question, or to adequately provide for the safety and well-being of the public and the environment;
- (i) the applicant has failed to satisfy the director that the applicant is actively engaged in the activity granted by the permit;
- (j) the application is for a class 6 dealer's license other than for purposes of human food and the applicant has failed to satisfy the director that the application is in the public interest and is non-detrimental to fish and wildlife resources pursuant to 321 CMR 2.12(3)(c);
- (k) the application is for the commercial farming of more than 100 turtles for the purposes of sale.

(10) Issuance. A Class 4 license may be issued only to applicants who substantially document that the intended possession, maintenance or propagation is for:

- (a) an authentic and legitimate scientific use certified by officials of a generally recognized scientific institution such as museums of a zoological or biological nature, zoological or biological departments of an accredited college or university, or a public or private research institute for wildlife population or ~~management~~ studies;
- (b) an authentic and legitimate educational use certified by zoological or biological officials of a generally recognized educational institution such as an accredited college or university or a public or private school;
- (c) a commercial use in conjunction with an applicant's primary existing occupation or livelihood in Massachusetts and for which the animal is an inherently necessary and an essential element;
- (d) commercial propagation of protected animals for sale other than sale as pets, which shall be issued only for those species listed in 321 CMR 2.12(11);
- (e) an authentic use in conjunction with legitimate sporting events involving the training of dogs;
- (f) animals held or propagated under holding agreements or in conjunction with breeding programs of established zoos licensed by the United States Department of Agriculture;
- (g) captive propagation of threatened or endangered animals under the auspices of a written captive propagation program approved by both the Director and the Fisheries and Wildlife Board, when such captive propagation is in accordance with the recovery or action plans or recommendations of the International Union for the Conservation of Nature and Natural Resources, the American Association of Zoological Parks and Aquariums, or of the United States or of Massachusetts, and, in the opinion of the director will make a meaningful contribution to the ultimate survival and recovery of the animal. Such captive propagation shall be restricted to genetically pure animals of known lineage unless otherwise specified in the recovery or action plans or recommendations;
- (h) the aviculture of non-exempt birds, including federally threatened and endangered species as authorized by the United States Fish and Wildlife Service, that are documented to be the product of captive propagation or that were legally held prior to the approval of 321 CMR 2.12 and are members of the following taxonomic groups: *Ciconiiformes* (e.g., flamingo), *Anseriformes* (e.g., ducks, geese, swans), *Galliformes* (e.g., pheasant, quail, grouse), *Gruiformes* (e.g., cranes, coots), *Columbiformes* (e.g., pigeons, doves), *Psittaciformes* (e.g., parrots), *Piciformes* (e.g., toucans), *Passeriformes* (e.g., songbirds). The foregoing shall not include the Wild Turkey (*Meleagris gallopavo*) or the following potential pest species: Pink Starling (*Sturnus roseus*), Red-billed Dioch including the Black-fronted and

Sudan Diochs (*Quelea quelea*), and Red-whiskered Bulbul (*Pycnonotus jocosus*);

(i) the propagation of non-exempt reptiles, including federally endangered and threatened species as authorized by the United States Fish and Wildlife Service, that are documented to be the product of captive propagation or that were lawfully held prior to the approval of 321 CMR 2.12 on May 8, 1986, and are members of the taxonomic groups which include turtles and lizards, except venomous lizards in the genus *Heloderma*;

(j) the training of animals to aid the handicapped; or

(k) any protected animal lawfully possessed prior to July 1, 1980.

(11) Commercial Propagation-- Allowable Species. Only the following species or groups of species may be commercially propagated:

- ~~(a) fallow deer (*Cervus dama*);~~
- ~~(b) red deer (*Cervus elaphus*);~~
- ~~(c) sika deer (*Cervus nippon*);~~
- (~~d~~a) aoudad (Barbary sheep)(*Ammotragus lervia*);
- (~~e~~b) mouflon (*Ovis musimon*);
- (~~f~~c) red fox (*Vulpes vulpes*), including silver fox, cross fox, and color variants thereof;
- (~~g~~d) Arctic fox (*Alopex lagopus*);
- (~~h~~e) pheasants, quail, partridges (*Phasianidae*);
- (~~i~~f) waterfowl (*Anseriformes*); and
- (~~j~~g) federally endangered and threatened species of birds listed in 321 CMR 9.01(11): *List of Birds*, when approved by the U.S. Fish and Wildlife Service if required, and the Director.

(12) Exemption. Licensed veterinarians temporarily treating sick and injured animals are exempt from the licensing requirements provided that:

- (a) accurate records are kept on forms provided by the Director and submitted annually not later than January 31 ; and
- (b) the Director is notified immediately of the presence of any endangered, threatened or special concern species listed pursuant to the U.S. Endangered Species Act or to 321 CMR 10.60.

(13) Temporary Possession Permit. Persons may temporarily possess animals in Massachusetts provided a temporary possession permit is obtained from the Division. The applicant shall supply the Division with the dates, times and locations where the animals will be possessed, the purposes of the temporary possession, a list of the animals being temporarily possessed and the dates of their removal. For the purposes of 321 CMR 2.12, a temporary possession permit may also be issued to a wild animal farm or a zoo for exhibiting animals off the premises of such farm or zoo.

(14) Grace Period. Persons presently possessing, maintaining, propagating or cultivating animals other than as pets, without a valid license or otherwise unlawfully, will be allowed a 30 day grace period from 6/30/95 in which applications for a license may, if submitted in accordance and in compliance with 321 CMR 2.12 and within the 30 day period, be approved and issued by the Director.

(15) Inspections. Upon submission of a properly completed application for a Class 4 license to be issued pursuant to 321 CMR 2.12(3) or for a wildlife rehabilitation permit issued under authority of M.G.L. c. 131, § 4, clause 2, and all required supporting documentation, an Environmental Police Officer or an official of the Division of Fisheries and Wildlife, or both, shall inspect the facilities to be used by the applicant for the maintenance of the following animals: any mammal in the order *Carnivora* (wild cats, wolves, bears, raccoons, weasels, and others); any mammal in the order *Proboscidea*; any mammal in the families *Cervidae* (deer, elk, and others) and any venomous reptiles. If, upon receiving a properly completed application for a Class 4 license for any other species, the Director determines that an inspection of the applicant's facilities is in the public interest, he may cause such inspection to be made by an official of the Division or an Environmental Police Officer or both. An applicant's facilities, whether or not inspected as provided in 321 CMR 2.12(15), shall meet the following minimum requirements:

- (a) animals shall be kept in approved enclosures under conditions that give the licensee exclusive control over them at all times and at the location(s) to be designated in the license, except as otherwise provided by law or the Director;
- (b) approved enclosures shall be designed so as to provide adequate physical comfort to the animal and shall:

1. keep the animal clean and dry, except for those species requiring a moist environment;
 2. maintain an ambient temperature compatible with the animal's needs;
 3. keep the animal in complete and continuous captivity;
 4. restrict the entry of unauthorized persons or predatory animals;
 5. provide access to clean food and fresh water in clean containers; and
 6. sufficient fresh food and water fulfilling the animal's dietary requirements shall be made available and shall be presented in a manner compatible with the animal's particular eating habits;
- (c) maintain all enclosures in a sanitary condition and in good repair;
- d) have equipment available for proper storage and disposal of waste material to control vermin, insects and obnoxious odors;
- e) take effective measures to prevent and control infection and infestation of the animal and premises with disease, parasites and vermin;
- (f) provide adequate shelter for the comfort of the animal and adequate facilities, when necessary, for isolation of diseased animals;
- (g) if animals are group housed, maintain animals in compatible groups without overcrowding;
- (h) ensure the enclosures are adequately designed to minimize any potential danger to the public, or to the licensee;
- (i) in the case of venomous reptiles, arrange for antivenin to be readily available through a local hospital, the name, address and telephone number of which shall be affixed to the enclosure; and
- (j) provide for the maintenance or disposition of all animals in case of the licensee's absence, illness, or death.
- (k) comply with any special conditions or restrictions as stipulated by the Director, pursuant to 321 CMR 2.12(16).

(16) Restrictions. Applications for a license issued pursuant to 321 CMR 2.12(3) shall comply with the following restrictions.

- (a) Animals may be procured in the following manner only:
1. lawfully propagated, harvested, or taken outside of Massachusetts; or
 2. lawfully propagated within Massachusetts; and
 3. unless otherwise provided for by the Director, animals taken from the wild within Massachusetts may not be propagated, cultivated or maintained for purposes of sale pursuant to M.G.L. c. 131, § 23.
- (b) Birds and mammals possessed and maintained under authority of a class 5 license shall be liberated into the wild within one year under the supervision of and in covers approved by the Director.
- (c) Birds and mammals sold for food purposes must first be killed and to each carcass or part thereof shall be attached a tag furnished by the Director at a cost to the licensee established by the Department of Administration and Finance. This tag shall remain on the carcass or any portion thereof until the bird or mammal is prepared for consumption.

(17) Conditions. The Director may at any time, in writing, establish conditions or restrictions to a license issued pursuant to 321 CMR 2.12(3) if, in his opinion, the conditions or restrictions are necessary for the preservation and protection of the health, welfare or safety of the citizens of Massachusetts or of the animal.

(18) Agreement. All licenses issued pursuant to 321 CMR 2.12(3) shall be signed by the licensee and such signature shall constitute:

- (a) an agreement by the licensee to fully comply with all relevant provisions of law including but not limited to M.G.L. c. 131, c. 131A, 321 CMR, and all applicable conditions and restrictions of the license;
- (b) an agreement by the licensee to allow inspections at reasonable times of the premises where the animals are kept by the Director or by an Environmental Police Officer of the Division of Law Enforcement; and
- (c) liability agreement.

(19) Amendments. Class 4 license holders shall submit to the Director in writing any change in protected animal stock

covered by a pending application or a current license. No change in protected animals, except in the instance of animals giving birth, held under authority of a class 4 license may be made until an appropriate amendment covering such change in stock is approved by the Director. All such requested amendments and modifications shall be subject to the provisions of 321 CMR 2.12.

(20) Records. Licensees shall keep and maintain for no less than two years accurate records on forms supplied by the Division of all animals possessed and maintained under authority of a license. Said records shall be made available to the Director or to an Environmental Police Officer upon request.

(21) Renewal. Applications for renewal of any license authorized to be renewed:

- (a) shall be filed with the Division no later than December 31 of each year;
- (b) shall contain any change in protected animals to be maintained;
- (c) shall be subject to the provisions of 321 CMR 2.12 and relevant provisions of M.G.L. c. 131; and
- (d) are subject to M.G.L. c. 30A, § 13, and 801 CMR 1.00 in the event a renewal is denied.

(22) Suspension or Revocation. Licenses issued pursuant to 321 CMR 2.12 may be suspended or revoked in accordance with the relevant provisions of M.G.L. c. 30A and 801 CMR 1.00 for:

- (a) a violation of any provision of M.G.L. c. 131 or c. 131A;
- (b) a violation of any provision of 321 CMR;
- (c) a violation of any federal statute or regulation which is related to the activity for which the license has been obtained;
- (d) a violation of any condition or restriction of the license; or
- (e) upon the request of any Environmental Police Officer if it is determined that the licensee's operation causes an unnecessary threat to the public health, welfare or safety or is not in the best interest to the animal.

(23) Effect of Suspension, Revocation, or Non-Renewal. In the event a license is suspended, revoked or not renewed, the licensee shall dispose of the animals within 60 days in a manner required by the Director or in a manner provided for by the licensee with the approval of the Director.

(24) Prohibitions. It is unlawful for any person:

- (a) to import, possess, maintain, propagate or have custody of in Massachusetts any animal without a valid license issued pursuant to 321 CMR 2.12 or 2.15;
- (b) to falsify any license application or renewal, provide false documentation in support of a license application or renewal or fail to provide relevant and material information regarding a license application or renewal;
- (c) to refuse to allow reasonable inspections of the premises where the animals are kept at reasonable times by any Environmental Police Officer or by the Director;
- (d) who is a veterinarian to fail to keep accurate records of the treatment of an animal or to falsify such records;
- (e) who is a veterinarian to fail to notify the Director immediately of the presence of any endangered, threatened or special concern species;
- (f) to keep and maintain any animal in a condition or under conditions which do not comply with provisions of 321 CMR 2.12(15)(a) through (k);
- (g) to import, possess or purchase any animal which was propagated unlawfully in or out of Massachusetts;
- (h) not to liberate into the wild within one year birds and mammals possessed and maintained under authority of a class 5 license;
- (i) to liberate into the wild birds and mammals possessed and maintained under authority of a class 5 license without the Director or his agent being present or provided such opportunity, or into covers not otherwise approved by the Director;
- (j) to sell a bird or mammal for food purposes which has not been killed first and affixed with a tag furnished by the

Director;

- (k) to remove any tag which has been affixed to the carcass of a bird or mammal sold for food purposes at any time other than immediately prior to preparation for consumption;
- (l) to violate any condition or restriction of a license issued prior to 321 CMR 2.12;
- (m) not to provide the Director with written notification of a change in protected animal stock which is covered by a pending application or a current license;
- (n) not to maintain for at least two years accurate records of all animals maintained and possessed or to falsify any such record or to refuse to provide such records upon request to any Environmental Police Officer or the Director;
- (o) to refuse or fail to comply with a disposal order of the Director issued pursuant to 321 CMR 2.12(23).

(25) ~~Grandfather Sunset Clause.~~ A person permitted as an educator or licensed as a class 4 propagator on July 1, 2024 for fallow deer, red deer, or sika deer pursuant to 321 CMR 2.12 (10)(d), shall be allowed to possess only the individual deer in possession on July 1, 2024, and such deer shall not be propagated, nor replaced when dead. ~~A person licensed as a Class 4 propagator on May 1, 1995 who is commercially propagating animals pursuant to 321 CMR 2.12 (10)(d) and, in addition, who is propagating animals not listed in 321 CMR 2.12(11), shall be allowed to continue propagation of such animals at the same site and of the same numbers of animals as on May 1, 1995, provided that a person so propagating white-tailed deer shall be allowed to propagate only the individual deer in possession on May 1, 1995, and such deer shall not be replaced when dead.~~ Permittees shall comply with all other provisions of 321 CMR 2.12.

2.15: Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals

(1) Definitions. For the purposes of 321 CMR 2.15 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Bird means any bird, wild by nature, not otherwise exempted in the list found at 321 CMR 9.01 and shall additionally include the nest and eggs thereof.

Cervid(s) means any deer, moose, or elk or any other species in the family Cervidae, and including parts thereof.

Director means the director of the Division of Fisheries and Wildlife or his agent.

Division means the Massachusetts Division of Fisheries and Wildlife, ~~251 Causeway Street, Boston, MA 02114~~.

Environmental Police Officer means the director of the Division of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21A, § 10A.

Fish means any freshwater fish not otherwise exempted in the list found at 321 CMR 9.01 and shall additionally include

the spawn and viable eggs thereof.

Permit means an importation permit, or a liberation permit, issued pursuant to M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Wildlife means non-domesticated amphibians, reptiles, birds, and mammals.

(2) Importation. No person shall import any live fish, amphibian, reptile, bird, or mammal, or the dead bodies or carcasses or parts thereof, except in accordance with 321 CMR 2.15. Except as otherwise provided in 321 CMR 2.15, no fish or wildlife shall be imported to Massachusetts prior to the issuance of an importation permit.

(3) Exceptions to Importation Requirement. Notwithstanding the provisions of 321 CMR 2.15(2):

(a) a person may import and transport within Massachusetts, but may not liberate, those live fish, fish spawn, amphibians, reptiles, birds, and mammals, and parts thereof, which are exempt and may be kept without a permit pursuant to 321 CMR 9.01;

(b) a fur dealer licensed in accordance with M.G.L. c. 131, § 28 may import the skins or pelts of fur-bearing animals, when in compliance with tagging, marking, record-keeping, and other requirements of M.G.L. c. 131, § 28;

(c) hunter or trapper licensed under the laws of another state may import the skins or pelts of fur-bearing animals for sale or exchange at a Massachusetts fur auction or to a licensed Massachusetts dealer, provided that such skins or pelts shall be tagged in accordance with the provisions of M.G.L. c. 131 and 321 CMR, when required;

(d) a Class 6 dealer may import or transport animal parts as provided for in 321 CMR 2.15(8), except as provided in 321 CMR 2.15(10).

(4) Liberation. No person shall liberate or cause or allow to be liberated any live fish, amphibian, reptile, bird, or mammal, except in accordance with 321 CMR 2.15. The director may require, as a condition of a liberation permit, that he or his agent be provided an opportunity to be present at any liberation of fish and wildlife. Only the following fish species may be considered for liberation: brook trout, brown bullhead, brown trout, chain pickerel, golden shiner, largemouth bass, pumpkinseed, rainbow trout, white sucker, yellow perch. Only the following wildlife species may be considered for liberation: ringnecked pheasant, bobwhite quail, snowshoe hare. Applications for liberation permits may be denied if the Director determines that the fish or wildlife species for the proposed liberation would not be compatible with the fish or wildlife species or management practices on the lands or waters indicated on the permit application. Except as otherwise provided in 321 CMR 2.15, no fish or wildlife shall be liberated within Massachusetts prior to the issuance of a liberation permit.

(5) Exceptions to Liberation Requirement. Notwithstanding the provisions of 321 CMR 2.15(4):

(a) a wildlife rehabilitator licensed pursuant to 321 CMR 2.13 may transport within Massachusetts and liberate rehabilitated wildlife in accordance with the provisions and restrictions of 321 CMR 2.13(22)(a);

(b) a problem animal control agent licensed pursuant to 321 CMR 2.14(3) or (18) may liberate problem animals at the site of capture in accordance with 321 CMR 2.14(23)(a), or may transport within Massachusetts such animals to a licensed wildlife rehabilitator;

(c) a person possessing a current and valid Class 11 raptor salvage permit in accordance with 321 CMR 3.04(1)(e), may transport within Massachusetts and liberate rehabilitated raptors;

(d) a person holding a commercial shooting preserve permit pursuant to 321 CMR 2.05 may liberate on such preserve those game birds specified in 321 CMR 2.05(14);

(e) a person holding a Class 2 public stocking license pursuant to 321 CMR 4.09, or a Class 5 special propagator's license

pursuant to 321 CMR 2.12, or the equivalent Letter Permit, may liberate fish, birds, or mammals, as the case may be, when so authorized in such license;

(f) a person holding a Class 8 quail license, or the equivalent dog training license, or a Class 4 license issued for the sole purpose of possessing pheasant and quail for the purpose of training dogs, may liberate and recapture such quail or pheasant for dog training purposes only pursuant to 321 CMR 2.12;

(g) a person may liberate and recapture homing pigeons.

(6) Transportation.

(a) The issuance of an importation permit or a liberation permit, or any permit or exception pursuant to 321 CMR 2.15(3) and (5), shall convey to the permittee the authority to transport live fish, amphibians, reptiles, birds, mammals or the dead bodies or carcasses or parts thereof within Massachusetts from the point of origin to the permittee's place of business, domicile, or other destination, as the case may be, provided that the director may establish conditions to any importation or liberation permit relative to the standards, security, housing or caging requirements, or other aspects of fish and wildlife in transit within Massachusetts and such conditions shall be construed as requirements for the permit.

(b) The importation permit or liberation permit or a copy thereof shall accompany the fish or wildlife being imported or liberated at all times while being transported within Massachusetts between the point of entry or point of origin, as the case may be, and the delivery or liberation point.

(c) Live reptiles and amphibians lawfully taken and possessed pursuant to 321 CMR 3.05 may be transported within Massachusetts without a transportation permit.

(d) Live fish, except for bait fish lawfully taken pursuant to 321 CMR 4.01, shall not be removed or transported from the water body where taken.

(e) Any person lawfully possessing an amphibian, reptile, bird, or mammal pursuant to any provision of M.G.L. c. 131, or any rule or regulation promulgated under authority thereof, may transport said amphibian, reptile, bird or mammal within Massachusetts for the purpose of euthanasia.

(f) Except as otherwise provided in 321 CMR 2.15, live fish, amphibians, reptiles, birds, or mammals shall not be transported within Massachusetts without a permit.

(7) Personal Use Exemption. Except as provided in 321 CMR 2.15(10), nothing in 321 CMR 2.15 shall be held to prohibit a person from bringing into Massachusetts and transporting therein for personal use but not for sale, the dead bodies or carcasses or parts thereof of fish, amphibians, reptiles, birds, or mammals which were lawfully taken or killed in another state, province, or country, unless prohibited by federal statute or regulation so to do, if before any such fish, amphibians, reptiles, birds or mammals are so imported they are tagged or marked in accordance with the laws of such other state, province, or country and with the federal laws relating to interstate commerce, and if no more such fish, amphibians, reptiles, birds or mammals are imported at one time than is permitted by the laws of such other state, province, or country to be exported therefrom; but the burden of proof shall be on such person to prove that such importation and possession was lawful in its origin. Additionally, any person who holds a Massachusetts sporting, hunting, fishing, or trapping license issued to him may transport and carry from or within Massachusetts the dead bodies or carcasses of such fish, amphibians, reptiles, birds or mammals, or parts thereof, as shall have been lawfully taken within Massachusetts, but no person shall transport or cause to be transported into or out of Massachusetts any fish, amphibians, reptiles, birds or mammals which have been taken or killed or are possessed contrary to the laws of any state, or of the United States, or of any foreign nation.

(8) Dealer's Exemption. Except as provided in 321 CMR 2.15(10), any Class 6 dealer licensed pursuant to M.G.L. c. 131, § 23 and 321 CMR 2.12 or 4.09 may purchase and import the dead bodies or carcasses of fish, amphibians, reptiles, birds, or mammals, or parts thereof, lawfully taken or lawfully propagated without Massachusetts, provided that the export and sale is lawful in the state, province, or country in which said fish, amphibians, reptiles, birds, or mammals are taken or propagated or from which exported, as the case may be, and provided further that all shipments shall bear the name of the consignee, the name of the consignor and, if enclosed, a statement of the contents contained therein, the tag, license or permit number as the case may be, or to the carton, package, box, or crate in which such are shipped, transported or delivered to any point within Massachusetts, is attached whatever mark of identification is required by the state, province, or country from which such carcasses or parts thereof are so shipped, transported or delivered; and provided further, that such sale, transportation or export is not contrary to federal statute or regulation.

(9) Permit. The director may issue an importation permit, or a liberation permit, as the case may be, in accordance with provisions of M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15. Except as provided in 321 CMR 2.01, 2.02 or 2.05, importation permits or liberation permits shall not be issued to persons who do not have a valid license issued pursuant to 321 CMR 2.12 or 321 CMR 4.09.

(10) Determination.

(a) Prior to issuing a permit, the director shall determine that such importation or liberation, as the case may be, is not detrimental to the inland fisheries or the wildlife resources of Massachusetts, or the habitats thereof.

(b) The Director has determined that chronic wasting disease (CWD), a contagious, transmissible neurological disease which is fatal to deer, moose, and elk, poses a clear and imminent threat to the wildlife resources of Massachusetts. In order to prevent the spread of CWD, no person shall possess, transfer, process, receive or import into Massachusetts any live deer or other member of the family Cervidae, including, but not restricted to, white-tailed deer, mule deer, red deer, moose or elk, or any parts thereof, except: meat which has been cut and wrapped (commercially or privately), deboned meat, hides with no head attached, cleaned skull caps (no muscle or brain tissue attached) with attached antlers, antlers with no muscle or brain tissue attached, fixed taxidermy mounts, or upper canine teeth (also known as "buglers", "whistlers", or "ivories"). The importation of brains, spinal columns, or any meat or parts containing brain or spinal column tissue is expressly prohibited. Live animals or parts thereof imported, possessed, transferred, processed, or received in violation of 321 CMR 2.15(10) may be seized and disposed of as provided for in 321 CMR 2.15(22). The prohibitions in 321 CMR 2.15(10)(b) shall pertain to:

1. live deer or other cervids from any state, any Canadian province or any country, and, in addition,
2. any parts of deer or other cervids, except as provided in 321 CMR 2.15(10)(b), from any state, province or

country, outside of New England (Connecticut, Rhode Island, Vermont, New Hampshire, and Maine); or within New England which-if CWD has been identified in that state in either wild or captive deer or other cervids, as determined by the director in consultation with the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture. The director shall, from time to time, provide the director of law enforcement with a list of states, provinces, or countries within which CWD has been identified.

(11) Tests for Diseases and Parasites. The immediate source of fish, amphibians, reptiles, birds or mammals to be imported or liberated shall be certified by a person recognized by the director as qualified to diagnose fish or wildlife diseases, as the case may be, as free of infectious diseases and parasites, if in the director's judgment such certification is necessary. Such tests and certifications shall include, but not be limited to, those specified in M.G.L. c. 131, §§ 19 and 19A. The director may establish conditions to any permit relative to the standards or tests for particular fish and wildlife diseases and parasites and such conditions shall be construed as requirements for such permit.

(12) Application. A person seeking a permit provided for in 321 CMR 2.15 shall complete a written application on forms supplied by the director. Completed applications shall include a self-addressed stamped envelope and be addressed to the Permit Section of the Division. Applications for a permit to import fish shall be received not less than 15 nor more than 30 days prior to shipment. Applications for a permit to import amphibians, reptiles, birds or mammals shall be received not less than ten days prior to the importation date. Applications for a liberation permit shall be received not less than 15 days prior to the liberation date.

(13) Information and Requirements. All permit applications shall contain the following information, where applicable.

- (a) the applicant's name, address and telephone number where he can be reached between the hours of 9:00 A.M. and 5:00 P.M.;
- (b) the applicant's date of birth;
- (c) in the event the applicant is a corporation, firm, partnership, institution or agency, either public or private, the name, address, and telephone number of the president, director, head or principal officer;
- (d) for an importation permit, the street address and mailing address of the facility or business from which fish and wildlife are to be imported, if such are propagated.
- (e) for an importation permit, the street and mailing address of the facility, business, or destination to which fish and wildlife are to be imported;
- (f) for an importation permit, the geographical location from which fish and wildlife are taken, if lawfully taken from the wild, the date(s) of the importation, and a signed statement from the applicant that such taking and export is lawful under the laws of the state, province, or country from which taken;
- (g) for a liberation permit, the geographical area, water body, or site at which fish and wildlife are to be liberated, and the date(s) of the liberation;
- (h) the species or parts thereof of fish and wildlife which are to be imported or liberated;
- (i) the numbers or quantity of fish and wildlife which are to be imported or liberated;
- (j) the date of the application;
- (k) the applicant's signature executed under the pains and penalties of perjury;
- (l) a health certificate(s) when required by the ~~director~~Director; and
- (m) such other information as the director may require.

(14) Fees. All applications and renewals shall be accompanied by the appropriate fee indicated on the application in the form of a check or money order payable to the Division of Fisheries and Wildlife. Cash may be used only when the application is made in person.

(15) Exception. Payment of fees shall not be required of any federal, state, or municipal agency or official, nor of any person under contract to the Division or otherwise involved in projects conducted or directly supervised by the Division.

(16) Abandoned Applications. Upon receipt of an incomplete application, an improperly executed application, or an

insufficient fee, the applicant shall be notified of the deficiency. If the applicant fails to supply the requested information, pay the required fee or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned and shall be returned to the applicant.

(17) Denials. Applications for a permit provided for in 321 CMR 2.15 shall, unless otherwise provided, be denied when:

(a) the application is for an importation permit to subsequently propagate, maintain, cultivate, possess, or deal in fish, amphibians, reptiles, birds, or mammals pursuant to any provision of M.G.L. c. 131, and the applicant lacks the required license or permit under

M.G.L. c. 131 or 321 CMR to do so;

(b) the applicant has within one year prior to the date preceding the application been criminally convicted of a violation of any provision of M.G.L. c. 131 or c. 131A, any provision of 321 CMR, or any federal statute or regulation which is related to the activity for which the permit is sought;

(c) the applicant has failed to disclose or submit material information or has made false statements as to any fact in connection with the application;

(d) the applicant has failed to submit the required health certificate, or has submitted an incomplete, unsatisfactory, or altered certificate, or has proposed to import fish or wildlife from a source not approved by the director;

(e) the director has determined pursuant to 321 CMR 2.15(10) that the importation or liberation, as the case may be, is detrimental to the fish and wildlife resources of Massachusetts, or their habitats, and is not in the public interest.

(18) Inspections. Fish, amphibians, reptiles, birds, and mammals imported pursuant to

M.G.L. c. 131, §§ 19 and 19A, may be subject to inspection by the director, his agents, or an Environmental Police Officer at any reasonable time. Such inspections may include the taking of fish, fish eggs, or biological samples for examination and testing.

(19) Conditions. The director may, at any time, in writing, establish conditions or restrictions to a permit issued pursuant to 321 CMR 2.15(9) if, in his opinion, the conditions or restrictions are necessary for the preservation and protection of the health, welfare or safety of humans or of fish and wildlife or their habitats, or to establish criteria in furtherance of the purposes of the permit.

(20) Agreement. All permits issued pursuant to 321 CMR 2.15(9) shall be signed by the permittee and such signature shall constitute:

(a) an agreement by the permittee to fully comply with all relevant provisions of law including but not limited to M.G.L. c. 131, 321 CMR, and all applicable conditions and restrictions of the permit;

(b) an agreement by the permittee to allow inspections, testing, or biological sampling at reasonable times of fish and wildlife imported or proposed for liberation, by the director, his agents, or an Environmental Police Officer; and

(c) liability agreement.

(21) Records and Reports. Permittees shall keep and maintain for no less than two years accurate records of fish and wildlife imported and liberated. Said records shall be made available to the director, his agents, or an Environmental Police Officer upon request. Records shall contain the source, destination, number or quantity, species or kind, and date of the activity, and such other information as the director may require. The director may require statements or reports as a condition for issuance of subsequent importation or liberation permits to the applicant.

(22) Seizure of Diseased Fish and Wildlife. Any fish, viable eggs thereof, amphibians, reptiles, birds, or mammals and including any parts thereof, which are brought into Massachusetts in violation of 321 CMR 2.15, or which are so brought in under authority of a permit issued thereunder and are subsequently found to be diseased, shall be confiscated by any officer empowered to enforce M.G.L. c. 131 and shall be forfeited to the commonwealth and disposed of by the director of the Office of Law Enforcement to the best interests of the Commonwealth.

REGULATORY AUTHORITY

321 CMR 2.00: M.G.L. c. 131, §§ 4, 19 and 19A.

NON-TEXT PAGE

Section

- 2.02: Permits to Take or Possess
- 2.11: Display of Sporting, Hunting, Fishing, and Trapping Licenses
- 2.12: Artificial Propagation of Birds, Mammals, Reptiles and Amphibians
- 2.15: Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals

2.02: Permits to Take or Possess

(1) Definitions. For the purposes of 321 CMR 2.02, and unless the context requires otherwise, the following words shall have the following meanings:

Board means the Fisheries and Wildlife Board established pursuant to M.G.L. c. 21, § 7.

Director means the Director of the Division of Fisheries and Wildlife.

Person means any named individual, partnership, corporation, whether profit or non-profit, firm, business, or other commercial or non-commercial entity, club, organization, or association.

(2) Authority of Director. In accordance with the provisions of M.G.L. c. 131, § 4(2), the Director may take or in writing authorize employees of the Division of Fisheries and Wildlife or other persons to take and possess fish, fish spawn, birds, the nest and eggs thereof, mammals, reptiles and amphibians at any time or in any manner for the purposes of observation, research, control or management, and, in his discretion, excuse certain persons so authorized from any licensing provision of M.G.L. c. 131.

(3) Scope. The provisions of 321 CMR 2.02 set forth certain special permits which may be granted pursuant to M.G.L. c. 131, § 4(2) and establish procedures for the granting of special permits or exemptions to certain classes of persons. 321 CMR 2.02 does not apply to permits or licenses issued pursuant to other provisions of M.G.L. c. 131 or c. 131A.

(4) Categories of Permits. Permits which may be issued pursuant to M.G.L. c. 131, § 4(2) may include, but not be limited to, bird-banding, salvage, and scientific collecting permits, or letter permits incorporating specialized authorizations. The director may establish reasonable standards and conditions for each category of special permit, consistent with the intent and purpose of the permit, and such standards and conditions shall be construed as limiting the authority of the permit to such extent. The Director may further require a permittee to keep certain records or submit certain reports as a condition of the permit, or renewal thereof, and failure to keep or submit such records or reports, when required, may be cause for suspension, revocation, or non-renewal of the permit.

(5) Exceptions. Notwithstanding the provisions of 321 CMR 2.02(4), wildlife rehabilitation permits shall be administered in accordance with 321 CMR 2.13 and problem animal control permits in accordance with 321 CMR 2.14.

(6) Beaver Dams. Beaver are aquatic mammals which depend on impounded water as an essential part of their life cycle. Beaver construct dams from natural materials to provide such impounded water where not existing naturally in proximity to their food supply. The destruction or damaging of a beaver dam therefore may cause harm to or loss of the beavers inhabiting the water impounded by the dam. This destruction or damage, when caused by humans, is construed to constitute a take of the beavers harmed, or potentially harmed, by such action. The destruction, altering, or damage of a beaver dam as defined in 321 CMR 3.02(5)(a) is prohibited without a permit to do so. The Director is authorized to issue such permit, when, in his judgement, such permit is necessary to avoid harm to essential human interests including, but not limited to, flooding of roads, structures, septic systems, agricultural crops, and wellfields, or the cutting of ornamental or fruit-bearing trees.

(7) Requirements for Group Permits and Exemptions. The Director may, subject to federal law, issue a permit to any group or class of persons to take or possess fish, fish spawn, amphibians, reptiles, birds, the nest or eggs thereof, mammals, or invertebrates, or may issue an exemption for the taking thereof or for the manner, time or purpose of taking or other related requirements, in accordance with 321 CMR 2.02(8). Such permit or exemption may provide that such group or class of persons are authorized to engage in the specified activity, or to be exempted from certain requirements, as the case may be, by expanding the authority of such other permit or license as may be held by such persons. Alternatively, the Director may determine that a notice published in the Massachusetts Register shall constitute the permit or exemption for those persons so authorized or exempted and such persons shall not be required to receive a individual permit to engage in the specified activity or exemption. In the case of 321 CMR 2.02(8)(d) and (e), the Director may determine in writing, subject to the provisions of 321 CMR 2.02(9) and (10) that no permit is required to engage in certain specified activities. The provisions of 321 CMR 2.02(7) shall not be construed to limit the issuance of group fishing permits to the head of a veteran's hospital or to the administration of a publicly supported schools for the intellectually disabled, as provided for in M.G.L. c. 131, § 13.

(8) Determination. The director may issue a permit or make a determination pursuant to 321 CMR 2.02(7) if:

- (a) the proposed activity is necessary or appropriate to preserve, protect, or enhance the public health or welfare;
- (b) the proposed activity is necessary or appropriate to preserve, protect or enhance the health of fish, birds, amphibians, reptiles, birds, mammals, or invertebrates;
- (c) the proposed activity is necessary or appropriate as a part of research or management of fish, amphibians, reptiles, birds, mammals, or invertebrates;
- (d) the proposed activity is necessary or appropriate as part of observation or inventory of fish, amphibians, reptiles, birds, mammals, or invertebrates;
- (e) the proposed activity is necessary or appropriate to promote interest in or understanding of fish, amphibians, reptiles, birds, mammals, or invertebrates.

(9) Procedure. A written determination made by the director in accordance with 321 CMR 2.02(7) shall not be effective until:

- (a) such determination is approved in writing by the Board;
- (b) such determination is published in the Massachusetts Register stating the reasons therefor;
- (c) such determination is made available to the public at all the Division field installations and its Board offices;
- (d) included with such determination is a statement that comments as to such determination may be submitted to the Division for a two-week period.

(10) Comments. The Director shall consider any written comments which may be submitted to the Division for a period of two weeks after the publication date. Based upon these written comments the director may amend, alter or rescind the determination.

(11) Denials. In the event of the denial, non-renewal, or suspension of a permit, other than a letter permit, the director shall follow those procedures set forth in 321 CMR 2.12(9), (20) and (21).

(12) A permit to use bear hounds or bait may be issued by the Director upon written application for the control of individual animals specifically identified as posing a threat to human safety or individuals that have destroyed livestock, property, or crops, or for legitimate scientific research projects that are conducted in a humane manner.

(a) Definitions:

Bear hound means a dog, regardless of breed, which is used to harass, hunt, pursue, scent, take, or trail black bear.

Director means the Director of the Division of Fisheries and Wildlife, as specified in M.G.L.

c. 21, § 7F through 7G, or their authorized agent.

Training means the harassment, hunting, pursuing, scenting, taking, or trailing of black bear with or by means of bear hounds, and includes attempts and acts of assistance for such purposes.

(b) Registration. All bear hounds used for training in Massachusetts shall be registered with the Director who may issue a permit for such use in accordance with M.G.L. c. 131, § 21A and 321 CMR 2.01(12). Such permit shall be valid for a period not to exceed one calendar year and shall be restricted to such locality or geographical area(s) as shall be approved by the Director.

(c) Applications. A person seeking a permit as provided in 321 CMR 2.01(12)(b) shall submit a written application to the Director. Such permit may be issued to the applicant or to such agent of the applicant as shall be approved by the Director. Completed applications shall include a self-addressed stamped business-size envelope and shall be addressed to the Director of the Division of Fisheries and Wildlife.

(d) Information and Requirements for Applications. All applications shall include the following information:

1. name, street address, and telephone number of applicant;
2. name, street address, and telephone number of dog owner and/or trainer/handler; if different from 321 CMR 2.02(12)(d)1.;
3. license plate number and state of registration of vehicle used to transport bear hounds;
4. for each individual bear hound, the breed, color, sex, tattoo number (if any), dog license or kennel number and city or town where licensed, and radio frequency of telemetry collar (if any);
5. signature of the applicant and owner or trainer/handler, executed under the pains and penalties of perjury;
6. date the application was executed; and
7. such other information as the Director shall require.

(e) Amendments. A permittee may add or delete individual bear hounds or vehicles to their permit at any time during the period during which such permit is valid. Such additions or deletions shall otherwise conform to the provisions of 321 CMR 2.01(12) .

(f) Permit to be Carried. A person shall not train a bear hound unless they possess on their person at all times during such training a bear hound registration permit as provided in 321 CMR 2.01(12)(b).

(g) Bear Hound Pack Limitations. Possession, use or control of more than four bear hounds while training, in any vehicle or in any field or woodland, is prohibited. Combined or relayed packs of more than four bear hounds by one or more permittees are prohibited.

(h) Baiting. A permit to use bait shall generally conform to the provisions of 321 CMR 2.01(12)(b) through (f) and shall include such other restrictions or conditions as the Director shall deem advisable, including, but not limited to, kinds and amount of bait, placement of bait, and bait removal requirements.

(13) A permit to use bobcat hounds may be issued by the Director for the purposes and in like manner as provided for the purposes and in like manner as provided for 321 CMR 2.02(12).

(14) The possession of deer and moose antlers is exempt from the possession permit requirements provided they were found naturally shed in the environment without the use of any device that encourages the removal of antlers such as a shed antler trap.

2.11: Display of Sporting, Hunting, Fishing, and Trapping Licenses

(1) Definitions.

Mobile Device means any electronic device that can be carried on one's person, such as a smart phone, which is capable of displaying a true, complete and legible image of a current and valid hunting, fishing, or trapping license issued by the Division.

Online System means the online licensing and game harvest reporting system of the Department of Fish and Game and Division of Fisheries and Wildlife accessible via the Department's and the Division's website that allows for automated licensing and game harvest reporting, including issuance of applicable official seals or tags via the internet in accordance with M.G.L. c. 131, § 12. The purchase online of a license, official seal, tag or other applicable required permit to hunt, fish or trap for inland fish and wildlife species requires an electronic signature made after an online affirmation under the pains and penalties of perjury by the applicant that the information provided is true and accurate and that the applicant shall comply with all applicable hunting, fishing and trapping rules and regulations.

(2) Each person, except those lawfully hunting, fishing or trapping without a license under provisions of M.G.L. c. 131, § 13, shall while hunting, fishing, or trapping possess on their person a current and valid license to do so and such license shall be signed on the face thereof by the person to whom issued or electronically signed when such license is purchased through the Online System. Persons may show that they possess a current and valid license on their person by displaying a true, complete and legible image of it on their mobile device.

(3) Each person hunting waterfowl, except certain persons 12 through 14 years of age as provided in 321 CMR 3.02(2): *Table 1E*, shall possess on their person a Massachusetts waterfowl stamp as provided in M.G.L. c. 131, § 13 and 321 CMR 3.02(2)(e)8. Such persons shall sign their license as provided in 321 CMR 2.11(2) and such signature shall constitute compliance with the requirement specified in M.G.L. c. 131, § 13, paragraph 3. The license documenting the issuance of such stamp shall be carried on the person at all times while exercising the authority granted thereby. Persons may show that they possess on their person the license documenting the issuance of the stamp by displaying a true, complete and legible image of it on their mobile device.

(4) Each person hunting deer during the exclusive archery season, the primitive firearms seasons, or during any other season during which an archery stamp or a primitive firearms stamp may be required by law, shall possess on their person a Massachusetts archery stamp or primitive firearms stamp, as the case may be, as provided in M.G.L. c. 131, § 13. The license documenting the issuance of such stamp shall be carried on the person at all times while exercising the authority granted thereby. Persons may show that they possess on their person the license documenting the issuance of the stamp by displaying a true, complete and legible image of it on their mobile device.

(5) When engaged in the act of hunting deer, wild turkey or black bear, a paper copy of the applicable license or permit with associated tags shall be carried on the person in accordance with the requirements of 321 CMR 3.02(1)(f), (4)(h) and (9)(g). No person shall detach or remove from their license or permit, as the case may be, their deer, wild turkey, or black bear tag or tags, except as provided in 321 CMR 3.02(1)(f), (4)(h), and (9)(g). Any such tags detached or removed except as provided therein shall be void and shall be surrendered on demand to any officer empowered to enforce the provisions of M.G.L. c. 131.

(6) All persons hunting, fishing, or trapping pursuant to M.G.L. c. 131 shall produce for examination upon demand of any officer or other person specified in M.G.L. c. 131, § 32 any licenses, permits, stamps, or certificates issued to them. Persons may produce any such license or permit, including those that document the issuance of a stamp or certificate, by displaying a true, complete and legible image of it on their mobile device.

2.12: Artificial Propagation of Birds, Mammals, Reptiles, and Amphibians

(1) Purpose and Scope. The purpose of 321 CMR 2.12 is to establish the procedural and substantive requirements for the licensing, possession, propagation, maintenance, and disposition of wild birds, mammals, reptiles and amphibians. 321 CMR 2.12 is designed to protect wild animals from unnecessary or undesirable interference and from improper treatment. 321 CMR

2.12 is also necessary for the protection of the public health, welfare and safety when wild animals are possessed, maintained or propagated in Massachusetts.

Wild animals, regardless of whether or not they are born in captivity, often revert to their wild nature when sexually mature and can do considerable harm to persons. Furthermore, wild animals retained in captivity and dependent on humans for care may not be capable of surviving in the wild if problems arise and they are ejected by those who had attempted to care for them. The result is an animal that may suffer a lingering fate prior to death and may be a potential danger to the public. The purpose of 321 CMR 2.12 is to prevent not only the potential public menace, disease, personal injury and property damage which result when the animals are ejected, but to protect the animals from the potential for needless or unnecessary suffering as well. Thus, the scope of 321 CMR 2.12 is to regulate:

- (a) the importation, taking from the wild, possession, propagation, purchasing or receipt of protected animals intended to be kept by any person in Massachusetts;
- (b) to define specific categories for which licenses may be issued for the possession, maintenance, propagation or cultivation of protected wildlife;
- (c) to establish minimum requirements for the possession, maintenance and artificial propagation of protected animals;
- (d) to establish administrative procedures for the initial issuance and subsequent renewal of licenses; and
- (e) to otherwise implement the licensing provisions of M.G.L. c. 131, § 23.

321 CMR 2.12 is promulgated and effective in addition to and in conjunction with 7 U.S.C. § 2132 *et seq.* as amended, commonly known as the federal Animal Welfare Act and the licensing program of the United States Department of Agriculture. Compliance with the requirements of the United States Department of Agriculture does not exempt an applicant from compliance with 321 CMR 2.12 or other laws of Massachusetts. Thus, the issuance of the so-called federal exhibitor's permit to any person other than a zoo, as defined in 321 CMR 2.12(2), does not exempt that person from compliance with 321 CMR 2.12 and its licensing provisions.

(2) Definitions. For the purposes of 321 CMR 2.12, the following words have the following meanings:

Animals means any undomesticated bird, mammal, reptile or amphibian, that is not the product of hybridization with a domestic form and not otherwise contained in the exemption list found at 321 CMR 9.01: *Exemption List*.
Class 4 - Class 8 Licenses means respectively licenses issued under authority of clauses 4 through 8, M.G.L. c. 131, § 23.

Director means the Director of the Division of Fisheries and Wildlife or their agents.

Educational Use means a use or uses as contained in a course of training, of any extent or duration, and which pertains to the acquisition, development, or maintenance of a person's moral, intellectual, vocational, and physical faculties, insofar as such course of training shall relate to fisheries or wildlife, and the habitats, ecological relationships, or the environment thereof.

Environmental Police Officer means the Director of the Division of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Division of Law Enforcement as may be appointed pursuant to M.G.L. c. 21, § 6.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Scientific Use means a use or uses concerned with the classification, formulation, verification, and documentation of various natural laws, principles, and events by induction, deduction, hypothesis, and experimentation, including, but not limited to, the collection, analysis, propounding, and display of data, whether written, recorded or otherwise, and of artifacts, specimens, and similar physical samples, and shall further relate generally to the physical world and its associated phenomena, and specifically to those branches of systematized knowledge categorized as zoology, botany, ecology, wildlife management, fisheries management, medicine, and veterinary medicine, or such other skills and disciplines which shall require such use or uses.

Wild Animal Farm means a person licensed pursuant to 321 CMR 2.12(10)(d).

Zoo means a permanent site or a permanent location where a collection of living non-domesticated animals are maintained for regular exhibition to the public.

(3) Licenses. Unless otherwise provided by law, it is unlawful for any person to possess, maintain, propagate or cultivate, sell or offer to sell any animal without having a valid license issued to them by the Director in one of four classes.

(a) A class 4 propagator's license authorizes a person to possess, maintain, propagate, buy, sell or otherwise lawfully dispose of specified birds, mammals, reptiles or amphibians. A Class 4 license may, in addition and as a condition of the license, allow the liberation and recapture of bobwhite quail or ring-necked pheasant for the sole purpose of training dogs.

(b) A class 5 public stocking license (including a Class 5 special propagator's license) authorizes any individual, club or association to possess, maintain and propagate birds or mammals for the sole purpose of liberation into covers open for public hunting. A Class 5 public stocking license may be issued as a Letter Permit in accordance with M.G.L. c. 131, § 4(2) and 321 CMR 2.02 but shall otherwise conform to the requirements of 321 CMR 2.12.

(c) A class 6 dealer's license authorizes a person to possess or maintain for food purposes, and to purchase, sell, offer to sell, barter, offer to barter, or conduct commercial transactions of any nature, fish, birds, or mammals which have been lawfully imported into Massachusetts or lawfully propagated within Massachusetts, provided that dealing in fish shall be in accordance with 321 CMR 4.09: *Artificial Propagation and Maintenance of Fish*. A class 6 dealer's license issued for purposes other than human food shall be issued at the discretion of the director, and the director shall not issue such permit unless, in his discretion, such permit is in the public interest and is not detrimental to the fish and wildlife resources of Massachusetts or the populations of the fish and wildlife proposed for the license, wherever found. When a fish, bird, or mammal proposed for licensing closely resembles a fish, bird, or mammal not so proposed, or for which a license may not be issued, or which derives from a source not authorized pursuant to

321 CMR 2.12(16)(a), the director may consider such similarity of appearance as constituting an adverse or detrimental effect on such protected or non-licensed fish, birds, and mammals, or on the enforcement of laws relating to the conservation and management of the same, and may deny the license on such basis.

(d) A dog training license (including a Class 8 quail license) authorizes a person to possess no more than 25 quail, six ring-necked pheasant, and two chukar partridge to liberate and recapture for the sole purpose of training dogs.

(4) Application. A person seeking a license provided for in 321 CMR 2.12(3) shall complete a written application on forms supplied by the Director. Completed applications shall include a self-addressed stamped envelope and be addressed to the Permit Section, Division of Fisheries and Wildlife, 100 Cambridge Street, 6th floor, Boston, MA 02114.

(5) Information and Requirements. All initial license applications shall contain the following information. Renewal license applications shall include but not be limited to 321 CMR 2.12(5)(a), (c), (f), and (g):

- (a) the applicant's name, address and telephone number where he or she can be reached between the hours of 9:00 A.M. to 5:00 P.M.;
- (b) the applicant's date of birth;
- (c) in the event the applicant is a corporation, firm, partnership, institution or agency, either public or private, the name, address and telephone number of the president, director, head or principal officer;
- (d) the location or locations where the licensed activity will be conducted;
- (e) the specific source or sources from which the animals are to be obtained;
- (f) the date of the application;
- (g) the applicant's signature executed under the pains and penalties of perjury;
- (h) for a class 4 license, accurate diagrams, models or drawings in scale or pictures depicting the precise physical conditions under which the animals will be maintained;
- (i) for a commercial license requested pursuant to 321 CMR 2.12(10)(c) or (d), a signed affidavit certifying that the applicant has to the best of his or her knowledge paid all state taxes as required by the Massachusetts Department of Revenue; and
- (j) a written plan detailing the intended activity for which the animals are to be maintained, the disposition of the animals if relevant, and other information pertinent to a full explanation and justification for the possession of the animals.
- (k) for a license requested pursuant to 321 CMR 2.12(10)(a), (b), (c), (d), (f), or (g), a copy of the applicant's résumé, letters of recommendation, diplomas or certificates, and such other documentary items as shall provide evidence of the applicant's qualifications, training, and experience in the activity which has been applied for.

(6) Fees. All applications and renewals shall be accompanied by the appropriate fee indicated on the application in the form of a check or money order payable to the Division of Fisheries and Wildlife. Cash may be used only when the application is made in person.

(7) Exception. Payment of fees shall not be required of any federal, state, or municipal agency or official, nor of any person under contract to the Division of Fisheries and Wildlife or otherwise involved in projects conducted or directly supervised by the Division of Fisheries and Wildlife.

(8) Abandoned Applications. Upon receipt of an incomplete application, an improperly executed application, or an insufficient fee, the applicant shall be notified of the deficiency. If the applicant fails to supply the requested information, pay the required fee or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned and shall be returned to the applicant.

(9) Denials. Applications for a license provided for in 321 CMR 2.12(3), including both initial applications and renewals, shall, unless otherwise provided, be denied when:

- (a) the application is for a license to possess, maintain, propagate or cultivate animals as pets except as otherwise provided for in 321 CMR 2.12(10)(h) and (i);
- (b) the application is for a class 4 license to possess, maintain, or propagate animals for purposes or intentions based purely on curiosity, impulse or novelty, or to provide for personal amusement or entertainment;
- (c) the applicant has within one year preceding the date of application been criminally convicted of a violation of any provision of M.G.L. c. 131, c. 131A, any provision of 321 CMR, or any federal statute or federal regulation which is related to the activity for which the license is sought;
- (d) the applicant has failed to disclose material information or has made false statements as to any fact in connection with the application;
- (e) a prior inspection of the facilities where the animal will be possessed, maintained, propagated or cultivated by a duly authorized state or federal official has disclosed that the facilities do not meet the requirements found in 321 CMR 2.12(11) and (15) and such deficiencies have not been corrected within 30 days;
- (f) the application is for a license to possess an animal in a commercial venture involving amusement or sport;
- (g) the applicant for a Class 4 license has imported into or received in Massachusetts any animal without a valid importation license as required by M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15;
- (h) the applicant has failed to satisfy the director that his or her qualifications, training, and experience are sufficient to properly maintain, propagate or care for the animals in question, or to adequately provide for the safety and well-being of the public and the environment;
- (i) the applicant has failed to satisfy the director that the applicant is actively engaged in the activity granted by the

permit;

(j) the application is for a class 6 dealer's license other than for purposes of human food and the applicant has failed to satisfy the director that the application is in the public interest and is non-detrimental to fish and wildlife resources pursuant to 321 CMR 2.12(3)(c);

(k) the application is for the commercial farming of more than 100 turtles for the purposes of sale.

(10) Issuance. A Class 4 license may be issued only to applicants who substantially document that the intended possession, maintenance or propagation is for:

(a) an authentic and legitimate scientific use certified by officials of a generally recognized scientific institution such as museums of a zoological or biological nature, zoological or biological departments of an accredited college or university, or a public or private research institute for wildlife population or management studies;

(b) an authentic and legitimate educational use certified by zoological or biological officials of a generally recognized educational institution such as an accredited college or university or a public or private school;

(c) a commercial use in conjunction with an applicant's primary existing occupation or livelihood in Massachusetts and for which the animal is an inherently necessary and an essential element;

(d) commercial propagation of protected animals for sale other than sale as pets, which shall be issued only for those species listed in 321 CMR 2.12(11);

(e) an authentic use in conjunction with legitimate sporting events involving the training of dogs;

(f) animals held or propagated under holding agreements or in conjunction with breeding programs of established zoos licensed by the United States Department of Agriculture;

(g) captive propagation of threatened or endangered animals under the auspices of a written captive propagation program approved by both the Director and the Fisheries and Wildlife Board, when such captive propagation is in accordance with the recovery or action plans or recommendations of the International Union for the Conservation of Nature and Natural Resources, the American Association of Zoological Parks and Aquariums, or of the United States or of Massachusetts, and, in the opinion of the director will make a meaningful contribution to the ultimate survival and recovery of the animal. Such captive propagation shall be restricted to genetically pure animals of known lineage unless otherwise specified in the recovery or action plans or recommendations;

(h) the aviculture of non-exempt birds, including federally threatened and endangered species as authorized by the United States Fish and Wildlife Service, that are documented to be the product of captive propagation or that were legally held prior to the approval of 321 CMR 2.12 and are members of the following taxonomic groups:

Ciconiiformes (e.g., flamingo), *Anseriformes* (e.g., ducks, geese, swans), *Galliformes* (e.g., pheasant, quail, grouse), *Gruiformes* (e.g., cranes, coots), *Columbiformes* (e.g., pigeons, doves), *Psittaciformes* (e.g., parrots), *Piciformes* (e.g., toucans), *Passeriformes* (e.g., songbirds). The foregoing shall not include the Wild Turkey (*Meleagris gallopavo*) or the following potential pest species: Pink Starling (*Sturnus roseus*), Red-billed Dioch including the Black-fronted and Sudan Diochs (*Quelea quelea*), and Red-whiskered Bulbul (*Pycnonotus jocosus*);

(i) the propagation of non-exempt reptiles, including federally endangered and threatened species as authorized by the United States Fish and Wildlife Service, that are documented to be the product of captive propagation or that were lawfully held prior to the approval of 321 CMR 2.12 on May 8, 1986, and are members of the taxonomic groups which include turtles and lizards, except venomous lizards in the genus *Heloderma*;

(j) the training of animals to aid the handicapped; or

(k) any protected animal lawfully possessed prior to July 1, 1980.

(11) Commercial Propagation-- Allowable Species. Only the following species or groups of species may be commercially propagated:

- (a) aoudad (Barbary sheep)(*Ammotragus lervia*);
- (b) mouflon (*Ovis musimon*);
- (c) red fox (*Vulpes vulpes*), including silver fox, cross fox, and color variants thereof;
- (d) Arctic fox (*Alopex lagopus*);
- (e) pheasants, quail, partridges (*Phasianidae*);
- (f) waterfowl (*Anseriformes*); and
- (g) federally endangered and threatened species of birds listed in 321 CMR 9.01(11): *List of Birds*, when approved by the U.S. Fish and Wildlife Service if required, and the Director.

(12) Exemption. Licensed veterinarians temporarily treating sick and injured animals are exempt from the licensing requirements provided that:

- (a) accurate records are kept on forms provided by the Director and submitted annually not later than January 31 ; and
- (b) the Director is notified immediately of the presence of any endangered, threatened or special concern species listed pursuant to the U.S. Endangered Species Act or to 321 CMR 10.60.

(13) Temporary Possession Permit. Persons may temporarily possess animals in Massachusetts provided a temporary possession permit is obtained from the Division. The applicant shall supply the Division with the dates, times and locations where the animals will be possessed, the purposes of the temporary possession, a list of the animals being temporarily possessed and the dates of their removal. For the purposes of 321 CMR 2.12, a temporary possession permit may also be issued to a wild animal farm or a zoo for exhibiting animals off the premises of such farm or zoo.

(14) Grace Period. Persons presently possessing, maintaining, propagating or cultivating animals other than as pets, without a valid license or otherwise unlawfully, will be allowed a 30 day grace period from 6/30/95 in which applications for a license may, if submitted in accordance and in compliance with 321 CMR 2.12 and within the 30 day period, be approved and issued by the Director.

(15) Inspections. Upon submission of a properly completed application for a Class 4 license to be issued pursuant to 321 CMR 2.12(3) or for a wildlife rehabilitation permit issued under authority of M.G.L. c. 131, § 4, clause 2, and all required supporting documentation, an Environmental Police Officer or an official of the Division of Fisheries and Wildlife, or both, shall inspect the facilities to be used by the applicant for the maintenance of the following animals: any mammal in the order *Carnivora* (wild cats, wolves, bears, raccoons, weasels, and others); any mammal in the order *Proboscidea*; any mammal in the families *Cervidae* (deer, elk, and others) and any venomous reptiles. If, upon receiving a properly completed application for a Class 4 license for any other species, the Director determines that an inspection of the applicant's facilities is in the public interest, he may cause such inspection to be made by an official of the Division or an Environmental Police Officer or both. An applicant's facilities, whether or not inspected as provided in 321 CMR 2.12(15), shall meet the following minimum requirements:

- (a) animals shall be kept in approved enclosures under conditions that give the licensee exclusive control over them at all times and at the location(s) to be designated in the license, except as otherwise provided by law or the Director;
- (b) approved enclosures shall be designed so as to provide adequate physical comfort to the animal and shall:
 - 1. keep the animal clean and dry, except for those species requiring a moist environment;
 - 2. maintain an ambient temperature compatible with the animal's needs;
 - 3. keep the animal in complete and continuous captivity;
 - 4. restrict the entry of unauthorized persons or predatory animals;
 - 5. provide access to clean food and fresh water in clean containers; and
 - 6. sufficient fresh food and water fulfilling the animal's dietary requirements shall be made available and shall be presented in a manner compatible with the animal's particular eating habits;
- (c) maintain all enclosures in a sanitary condition and in good repair;
- d) have equipment available for proper storage and disposal of waste material to control vermin, insects and obnoxious odors;
- e) take effective measures to prevent and control infection and infestation of the animal and premises with disease, parasites and vermin;
- (f) provide adequate shelter for the comfort of the animal and adequate facilities, when necessary, for isolation of diseased animals;
- (g) if animals are group housed, maintain animals in compatible groups without overcrowding;
- (h) ensure the enclosures are adequately designed to minimize any potential danger to the public, or to the licensee;
- (i) in the case of venomous reptiles, arrange for antivenin to be readily available through a local hospital, the name, address and telephone number of which shall be affixed to the enclosure; and
- (j) provide for the maintenance or disposition of all animals in case of the licensee's absence, illness, or death.
- (k) comply with any special conditions or restrictions as stipulated by the Director, pursuant to 321 CMR 2.12(16).

(16) Restrictions. Applications for a license issued pursuant to 321 CMR 2.12(3) shall comply with the following restrictions.

- (a) Animals may be procured in the following manner only:
 - 1. lawfully propagated, harvested, or taken outside of Massachusetts; or
 - 2. lawfully propagated within Massachusetts; and
 - 3. unless otherwise provided for by the Director, animals taken from the wild within Massachusetts may not be propagated, cultivated or maintained for purposes of sale pursuant to M.G.L. c. 131, § 23.
- (b) Birds and mammals possessed and maintained under authority of a class 5 license shall be liberated into the wild within one year under the supervision of and in covers approved by the Director.
- (c) Birds and mammals sold for food purposes must first be killed and to each carcass or part thereof shall be attached a tag furnished by the Director at a cost to the licensee established by the Department of Administration and Finance. This tag shall remain on the carcass or any portion thereof until the bird or mammal is prepared for consumption.

(17) Conditions. The Director may at any time, in writing, establish conditions or restrictions to a license issued pursuant to 321 CMR 2.12(3) if, in his opinion, the conditions or restrictions are necessary for the preservation and protection of the health, welfare or safety of the citizens of Massachusetts or of the animal.

(18) Agreement. All licenses issued pursuant to 321 CMR 2.12(3) shall be signed by the licensee and such signature shall constitute:

- (a) an agreement by the licensee to fully comply with all relevant provisions of law including but not limited to M.G.L. c. 131, c. 131A, 321 CMR, and all applicable conditions and restrictions of the license;
- (b) an agreement by the licensee to allow inspections at reasonable times of the premises where the animals are kept by the Director or by an Environmental Police Officer of the Division of Law Enforcement; and
- (c) liability agreement.

(19) Amendments. Class 4 license holders shall submit to the Director in writing any change in protected animal stock covered by a pending application or a current license. No change in protected animals, except in the instance of animals giving birth, held under authority of a class 4 license may be made until an appropriate amendment covering such change in stock is approved by the Director. All such requested amendments and modifications shall be subject to the provisions of 321 CMR 2.12.

(20) Records. Licensees shall keep and maintain for no less than two years accurate records on forms supplied by the Division of all animals possessed and maintained under authority of a license. Said records shall be made available to the Director or to an Environmental Police Officer upon request.

(21) Renewal. Applications for renewal of any license authorized to be renewed:

- (a) shall be filed with the Division no later than December 31 of each year;
- (b) shall contain any change in protected animals to be maintained;
- (c) shall be subject to the provisions of 321 CMR 2.12 and relevant provisions of M.G.L. c. 131; and
- (d) are subject to M.G.L. c. 30A, § 13, and 801 CMR 1.00 in the event a renewal is denied.

(22) Suspension or Revocation. Licenses issued pursuant to 321 CMR 2.12 may be suspended or revoked in accordance with the relevant provisions of M.G.L. c. 30A and 801 CMR 1.00 for:

- (a) a violation of any provision of M.G.L. c. 131 or c. 131A;
- (b) a violation of any provision of 321 CMR;
- (c) a violation of any federal statute or regulation which is related to the activity for which the license has been obtained;
- (d) a violation of any condition or restriction of the license; or
- (e) upon the request of any Environmental Police Officer if it is determined that the licensee's operation causes an unnecessary threat to the public health, welfare or safety or is not in the best interest to the animal.

(23) Effect of Suspension, Revocation, or Non-Renewal. In the event a license is suspended, revoked or not renewed, the licensee shall dispose of the animals within 60 days in a manner required by the Director or in a manner provided for by the licensee with the approval of the Director.

(24) Prohibitions. It is unlawful for any person:

- (a) to import, possess, maintain, propagate or have custody of in Massachusetts any animal without a valid license issued pursuant to 321 CMR 2.12 or 2.15;
- (b) to falsify any license application or renewal, provide false documentation in support of a license application or renewal or fail to provide relevant and material information regarding a license application or renewal;
- (c) to refuse to allow reasonable inspections of the premises where the animals are kept at reasonable times by any Environmental Police Officer or by the Director;
- (d) who is a veterinarian to fail to keep accurate records of the treatment of an animal or to falsify such records;
- (e) who is a veterinarian to fail to notify the Director immediately of the presence of any endangered, threatened or

special concern species;

(f) to keep and maintain any animal in a condition or under conditions which do not comply with provisions of 321 CMR 2.12(15)(a) through (k);

(g) to import, possess or purchase any animal which was propagated unlawfully in or out of Massachusetts;

(h) not to liberate into the wild within one year birds and mammals possessed and maintained under authority of a class 5 license;

(i) to liberate into the wild birds and mammals possessed and maintained under authority of a class 5 license without the Director or his agent being present or provided such opportunity, or into covers not otherwise approved by the Director;

(j) to sell a bird or mammal for food purposes which has not been killed first and affixed with a tag furnished by the Director;

(k) to remove any tag which has been affixed to the carcass of a bird or mammal sold for food purposes at any time other than immediately prior to preparation for consumption;

(l) to violate any condition or restriction of a license issued prior to 321 CMR 2.12;

(m) not to provide the Director with written notification of a change in protected animal stock which is covered by a pending application or a current license;

(n) not to maintain for at least two years accurate records of all animals maintained and possessed or to falsify any such record or to refuse to provide such records upon request to any Environmental Police Officer or the Director;

(o) to refuse or fail to comply with a disposal order of the Director issued pursuant to 321 CMR 2.12(23).

(25) Sunset Clause. A person permitted as an educator or licensed as a class 4 propagator on July 1, 2024 for fallow deer, red deer, or sika deer pursuant to 321 CMR 2.12 (10)(d), shall be allowed to possess only the individual deer in possession on July 1, 2024, and such deer shall not be propagated, nor replaced when dead. Permittees shall comply with all other provisions of 321 CMR 2.12.

2.15: Importation, Liberation, and Transportation of Fish, Amphibians, Reptiles, Birds, and Mammals

(1) Definitions. For the purposes of 321 CMR 2.15 and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Bird means any bird, wild by nature, not otherwise exempted in the list found at 321 CMR 9.01 and shall additionally include the nest and eggs thereof.

Cervid(s) means any deer, moose, or elk or any other species in the family Cervidae, and including parts thereof.

Director means the director of the Division of Fisheries and Wildlife or his agent.

Division means the Massachusetts Division of Fisheries and Wildlife.

Environmental Police Officer means the director of the Division of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21A, § 10A.

Fish means any freshwater fish not otherwise exempted in the list found at 321 CMR 9.01 and shall additionally include the spawn and viable eggs thereof.

Permit means an importation permit, or a liberation permit, issued pursuant to M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15.

Person means an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board, commission or authority thereof.

Wildlife means non-domesticated amphibians, reptiles, birds, and mammals.

(2) Importation. No person shall import any live fish, amphibian, reptile, bird, or mammal, or the dead bodies or carcasses or parts thereof, except in accordance with 321 CMR 2.15. Except as otherwise provided in 321 CMR 2.15, no fish or wildlife shall be imported to Massachusetts prior to the issuance of an importation permit.

(3) Exceptions to Importation Requirement. Notwithstanding the provisions of 321 CMR 2.15(2):

(a) a person may import and transport within Massachusetts, but may not liberate, those live fish, fish spawn, amphibians, reptiles, birds, and mammals, and parts thereof, which are exempt and may be kept without a permit pursuant to 321 CMR 9.01;

(b) a fur dealer licensed in accordance with M.G.L. c. 131, § 28 may import the skins or pelts of fur-bearing animals, when in compliance with tagging, marking, record-keeping, and other requirements of M.G.L. c. 131, § 28;

(c) hunter or trapper licensed under the laws of another state may import the skins or pelts of fur-bearing animals for sale or exchange at a Massachusetts fur auction or to a licensed Massachusetts dealer, provided that such skins or pelts shall be tagged in accordance with the provisions of M.G.L. c. 131 and 321 CMR, when required;

(d) a Class 6 dealer may import or transport animal parts as provided for in 321 CMR 2.15(8), except as provided in 321 CMR 2.15(10).

(4) Liberation. No person shall liberate or cause or allow to be liberated any live fish, amphibian, reptile, bird, or mammal, except in accordance with 321 CMR 2.15. The director may require, as a condition of a liberation permit, that he or his agent be provided an opportunity to be present at any liberation of fish and wildlife. Only the following fish

species may be considered for liberation: brook trout, brown bullhead, brown trout, chain pickerel, golden shiner, largemouth bass, pumpkinseed, rainbow trout, white sucker, yellow perch. Only the following wildlife species may be considered for liberation: ringnecked pheasant, bobwhite quail, snowshoe hare. Applications for liberation permits may be denied if the Director determines that the fish or wildlife species for the proposed liberation would not be compatible with the fish or wildlife species or management practices on the lands or waters indicated on the permit application. Except as otherwise provided in 321 CMR 2.15, no fish or wildlife shall be liberated within Massachusetts prior to the issuance of a liberation permit.

(5) Exceptions to Liberation Requirement. Notwithstanding the provisions of 321 CMR 2.15(4):

(a) a wildlife rehabilitator licensed pursuant to 321 CMR 2.13 may transport within Massachusetts and liberate rehabilitated wildlife in accordance with the provisions and restrictions of 321 CMR 2.13(22)(a);

(b) a problem animal control agent licensed pursuant to 321 CMR 2.14(3) or (18) may liberate problem animals at the site of capture in accordance with 321 CMR 2.14(23)(a), or may transport within Massachusetts such animals to a licensed wildlife rehabilitator;

(c) a person possessing a current and valid Class 11 raptor salvage permit in accordance with 321 CMR 3.04(1)(e), may transport within Massachusetts and liberate rehabilitated raptors;

(d) a person holding a commercial shooting preserve permit pursuant to 321 CMR 2.05 may liberate on such preserve those game birds specified in 321 CMR 2.05(14);

(e) a person holding a Class 2 public stocking license pursuant to 321 CMR 4.09, or a Class 5 special propagator's license pursuant to 321 CMR 2.12, or the equivalent Letter Permit, may liberate fish, birds, or mammals, as the case may be, when so authorized in such license;

(f) a person holding a Class 8 quail license, or the equivalent dog training license, or a Class 4 license issued for the sole purpose of possessing pheasant and quail for the purpose of training dogs, may liberate and recapture such quail or pheasant for dog training purposes only pursuant to 321 CMR 2.12;

(g) a person may liberate and recapture homing pigeons.

(6) Transportation.

(a) The issuance of an importation permit or a liberation permit, or any permit or exception pursuant to 321 CMR 2.15(3) and (5), shall convey to the permittee the authority to transport live fish, amphibians, reptiles, birds, mammals or the dead bodies or carcasses or parts thereof within Massachusetts from the point of origin to the permittee's place of business, domicile, or other destination, as the case may be, provided that the director may establish conditions to any importation or liberation permit relative to the standards, security, housing or caging requirements, or other aspects of fish and wildlife in transit within Massachusetts and such conditions shall be construed as requirements for the permit.

(b) The importation permit or liberation permit or a copy thereof shall accompany the fish or wildlife being imported or liberated at all times while being transported within Massachusetts between the point of entry or point of origin, as the case may be, and the delivery or liberation point.

(c) Live reptiles and amphibians lawfully taken and possessed pursuant to 321 CMR 3.05 may be transported within Massachusetts without a transportation permit.

(d) Live fish, except for bait fish lawfully taken pursuant to 321 CMR 4.01, shall not be removed or transported from the water body where taken.

(e) Any person lawfully possessing an amphibian, reptile, bird, or mammal pursuant to any provision of M.G.L. c. 131, or any rule or regulation promulgated under authority thereof, may transport said amphibian, reptile, bird or mammal within Massachusetts for the purpose of euthanasia.

(f) Except as otherwise provided in 321 CMR 2.15, live fish, amphibians, reptiles, birds, or mammals shall not be transported within Massachusetts without a permit.

(7) Personal Use Exemption. Except as provided in 321 CMR 2.15(10), nothing in 321 CMR 2.15 shall be held to prohibit a person from bringing into Massachusetts and transporting therein for personal use but not for sale, the dead bodies or carcasses or parts thereof of fish, amphibians, reptiles, birds, or mammals which were lawfully taken or killed in another state, province, or country, unless prohibited by federal statute or regulation so to do, if before any such fish, amphibians, reptiles, birds or mammals are so imported they are tagged or marked in accordance with the laws of such other state, province, or country and with the federal laws relating to interstate commerce, and if no more such fish, amphibians, reptiles, birds or mammals are imported at one time than is permitted by the laws of such other state, province, or country to be exported therefrom; but the burden of proof shall be on such person to prove that such importation and possession was lawful in its origin. Additionally, any person who holds a Massachusetts sporting, hunting, fishing, or trapping license issued to him may transport and carry from or within Massachusetts the dead bodies or carcasses of such fish, amphibians, reptiles, birds or mammals, or parts thereof, as shall have been lawfully taken within Massachusetts, but no person shall transport or cause to be transported into or out of Massachusetts any fish, amphibians, reptiles, birds or mammals which have been taken or killed or are possessed contrary to the laws of any state, or of the United States, or of any foreign nation.

(8) Dealer's Exemption. Except as provided in 321 CMR 2.15(10), any Class 6 dealer licensed pursuant to M.G.L. c. 131, § 23 and 321 CMR 2.12 or 4.09 may purchase and import the dead bodies or carcasses of fish, amphibians, reptiles, birds, or mammals, or parts thereof, lawfully taken or lawfully propagated without Massachusetts, provided that the export and sale is lawful in the state, province, or country in which said fish, amphibians, reptiles, birds, or mammals are taken or propagated or from which exported, as the case may be, and provided further that all shipments shall bear the name of the consignee, the name of the consignor and, if enclosed, a statement of the contents contained therein, the tag, license or permit number as the case may be, or to the carton, package, box, or crate in which such are shipped, transported or delivered to any point within Massachusetts, is attached whatever mark of identification is required by the state, province, or country from which such carcasses or parts thereof are so shipped, transported or delivered; and provided further, that such sale, transportation or export is not contrary to federal statute or regulation.

(9) Permit. The director may issue an importation permit, or a liberation permit, as the case may be, in accordance with provisions of M.G.L. c. 131, §§ 19 and 19A, and 321 CMR 2.15. Except as provided in 321 CMR 2.01, 2.02 or 2.05, importation permits or liberation permits shall not be issued to persons who do not have a valid license issued pursuant to 321 CMR 2.12 or 321 CMR 4.09.

(10) Determination.

(a) Prior to issuing a permit, the director shall determine that such importation or liberation, as the case may be, is not detrimental to the inland fisheries or the wildlife resources of Massachusetts, or the habitats thereof.

(b) The Director has determined that chronic wasting disease (CWD), a contagious, transmissible neurological disease which is fatal to deer, moose, and elk, poses a clear and imminent threat to the wildlife resources of Massachusetts. In order to prevent the spread of CWD, no person shall possess, transfer, process, receive or import into Massachusetts any live deer or other member of the family Cervidae, including, but not restricted to, white-tailed deer, mule deer, red deer, moose or elk, or any parts thereof, except: meat which has been cut and wrapped (commercially or privately), deboned meat, hides with no head attached, cleaned skull caps (no muscle or brain tissue attached) with attached antlers, antlers with no muscle or brain tissue attached, fixed taxidermy mounts, or upper canine teeth (also known as “buglers”, “whistlers”, or “ivories”). The importation of brains, spinal columns, or any meat or parts containing brain or spinal column tissue is expressly prohibited. Live animals or parts thereof imported, possessed, transferred, processed, or received in violation of 321 CMR 2.15(10) may be seized and disposed of as provided for in 321 CMR 2.15(22). The prohibitions in 321 CMR 2.15(10)(b) shall pertain to:

1. live deer or other cervids from any state, any Canadian province or any country, and, in addition,
2. any parts of deer or other cervids, except as provided in 321 CMR 2.15(10)(b), from any state, province or country, outside of New England (Connecticut, Rhode Island, Vermont, New Hampshire, and Maine); or within New England if CWD has been identified in that state in either wild or captive deer or other cervids, as determined by the director in consultation with the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture. The director shall, from time to time, provide the director of law enforcement with a list of states, provinces, or countries within which CWD has been identified.

(11) Tests for Diseases and Parasites. The immediate source of fish, amphibians, reptiles, birds or mammals to be imported or liberated shall be certified by a person recognized by the director as qualified to diagnose fish or wildlife diseases, as the case may be, as free of infectious diseases and parasites, if in the director's judgment such certification is necessary. Such tests and certifications shall include, but not be limited to, those specified in M.G.L. c. 131, §§ 19 and 19A. The director may establish conditions to any permit relative to the standards or tests for particular fish and wildlife diseases and parasites and such conditions shall be construed as requirements for such permit.

(12) Application. A person seeking a permit provided for in 321 CMR 2.15 shall complete a written application on forms supplied by the director. Completed applications shall include a self-addressed stamped envelope and be addressed to the Permit Section of the Division. Applications for a permit to import fish shall be received not less than 15 nor more than 30 days prior to shipment. Applications for a permit to import amphibians, reptiles, birds or mammals shall be received not less than ten days prior to the importation date. Applications for a liberation permit shall be received not

less than 15 days prior to the liberation date.

(13) Information and Requirements. All permit applications shall contain the following information, where applicable.

- (a) the applicant's name, address and telephone number where he can be reached between the hours of 9:00 A.M. and 5:00 P.M.;
- (b) the applicant's date of birth;
- (c) in the event the applicant is a corporation, firm, partnership, institution or agency, either public or private, the name, address, and telephone number of the president, director, head or principal officer;
- (d) for an importation permit, the street address and mailing address of the facility or business from which fish and wildlife are to be imported, if such are propagated.
- (e) for an importation permit, the street and mailing address of the facility, business, or destination to which fish and wildlife are to be imported;
- (f) for an importation permit, the geographical location from which fish and wildlife are taken, if lawfully taken from the wild, the date(s) of the importation, and a signed statement from the applicant that such taking and export is lawful under the laws of the state, province, or country from which taken;
- (g) for a liberation permit, the geographical area, water body, or site at which fish and wildlife are to be liberated, and the date(s) of the liberation;
- (h) the species or parts thereof of fish and wildlife which are to be imported or liberated;
- (i) the numbers or quantity of fish and wildlife which are to be imported or liberated;
- (j) the date of the application;
- (k) the applicant's signature executed under the pains and penalties of perjury;
- (l) a health certificate(s) when required by the Director; and
- (m) such other information as the director may require.

(14) Fees. All applications and renewals shall be accompanied by the appropriate fee indicated on the application in the form of a check or money order payable to the Division of Fisheries and Wildlife. Cash may be used only when the application is made in person.

(15) Exception. Payment of fees shall not be required of any federal, state, or municipal agency or official, nor of any person under contract to the Division or otherwise involved in projects conducted or directly supervised by the Division.

(16) Abandoned Applications. Upon receipt of an incomplete application, an improperly executed application, or an insufficient fee, the applicant shall be notified of the deficiency. If the applicant fails to supply the requested information, pay the required fee or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned and shall be returned to the applicant.

(17) Denials. Applications for a permit provided for in 321 CMR 2.15 shall, unless otherwise provided, be denied when:

- (a) the application is for an importation permit to subsequently propagate, maintain, cultivate, possess, or deal in fish, amphibians, reptiles, birds, or mammals pursuant to any provision of M.G.L. c. 131, and the applicant lacks the required license or permit under M.G.L. c. 131 or 321 CMR to do so;
- (b) the applicant has within one year prior to the date preceding the application been criminally convicted of a violation of any provision of M.G.L. c. 131 or c. 131A, any provision of 321 CMR, or any federal statute or regulation which is related to the activity for which the permit is sought;
- (c) the applicant has failed to disclose or submit material information or has made false statements as to any fact in connection with the application;
- (d) the applicant has failed to submit the required health certificate, or has submitted an incomplete, unsatisfactory, or altered certificate, or has proposed to import fish or wildlife from a source not approved by the director;
- (e) the director has determined pursuant to 321 CMR 2.15(10) that the importation or liberation, as the case may be, is detrimental to the fish and wildlife resources of Massachusetts, or their habitats, and is not in the public interest.

(18) Inspections. Fish, amphibians, reptiles, birds, and mammals imported pursuant to M.G.L. c. 131, §§ 19 and 19A, may be subject to inspection by the director, his agents, or an Environmental Police Officer at any reasonable time. Such inspections may include the taking of fish, fish eggs, or biological samples for examination and testing.

(19) Conditions. The director may, at any time, in writing, establish conditions or restrictions to a permit issued pursuant to 321 CMR 2.15(9) if, in his opinion, the conditions or restrictions are necessary for the preservation and protection of the health, welfare or safety of humans or of fish and wildlife or their habitats, or to establish criteria in furtherance of the purposes of the permit.

(20) Agreement. All permits issued pursuant to 321 CMR 2.15(9) shall be signed by the permittee and such signature shall constitute:

- (a) an agreement by the permittee to fully comply with all relevant provisions of law including but not limited to M.G.L. c. 131, 321 CMR, and all applicable conditions and restrictions of the permit;
- (b) an agreement by the permittee to allow inspections, testing, or biological sampling at reasonable times of fish and wildlife imported or proposed for liberation, by the director, his agents, or an Environmental Police Officer; and
- (c) liability agreement.

(21) Records and Reports. Permittees shall keep and maintain for no less than two years accurate records of fish and wildlife imported and liberated. Said records shall be made available to the director, his agents, or an Environmental Police Officer upon request. Records shall contain the source, destination, number or quantity, species or kind, and date of the activity, and such other information as the director may require. The director may require statements or reports

as a condition for issuance of subsequent importation or liberation permits to the applicant.

(22) Seizure of Diseased Fish and Wildlife. Any fish, viable eggs thereof, amphibians, reptiles, birds, or mammals and including any parts thereof, which are brought into Massachusetts in violation of 321 CMR 2.15, or which are so brought in under authority of a permit issued thereunder and are subsequently found to be diseased, shall be confiscated by any officer empowered to enforce M.G.L. c. 131 and shall be forfeited to the commonwealth and disposed of by the director of the Office of Law Enforcement to the best interests of the Commonwealth.

REGULATORY AUTHORITY

321 CMR 2.00: M.G.L. c. 131, §§ 4, 19 and 19A.

321 CMR 3.00: HUNTING

Section

3.02: Hunting, Particular Game

3.02: Hunting, Particular Game

(4) Hunting and Tagging of Deer. In accordance with the authority vested in me by M.G.L. c. 131, §§ 5 and 72, I hereby declare an open season for the hunting of deer in Massachusetts, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(4) and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Antlerless Deer means a deer without antlers, or with antlers the longer of which is less than three inches in length measured on a straight line from the center of the anterior base of the antler burr to the antler tip.

Bait means any natural or artificial substance, including but not restricted to, shucked or unshucked corn, wheat or other grains, hay, silage, apples or other fruits or vegetables, and salt or other chemical compounds of a like nature which may be fed upon, ingested by or which otherwise constitute a nutritive ~~attraction-attractant or enticement to~~ for deer.

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 exclusive archery season as provided in 321 CMR 3.02(4)(b)2. to 12:00 P.M. on the day following the close of the exclusive primitive firearms season as provided in 321 CMR 3.02(4)(b)4.

Baiting means the deliberate placing, depositing, distributing, or scattering of bait so as to constitute for deer a lure, attraction, or enticement to or on any area 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.

Barrel Length means that portion of a firearm through which shot is driven, guided, or stabilized.

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).

Caplock means only a type of gunlock that ignites the charge by means of a spark produced by a spring-actuated external cock or hammer directly striking a percussion cap which is placed over a nipple which transmits the flame of the percussion cap to the powder.

Decoy means an artificial or natural replica or silhouette of a deer, including taxidermy mounts and preparations of a like nature as well as live deer held under restraint.

Director means the Director of the Division of Fisheries and Wildlife or ~~his or her~~their agent, ~~with primary offices at 251 Causeway Street, Boston, Massachusetts 02114.~~

Flintlock means only a type of gunlock that ignites the charge by means of a spark produced by a spring-actuated cock or hammer striking a piece of flint against a vertical, pivoted striking plate.

Grunt Tube means a breath-powered, mouth-operated, non-electronic calling device which mimics deer vocalizations, the purpose of which is to attract deer pursuant to the lawful hunting thereof.

Lead Projectile means a round ball, Minie or Maxi bullet, or other spherical or conical projectile composed of lead, lead-antimony, or similar alloys. Notwithstanding the foregoing, sabot projectiles are lawful, regardless of the composition of the sabots

Loaded from the Muzzle or Muzzle-loading means, with respect to a primitive firearm, that all the powder, any wadding, and the projectile are placed in the muzzle and forced to the other end of the barrel with the aid of a ramrod.

Loaded Primitive Firearm means a primitive firearm which contains a ball or shot in the muzzle and which, in the case of a flintlock, contains powder in the flash pan, and, in the case of a caplock, has a percussion cap on the nipple.

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.

Permanent Tree Stand means that type of hunting platform or structure (emplaced for any period of time) which is fastened to a tree by nails, bolts, wire, or other fasteners which intrude through the bark into the wood of the tree, or, which is fastened or erected in any manner and is emplaced for a period exceeding 30 days.

Primitive Firearm means a flintlock or caplock firearm, either rifled or smoothbore, fired from the shoulder and loaded from the muzzle, and which has limited range and firepower.

~~Quabbin Reservoir Area means those parcels of land defined as the Quabbin Reservoir Area pursuant to St. 1972, c. 737, § 1.~~

Scent means an odoriferous substance, natural or artificial, which replicates or mimics the natural odor or bodily secretions of deer or other wild animals, the purpose of which is to attract deer pursuant to the hunting thereof or to mask the body odor or scent of humans hunting deer.

Shotgun Deer Season means that portion of the open season prescribed in 321 CMR 3.02(4)(b)3.

Unloaded Primitive Firearm means a primitive firearm which lacks one or more of the components of a loaded primitive firearm.

Youth Deer Hunt means the season, which is to occur on the fourth Saturday following Labor Day, when minors 12 to 17 years of age may hunt deer as provided in M.G.L. 131 Section 14 and CMR 3.02(4) (b)5.

Youth Deer 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 deer during the Youth Deer Hunt—and harvest either an antlered or antlerless deer on Youth Deer Hunt Day or during any open deer season.

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 ~~four periods as follows~~ the following periods:

1. Beginning the last Monday in October and ending the following Saturday, any three days of which may be selected by the Director, there shall be a special season for paraplegics exclusively, who may hunt deer by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. Such hunting shall be limited to those specified areas designated by the Director. During this special season, nothing shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.
2. ~~a. In all zones, beginning on the eighth Monday prior to Thanksgiving and ending on the first Saturday after Thanksgiving, all days inclusive, except on the tribal lands of the Wampanoag Tribe of Gay Head in the Town of Aquinnah in Dukes County, there shall be a special season for archers exclusively and during this period deer may be hunted only by means of a bow and arrow.~~
~~b. Beginning on the third Monday prior to the first Monday in November and ending on the last day of the primitive firearms season as specified in 321 CMR 3.02(4)(b)4., all days inclusive, and only on the tribal lands of the Wampanoag Tribe of Gay Head in the town of Aquinnah in Dukes County, there shall be a special season for archers. During this period, deer may be hunted only by means of a bow and arrow, provided that during the shotgun deer season for Zone 13 as provided for in 321 CMR 3.02(4)(b)3., and during the primitive firearms season as provided for in 321 CMR 3.02(4)(b)4., deer may also be hunted with such firearms as are specified for those seasons.~~
3. Beginning the first Monday after Thanksgiving and ending the second Saturday thereafter, all days inclusive except Sunday, deer may be hunted throughout Massachusetts by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow.
4. The primitive firearms period of the open season is intended to provide an opportunity to hunt deer in a manner similar to the way our forefathers hunted in the mid-1800's. The primary consideration is to limit the weapons to a type similar to those in common use during that period of history. Basically, that means a single shot, muzzle-loading firearm with limited range and firepower. Secondly, the hunter participating in this season should have a relative degree of solitude significantly different from the hunting pressure which is characteristic of the shotgun deer season.

Beginning the third Monday after Thanksgiving and ending on December 31, all days inclusive, deer may be hunted only by means of a primitive firearm using a single lead projectile, or by means of a bow and arrow. Black powder (or synthetic substances such as "pyrodex" which are approved for competitive muzzle-loading meets by the National Muzzle Loading Rifle Association) is the only powder to be used during this season. Primitive firearms may have smooth or rifled bores and shall not contain more than one usable barrel. In the case of primitive firearms with double bore barrels, one barrel shall be made inoperative by removal of the nipple and hammer. The caliber of a primitive firearm shall be not less than .44 nor more than .775 and only those primitive firearms having a barrel length of 18 inches or longer shall be permitted. A person shall not, except during the paraplegic and shotgun deer seasons, have in his or her possession a shotgun shell loaded with a rifled slug, single ball, buckshot of any size, BB shot or air rifle shot in any place where birds or mammals might be found, except on a skeet, trap or target range between sunrise and sunset, and except for the hunting of waterfowl, or coyote as provided in 321 CMR 2.03. During the primitive firearm season, nothing in 321 CMR 3.02(4) shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.

5. On the fourth Saturday following Labor Day, which shall be the day of the Youth Deer Hunt, minors 12 to 17 years of age who have been issued a Youth Deer Hunt Permit by the Director may hunt for deer by means of a shotgun, not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. A Youth Deer Hunt Permit must be obtained by the hunter allowing for the harvest of one antlered or antlerless deer in any Wildlife Management Zone, valid ~~only on the day of the Youth Deer Hunt~~ Day and any day during open deer season provided the relevant season stamps have been obtained by either the holder of the Youth Deer Hunt Permit or accompanying adult. ~~for either, an antlered deer in any Wildlife Management Zone or an antlerless deer in the Wildlife Management Zone(s) as specified by the Director~~

~~in the Permit.~~ All minors 12 to 14 years of age taking part in the Youth Deer Hunt are not ~~be~~ required to possess a hunting license or sporting license, but shall possess a Youth Deer Hunt Permit, and be accompanied by a duly licensed adult as required by M. G.L. c. 131 § 14. All minors 15 to 17 years of age taking part in the Youth Deer Hunt shall possess both a Massachusetts hunting or sporting license, and a Youth Deer Hunt Permit. All minors, and the adults who accompany said minors during the Youth Deer Hunt, shall must comply with all applicable law and regulations of the Division, including the provisions of M.G.L. c. 131 §§ 14, 71, 72 and 321 CMR 3.02(4). During the Youth Deer Hunt, it is prohibited to hunt deer in an area where baiting has occurred up to ten days prior to the Youth Deer Hunt season. Nothing in 321CMR 3.02(4) shall preclude the otherwise lawful hunting of birds and mammals in accordance with the applicable law and regulations of the Division during the Youth Deer Hunt season.

56. Beginning on January 1 and ending on January 31, all days inclusive, there shall be a winter primitive season in Wildlife Management Zones 13 and 14. Deer may be hunted only by means of a primitive firearm, or by means of a bow and arrow, by persons with a valid Winter Deer Permit. The and the new year primitive stamp is required. Hunters with a valid either-sex Winter Deer Permit may harvest an antlered or an antlerless deer. The Winter Deer Permit is only valid only for the winter primitive season.

(c) A person shall not hunt a deer during any period of the season except between ½ hour before sunrise and ½ hour after sunset Eastern Standard Time.

(d) Bag Limit:

1. In all zones a person shall not kill nor possess more than two antlered deer, except ~~that no a~~ minor 12-17 years of age with a valid Youth Deer Permit may kill and possess which allows for one additional antlered deer as specified in 321 CMR 3.02(4)(b)(5)6, and a person with a valid if a Winter Deer Permit has been obtained for exclusive use in Wildlife Management Zone 13 or 14 as specified in 321 CMR 3.02(4)(b)(6)5 may kill and possess one additional antlered deer. ~~shall take more than one antlered deer during the Youth Deer Hunt.~~

2. In all zones a person's bag limit of antlerless deer shall be determined by the number of valid antlerless deer permits and attached deer tags that are possessed by such person. Such antlerless deer shall be in addition to the bag limit of antlered deer specified in 321 CMR 3.02(4)(d)1.

~~3. In the Quabbin Reservoir Area, a person shall not kill nor possess more than two deer during a calendar year. Both such deer may be antlerless deer, provided that such person has valid antlerless deer permit(s) for the Quabbin Reservoir Area. Such antlerless deer shall be in addition to the bag limit otherwise specified in 321-CMR 3.02(4)(d)2.~~

~~43.~~ For the purposes of 321 CMR 3.02(4)(d), antlerless deer may be killed or possessed only in accordance with 321 CMR 3.02(4)(e).

(e) Antlerless Deer Permit. A person shall not hunt, kill, or possess an antlerless deer in any county, area, or zone unless he or she possesses on ~~his or her~~ their person a valid permit from the Director to do so. However, nothing in 321 CMR 3.02(4)(e) shall prevent a person from killing an antlerless deer during the exclusive season for paraplegics, when so authorized by the ~~director~~ Director. ~~Except as provided in 321 CMR 3.02(4)(d), no person shall kill or possess more than one antlerless deer in a calendar year.~~

(f) A person shall not make, set, or use any bait, decoy, ~~decoy~~, torchlight or spotlight, trap, or other like device for the purpose of attracting, ensnaring, taking, injuring, or killing a deer, nor hunt by baiting or within any baited area, nor hunt, drive, worry, or disturb any deer with or by the aid of any noise-making device, provided that nothing in 321 CMR 3.02(4)(f) shall be deemed to prohibit the use of scents or of deer antlers or replicas thereof or of grunt tubes as callers or attractants by persons otherwise lawfully hunting deer, and further provided that, notwithstanding the above prohibition, deer decoys may only be used for hunting only during archery only deer season.

(g) No person, except on land owned or leased by him or her or except with the express written permission of the landowner or his or her authorized agent, shall construct, maintain, occupy, or use a permanent tree stand.

(h) A person killing a deer 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 a deer tag supplied with the person's hunting or sporting license or a legally authorized deer permit. The deer tag when affixed to the deer shall be detached from the license or permit. Said deer tag shall remain attached to the deer until the deer is presented to a duly authorized person or deer checking station, at which time said deer tag shall be surrendered upon request to the official agent in charge

thereof, or shall remain attached to the deer after being reported online. ~~A person shall not possess more than two deer tagged with a deer tag as provided in 321 CMR 3.02(4)(h), except in Wildlife Management Zones 13 and 14, where a person shall not possess more than four deer tagged with a deer tag as provided in 321 CMR 3.02(4)(h).~~ The provisions of 321 CMR 3.02(4)(h) relative to tagging requirements shall not apply to a person lawfully hunting without a license.

(i) A person shall not have in his or her possession or under his or her control in any motor vehicle or transport the carcass of a deer unless said carcass or part thereof is open to view, provided that after the deer 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 as provided in 321 CMR 3.02(4)(j), the deer may be concealed.

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

1. Checking Station: The entire carcass shall be presented by the person who killed the deer to a duly authorized person, or at a deer 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 deer shall access the Online system to report the harvest of the deer. 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 deer as prescribed in 321 CMR 3.02(4)(h).
3. The official seal shall remain affixed to the deer 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 deer or carcass to which it is applied.
4. Any violation of the requirements of 321 CMR 3.02(4)(j) shall be heard in the District Court for the location where the violation occurred.

The following additional requirements shall apply to Dukes and Nantucket counties:

- a. any deer taken in Nantucket county shall be checked only on Nantucket island and only at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from Nantucket island without bearing an official Division seal;
- b. any deer taken in Dukes county, except as provided for in 321 CMR 3.02(4)(j)4.c., shall be checked only on Martha's Vineyard island and only at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from Martha's Vineyard island without bearing an official Division seal;
- c. any deer taken on Cuttyhunk island in the Town of Gosnold shall be checked only on Cuttyhunk island and only at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from Cuttyhunk island without bearing an official Division seal;
- d. any deer taken in the Town of Gosnold (exclusive of the island of Cuttyhunk) shall be checked at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from the Town of Gosnold without bearing an official Division seal.

(k) A person killing an antlerless deer by authority of a valid permit issued by the Director shall surrender said antlerless deer tag upon request at the time the deer is checked by a duly authorized person or deer checking station designated by the Director or the antlerless deer tag shall remain on the deer after being reported online.

(l) During the shotgun deer season a person shall not hunt any bird or mammal or enter the fields or woodlands of the state with any firearm, ammunition, bow and arrow, or other device intended or adapted for the taking of birds and mammals, except for the hunting of deer or for the hunting of migratory game birds in accordance with 321 CMR 3.02(2) or for the hunting of coyote in accordance with 321 CMR 3.02(3). After having killed the season limit of deer applicable to the county, zone or area where hunting, a person shall not, during the remainder or duration of the shotgun deer season, hunt any bird or mammal or enter the fields or woodlands of the state with any firearm, ammunition, bow and arrow, or other device intended or adapted for the taking of birds and mammals, except for the hunting of migratory

game birds in accordance with 321 CMR 3.02(2) or for the hunting of coyote in accordance with 321 CMR 3.02(3). Nothing in 321 CMR 3.02(4)(l) shall be construed to prohibit the otherwise lawful setting and tending of traps in accordance with the provisions of 321 CMR 3.02(5).

(m) During the shotgun deer season, a person shall not hunt a bird or mammal with a rifle, revolver, or pistol or by the aid of a dog, or have in ~~his or her~~their possession or under ~~his or her~~their control in any wood or field a rifle, revolver or pistol or a dog adapted to the hunting or pursuing of birds or mammals, except that this shall not prohibit the use of dogs while hunting waterfowl on coastal waters. Notwithstanding the above, shotguns with a rifled bore may be used for hunting in accordance with 321 CMR 3.02(4)(b). During the exclusive archery period of the open season a person hunting or in pursuit of deer shall not use, have in ~~his or her~~their possession or under ~~his or her~~their control in any field or woodland a dog, a rifle, a shotgun, or a firearm of any kind, nor shall he or she have in his or her possession any shotgun shells loaded with a single ball or slug or buckshot in any place where birds or mammals might be found. During the exclusive primitive firearms season a person hunting deer shall not use, have in ~~his or her~~their possession or under ~~his or her~~their control in any field or woodland, a dog or firearm, except a primitive firearm.

(n) During the shotgun deer season, a person hunting deer, migratory game birds or coyote or entering the fields, woodlands, or wetlands of the state for the purpose of hunting deer, migratory game birds or coyote 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), except for persons hunting waterfowl from within a blind or a boat. During the special seasons for paraplegics and primitive firearms, a person hunting deer or entering the fields or woodlands of the state with the intent to hunt deer, including a person hunting deer by means of a bow and arrow, shall wear on his or her head, chest, and back a minimum of 500 square inches of clothing or material of a hunter orange color as defined in 321 CMR 3.01(2).

(o) The Massachusetts wildlife management zones are described as follows:

1. Zone 01 is bounded as follows: northerly by the Vermont border; westerly by the New York border; southerly by a line running along Rt. 20 to the junction with Rt. 7 in Pittsfield, north on Rt. 7 to Rt. 9, and east on Rt. 9 to the junction with the Housatonic River; and easterly by a line running from the Vermont border south along Route 8 to Rt. 9 in Pittsfield.
2. Zone 02 is bounded as follows: northerly by the Vermont border; westerly by Zone 01 and 03; southerly by the Massachusetts Turnpike (I-90) from the intersection with the Housatonic River in the Town of Lee east to the intersection (dead end) with Bonny Rigg Hill Road in the Town of Becket; and easterly by a line running from the Vermont border south along Rt. 112 to Rt. 143 in the Town of Worthington, along Rt. 143 west to the intersection with the Middle Branch of the Westfield River, then south along the Middle Branch of the Westfield River to the intersection with the East Branch of the Westfield River, south along the East Branch of the Westfield River to Rt. 20 in the Town of Huntington, west along Rt. 20 to Bonny Rigg Hill Road in the Town of Becket, south on Bonny Rigg Hill Road to the intersection with the Massachusetts Turnpike.
3. Zone 03 is bounded as follows: northerly by Zone 01; westerly by the New York border; southerly by the New York and Connecticut border; and easterly by a line running south along the Housatonic River from the junction with Rt. 9 in Pittsfield to the junction with Rt. 20 in Lee, east along Rt. 20 to the junction with Rt. 8 in West Becket, and south along Rt. 8 to the Connecticut border.
4. Zone 04 North (04N) is bounded as follows: northerly by the Vermont border; westerly by Zone 02; southerly by a line running north from the intersection of Route 20 and the East Branch of the Westfield River in Huntington along the East Branch of the Westfield River to the intersection with Route 66, along Rt. 66 to the intersection with Rt. 9 in Northampton, to the intersection with the Connecticut River at the Northampton/Hadley town line; and easterly by the Connecticut River. Zone 04 South (04S) is bounded as follows: northerly by Zones 02 and 04N; westerly by Zone 03; southerly by the Connecticut border; and easterly by the Connecticut River.
5. Zone 05 is bounded as follows: northerly by the New Hampshire border; westerly by the Connecticut River; southerly by a line running from the intersection of the Connecticut River and Rt. 9 at the Northampton/Hadley line east along Rt. 9 to Rt. 116 in the Town of Hadley, north along Rt. 116 to Rt. 63 in North Amherst, east along Rt. 63 and Pine Street to State Street, northeast along State Street and East Leverett Road to Cushman Road, along Cushman Road to Shutesbury Road in East Leverett, east on Shutesbury Road and Leverett Road to Wendell Road in Shutesbury Center, north along Wendell Road to Locks Pond Road, north on Locks Pond Road to Lake View Road,

northeast on Lake View Road to Locks Village Road, north along Locks Village Road to Depot Road in the Town of Wendell, north on Depot Road to Rt. 2A in Wendell Depot, east on Rt. 2A to Rt. 32 in the Town of Athol, south on Rt. 32 to Rt. 62 in the Town of Barre, and east on Rt. 62 to the intersection with Rt. 31 in the Town of Princeton; and easterly by a line running north on Rte. 31 to the New Hampshire border.

6. Zone 06 is bounded as follows: northerly by Zone 05; westerly by Zone 05; southerly by a line running from the intersection of Rt. 9 and Rt. 116 in the Town of Hadley east along Rt. 9 to the intersection with Rt. 32 in the Town of Ware; and easterly by a line running from the intersection of Rt. 32 and Rt. 62 in the Town of Barre south along Rt. 32 to the intersection with Rt. 9 in the Town of Ware.

7. Zone 07 is bounded as follows: northerly by Zones 05 and 06; westerly by Zone 04S; southerly by the Connecticut border; and easterly by a line running from the intersection of Rt. 9 and Rt. 32 in the Town of Ware east along Rt. 9 to the intersection with Rt. 67, southwest along Rt. 67 to the intersection with Rt. 19 in the Town of Warren, and south along Rt. 19 to the Connecticut border.

8. Zone 08 is bounded as follows: northerly by Zone 05; westerly by Zones 06 and 07; southerly by the Connecticut and Rhode Island borders; and easterly by a line running from the intersection of Rt. 62 and Rt. 32 in the Town of Princeton south to Rt. 56 in the Town of Paxton, south on Rt. 56 to Rt. 9 in the Town of Leicester, east on Rt. 9 to Cambridge Street in the City of Worcester, east on Cambridge Street to Rt. 146, and southeast on Rt. 146 to the Rhode Island border.

9. Zone 09 is bounded as follows: northerly by the New Hampshire border; westerly by Zones 05 and 08; southerly by the Rhode Island border; and easterly by a line running from the New Hampshire border southeast on Rt. 3 to the intersection with Rt. I-495 in the Town of Chelmsford, south on Rt. I-495 to the intersection with Rt. 121 in the Town of Wrentham, and southwest on Rt. 121 to the Rhode Island border.

10. Zone 10 is bounded as follows: northerly by the New Hampshire border; westerly by Zone 09; southerly by a line running from the intersection of Rt. 1A and Rt. 27 in the Town of Walpole northeast along Rt. 1A to the intersection with Rt. 128 in the Town of Dedham, east on Rt. 128 to the intersection with Rt. 3 in the Town of Braintree, east on Rt. 3 to the intersection with Rt. 228 in the Town of Rockland, and north on Rt. 228 to the Atlantic Ocean at the intersection of Rt. 228 and Nantasket Avenue in the Town of Hull.

11. Zone 11 is bounded as follows: northerly by Zones 09 and 10; westerly by the Rhode Island border; southerly by Buzzards Bay and the Cape Cod Canal; and easterly by the Atlantic Ocean.

12. Zone 12 is bounded as follows: northerly by the Atlantic Ocean (Cape Cod Bay); westerly by Zone 11; southerly by the Atlantic Ocean (Vineyard Sound); and easterly by the Atlantic Ocean.

13. Zone 13 shall consist of Dukes County.

14. Zone 14 shall consist of Nantucket County.

REGULATORY AUTHORITY 321 CMR 3.00:

M.G.L. c. 131, § 5.

321 CMR 3.00: HUNTING

Section

3.02: Hunting, Particular Game

3.02: Hunting, Particular Game

(4) Hunting and Tagging of Deer. In accordance with the authority vested in me by M.G.L. c. 131, §§ 5 and 72, I hereby declare an open season for the hunting of deer in Massachusetts, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(4) and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Antlerless Deer means a deer without antlers, or with antlers the longer of which is less than three inches in length measured on a straight line from the center of the anterior base of the antler burr to the antler tip.

Bait means any natural or artificial substance, including but not restricted to, shucked or unshucked corn, wheat or other grains, hay, silage, apples or other fruits or vegetables, and salt or other chemical compounds of a like nature which may be fed upon, ingested by or which otherwise constitute a nutritive attractant for deer.

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 exclusive archery season as provided in 321 CMR 3.02(4)(b)2. to 12:00 P.M. on the day following the close of the exclusive primitive firearms season as provided in 321 CMR 3.02(4)(b)4.

Baiting means the deliberate placing, depositing, distributing, or scattering of bait so as to constitute for deer a lure, attraction, or enticement to or on any area 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.

Barrel Length means that portion of a firearm through which shot is driven, guided, or stabilized.

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).

Caplock means only a type of gunlock that ignites the charge by means of a spark produced by a spring-actuated external cock or hammer directly striking a percussion cap which is placed over a nipple which transmits the flame of the percussion cap to the powder.

Decoy means an artificial or natural replica or silhouette of a deer, including taxidermy mounts and preparations of a like nature as well as live deer held under restraint.

Director means the Director of the Division of Fisheries and Wildlife or their agent.

Flintlock means only a type of gunlock that ignites the charge by means of a spark produced by a spring-actuated cock or hammer striking a piece of flint against a vertical, pivoted striking plate.

Grunt Tube means a breath-powered, mouth-operated, non-electronic calling device which mimics deer vocalizations, the purpose of which is to attract deer pursuant to the lawful hunting thereof.

Lead Projectile means a round ball, Minie or Maxi bullet, or other spherical or conical projectile composed of lead, lead-antimony, or similar alloys. Notwithstanding the foregoing, sabot projectiles are lawful, regardless of the composition of the sabots

Loaded from the Muzzle or Muzzle-loading means, with respect to a primitive firearm, that all the powder, any wadding, and the projectile are placed in the muzzle and forced to the other end of the barrel with the aid of a ramrod.

Loaded Primitive Firearm means a primitive firearm which contains a ball or shot in the muzzle and which, in the case of a flintlock, contains powder in the flash pan, and, in the case of a caplock, has a percussion cap on the nipple.

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.

Permanent Tree Stand means that type of hunting platform or structure (emplaced for any period of time) which is fastened to a tree by nails, bolts, wire, or other fasteners which intrude through the bark into the wood of the tree, or, which is fastened or erected in any manner and is emplaced for a period exceeding 30 days.

Primitive Firearm means a flintlock or caplock firearm, either rifled or smoothbore, fired from the shoulder and loaded from the muzzle, and which has limited range and firepower.

Scent means an odoriferous substance, natural or artificial, which replicates or mimics the natural odor or bodily secretions of deer or other wild animals, the purpose of which is to attract deer pursuant to the hunting thereof or to mask the body odor or scent of humans hunting deer.

Shotgun Deer Season means that portion of the open season prescribed in 321 CMR 3.02(4)(b)3.

Unloaded Primitive Firearm means a primitive firearm which lacks one or more of the components of a loaded primitive firearm.

Youth Deer Hunt means the season, which is to occur on the fourth Saturday following Labor Day, when minors 12 to 17 years of age may hunt deer as provided in M.G.L. 131 Section 14 and CMR 3.02(4) (b)5.

Youth Deer 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 deer during the Youth Deer Hunt and harvest either an antlered or antlerless deer on Youth Deer Hunt Day or during any open deer season.

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 the following periods:

1. Beginning the last Monday in October and ending the following Saturday, any three days of which may be selected by the Director, there shall be a special season for paraplegics exclusively, who may hunt deer by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. Such hunting shall be limited to those specified areas designated by the Director. During this special season, nothing shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.
2. In all zones, beginning on the eighth Monday prior to Thanksgiving and ending on the first Saturday after Thanksgiving, all days inclusive, there shall be a special season for archers exclusively and during this period deer may be hunted only by means of a bow and arrow.
3. Beginning the first Monday after Thanksgiving and ending the second Saturday thereafter, all days inclusive except Sunday, deer may be hunted throughout Massachusetts by means of a shotgun not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow.
4. The primitive firearms period of the open season is intended to provide an opportunity to hunt deer in a manner similar to the way our forefathers hunted in the mid-1800's. The primary consideration is to limit the weapons to a type similar to those in common use during that period of history. Basically, that means a single shot, muzzle-loading firearm with limited range and firepower. Secondly, the hunter participating in this season should have a relative degree of solitude significantly different from the hunting pressure which is characteristic of the shotgun deer season.

Beginning the third Monday after Thanksgiving and ending on December 31, all days inclusive, deer may be hunted only by means of a primitive firearm using a single lead projectile, or by means of a bow and arrow. Black powder (or synthetic substances such as "pyrodex" which are approved for competitive muzzle-loading meets by the National Muzzle Loading Rifle Association) is the only powder to be used during this season. Primitive firearms may have smooth or rifled bores and shall not contain more than one usable barrel. In the case of primitive firearms with double bore barrels, one barrel shall be made inoperative by removal of the nipple and hammer. The caliber of a primitive firearm shall be not less than .44 nor more than .775 and only those primitive firearms having a barrel length of 18 inches or longer shall be permitted. A person shall not, except during the paraplegic and shotgun deer seasons, have in his or her possession a shotgun shell loaded with a rifled slug, single ball, buckshot of any size, BB shot or air rifle shot in any place where birds or mammals might be found, except on a skeet, trap or target range between sunrise and sunset, and except for the hunting of waterfowl, or coyote as provided in 321 CMR 2.03. During the primitive firearm season, nothing in 321 CMR 3.02(4) shall prevent the otherwise lawful hunting of birds and mammals in accordance with established statutes and regulations.

5. On the fourth Saturday following Labor Day, which shall be the day of the Youth Deer Hunt, minors 12 to 17 years of age who have been issued a Youth Deer Hunt Permit by the Director may hunt for deer by means of a shotgun, not larger than ten gauge, including shotguns with a rifled bore, by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber, or by means of a bow and arrow. A Youth Deer Hunt Permit must be obtained by the hunter allowing for the harvest of one antlered or antlerless deer in any Wildlife Management Zone, valid on Youth Deer Hunt Day and any day during open deer season provided the relevant season stamps have been obtained by either the holder of the Youth Deer Hunt Permit or accompanying adult. . All minors 12 to 14 years of age taking part

in the Youth Deer Hunt are not required to possess a hunting license or sporting license, but shall possess a Youth Deer Hunt Permit, and be accompanied by a duly licensed adult as required by M. G.L. c. 131 § 14. All minors 15 to 17 years of age taking part in the Youth Deer Hunt shall possess both a Massachusetts hunting or sporting license, and a Youth Deer Hunt Permit. All minors, and the adults who accompany said minors during the Youth Deer Hunt, must comply with all applicable law and regulations of the Division, including the provisions of M.G.L. c. 131 §§ 14, 71, 72 and 321 CMR 3.02(4). During the Youth Deer Hunt, it is prohibited to hunt deer in an area where baiting has occurred up to ten days prior to the Youth Deer Hunt season. Nothing in 321CMR 3.02(4) shall preclude the otherwise lawful hunting of birds and mammals in accordance with the applicable law and regulations of the Division during the Youth Deer Hunt season.

6. Beginning on January 1 and ending on January 31, inclusive, there shall be a winter primitive season in Wildlife Management Zones 13 and 14. Deer may be hunted only by means of a primitive firearm, or by means of a bow and arrow, by persons with a valid Winter Deer Permit and the new year primitive stamp. Hunters with a valid either-sex Winter Deer Permit may harvest an antlered or an antlerless deer. The Winter Deer Permit is valid only for the winter primitive season.

(c) A person shall not hunt a deer during any period of the season except between ½ hour before sunrise and ½ hour after sunset Eastern Standard Time.

(d) Bag Limit:

1. In all zones a person shall not kill nor possess more than two antlered deer, except a minor 12-17 years of age with a valid Youth Deer Permit may kill and possess one additional antlered deer as specified in 321 CMR 3.02(4)(b)(5), and a person with a valid Winter Deer Permit for exclusive use in Wildlife Management Zone 13 or 14 as specified in 321 CMR 3.02(4)(b)(6) may kill and possess one additional antlered deer. ..

2. In all zones a person's bag limit of antlerless deer shall be determined by the number of valid antlerless deer permits and attached deer tags that are possessed by such person. Such antlerless deer shall be in addition to the bag limit of antlered deer specified in 321 CMR 3.02(4)(d)1.

3. For the purposes of 321 CMR 3.02(4)(d), antlerless deer may be killed or possessed only in accordance with 321 CMR 3.02(4)(e).

(e) Antlerless Deer Permit. A person shall not hunt, kill, or possess an antlerless deer in any county, area, or zone unless he or she possesses on their person a valid permit from the Director to do so. However, nothing in 321 CMR 3.02(4)(e) shall prevent a person from killing an antlerless deer during the exclusive season for paraplegics, when so authorized by the Director.

(f) A person shall not make, set, or use any bait, decoy, torchlight or spotlight, trap, or other like device for the purpose of attracting, ensnaring, taking, injuring, or killing a deer, nor hunt by baiting or within any baited area, nor hunt, drive, worry, or disturb any deer with or by the aid of any noise-making device, provided that nothing in 321 CMR 3.02(4)(f) shall be deemed to prohibit the use of scents or of deer antlers or replicas thereof or of grunt tubes as callers or attractants by persons otherwise lawfully hunting deer, and further provided that, notwithstanding the above prohibition, deer decoys may be used for hunting during archery only deer season.

(g) No person, except on land owned or leased by him or her or except with the express written permission of the landowner or his or her authorized agent, shall construct, maintain, occupy, or use a permanent tree stand.

(h) A person killing a deer 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 a deer tag supplied with the person's hunting or sporting license or a legally authorized deer permit. The deer tag when affixed to the deer shall be detached from the license or permit. Said deer tag shall remain attached to the deer until the deer is presented to a duly authorized person or deer checking station, at which time said deer tag shall be surrendered upon request to the official agent in charge thereof, or shall remain attached to the deer after being reported online. The provisions of 321 CMR 3.02(4)(h) relative to tagging requirements shall not apply to a person lawfully hunting without a license.

(i) A person shall not have in his or her possession or under his or her control in any motor vehicle or transport the carcass of a deer unless said carcass or part thereof is open to view, provided that after the deer 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 as provided in 321 CMR 3.02(4)(j), the deer may be concealed.

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

1. Checking Station: The entire carcass shall be presented by the person who killed the deer to a duly authorized person, or at a deer 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 deer shall access the Online system to report the harvest of the deer. 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 deer as prescribed in 321 CMR 3.02(4)(h).
3. The official seal shall remain affixed to the deer 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 deer or carcass to which it is applied.
4. Any violation of the requirements of 321 CMR 3.02(4)(j) shall be heard in the District Court for the location where the violation occurred.

The following additional requirements shall apply to Dukes and Nantucket counties:

- a. any deer taken in Nantucket county shall be checked only on Nantucket island and only at such checking

station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from Nantucket island without bearing an official Division seal;

- b. any deer taken in Dukes county, except as provided for in 321 CMR 3.02(4)(j)4.c., shall be checked only on Martha's Vineyard island and only at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from Martha's Vineyard island without bearing an official Division seal;
- c. any deer taken on Cuttyhunk island in the Town of Gosnold shall be checked only on Cuttyhunk island and only at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from Cuttyhunk island without bearing an official Division seal;
- d. any deer taken in the Town of Gosnold (exclusive of the island of Cuttyhunk) shall be checked at such checking station or by such person as shall be designated by the Director or shall be reported online, but shall not be transported to or from the Town of Gosnold without bearing an official Division seal.

(k) A person killing an antlerless deer by authority of a valid permit issued by the Director shall surrender said antlerless deer tag upon request at the time the deer is checked by a duly authorized person or deer checking station designated by the Director or the antlerless deer tag shall remain on the deer after being reported online.

(l) During the shotgun deer season a person shall not hunt any bird or mammal or enter the fields or woodlands of the state with any firearm, ammunition, bow and arrow, or other device intended or adapted for the taking of birds and mammals, except for the hunting of deer or for the hunting of migratory game birds in accordance with 321 CMR 3.02(2) or for the hunting of coyote in accordance with 321 CMR 3.02(3). After having killed the season limit of deer applicable to the county, zone or area where hunting, a person shall not, during the remainder or duration of the shotgun deer season, hunt any bird or mammal or enter the fields or woodlands of the state with any firearm, ammunition, bow and arrow, or other device intended or adapted for the taking of birds and mammals, except for the hunting of migratory game birds in accordance with 321 CMR 3.02(2) or for the hunting of coyote in accordance with 321 CMR 3.02(3). Nothing in 321 CMR 3.02(4)(l) shall be construed to prohibit the otherwise lawful setting and tending of traps in accordance with the provisions of 321 CMR 3.02(5).

(m) During the shotgun deer season, a person shall not hunt a bird or mammal with a rifle, revolver, or pistol or by the aid of a dog, or have in their possession or under their control in any wood or field a rifle, revolver or pistol or a dog adapted to the hunting or pursuing of birds or mammals, except that this shall not prohibit the use of dogs while hunting waterfowl on coastal waters. Notwithstanding the above, shotguns with a rifled bore may be used for hunting in accordance with 321 CMR 3.02(4)(b). During the exclusive archery period of the open season a person hunting or in pursuit of deer shall not use, have in their possession or under their control in any field or woodland a dog, a rifle, a shotgun, or a firearm of any kind, nor shall he or she have in his or her possession any shotgun shells loaded with a single ball or slug or buckshot in any place where birds or mammals might be found. During the exclusive primitive firearms season a person hunting deer shall not use, have in their possession or under their control in any field or woodland, a dog or firearm, except a primitive firearm.

(n) During the shotgun deer season, a person hunting deer, migratory game birds or coyote or entering the fields, woodlands, or wetlands of the state for the purpose of hunting deer, migratory game birds or coyote 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), except for persons hunting waterfowl from within a blind or a boat. During the special seasons for paraplegics and primitive firearms, a person hunting deer or entering the fields or woodlands of the state with the intent to hunt deer, including a person hunting deer by means of a bow and arrow, shall wear on his or her head, chest, and back a minimum of 500 square inches of clothing or material of a hunter orange color as defined in 321 CMR 3.01(2).

(o) The Massachusetts wildlife management zones are described as follows:

1. Zone 01 is bounded as follows: northerly by the Vermont border; westerly by the New York border; southerly by a line running along Rt. 20 to the junction with Rt. 7 in Pittsfield, north on Rt. 7 to Rt. 9, and east on Rt. 9 to the junction with the Housatonic River; and easterly by a line running from the Vermont border south along Route 8 to Rt. 9 in Pittsfield.

2. Zone 02 is bounded as follows: northerly by the Vermont border; westerly by Zone 01 and 03; southerly by the Massachusetts Turnpike (I-90) from the intersection with the Housatonic River in the Town of Lee east to the intersection (dead end) with Bonny Rigg Hill Road in the Town of Becket; and easterly by a line running from the Vermont border south along Rt. 112 to Rt. 143 in the Town of Worthington, along Rt. 143 west to the intersection with the Middle Branch of the Westfield River, then south along the Middle Branch of the Westfield River to the intersection with the East Branch of the Westfield River, south along the East Branch of the Westfield River to Rt. 20 in the Town of Huntington, west along Rt. 20 to Bonny Rigg Hill Road in the Town of Becket, south on Bonny Rigg Hill Road to the intersection with the Massachusetts Turnpike.

3. Zone 03 is bounded as follows: northerly by Zone 01; westerly by the New York border; southerly by the New York and Connecticut border; and easterly by a line running south along the Housatonic River from the junction with Rt. 9 in Pittsfield to the junction with Rt. 20 in Lee, east along Rt. 20 to the junction with Rt. 8 in West Becket, and south along Rt. 8 to the Connecticut border.

4. Zone 04 North (04N) is bounded as follows: northerly by the Vermont border; westerly by Zone 02; southerly by a line running north from the intersection of Route 20 and the East Branch of the Westfield River in Huntington along the East Branch of the Westfield River to the intersection with Route 66, along Rt. 66 to the intersection with Rt. 9 in Northampton, to the intersection with the Connecticut River at the Northampton/Hadley town line; and easterly by the Connecticut River. Zone 04 South (04S) is bounded as follows: northerly by Zones 02 and 04N; westerly by Zone 03; southerly by the Connecticut border; and easterly by the Connecticut River.

5. Zone 05 is bounded as follows: northerly by the New Hampshire border; westerly by the Connecticut River; southerly by a line running from the intersection of the Connecticut River and Rt. 9 at the Northampton/Hadley line east along Rt. 9 to Rt. 116 in the Town of Hadley, north along Rt. 116 to Rt. 63 in North Amherst, east along Rt. 63 and Pine Street to State Street, northeast along State Street and East Leverett Road to Cushman Road, along Cushman Road to Shutesbury Road in East Leverett, east on Shutesbury Road and Leverett Road to Wendell Road in Shutesbury Center, north along Wendell Road to Locks Pond Road, north on Locks Pond Road to Lake View Road, northeast on Lake View Road to Locks Village Road, north along Locks Village Road to Depot Road in the Town of Wendell, north on Depot Road to Rt. 2A in Wendell Depot, east on Rt. 2A to Rt. 32 in the Town of Athol, south on Rt. 32 to Rt. 62 in the Town of Barre, and east on Rt. 62 to the intersection with Rt. 31 in the Town of Princeton; and easterly by a line running north on Rte. 31 to the New Hampshire border.
6. Zone 06 is bounded as follows: northerly by Zone 05; westerly by Zone 05; southerly by a line running from the intersection of Rt. 9 and Rt. 116 in the Town of Hadley east along Rt. 9 to the intersection with Rt. 32 in the Town of Ware; and easterly by a line running from the intersection of Rt. 32 and Rt. 62 in the Town of Barre south along Rt. 32 to the intersection with Rt. 9 in the Town of Ware.
7. Zone 07 is bounded as follows: northerly by Zones 05 and 06; westerly by Zone 04S; southerly by the Connecticut border; and easterly by a line running from the intersection of Rt. 9 and Rt. 32 in the Town of Ware east along Rt. 9 to the intersection with Rt. 67, southwest along Rt. 67 to the intersection with Rt. 19 in the Town of Warren, and south along Rt. 19 to the Connecticut border.
8. Zone 08 is bounded as follows: northerly by Zone 05; westerly by Zones 06 and 07; southerly by the Connecticut and Rhode Island borders; and easterly by a line running from the intersection of Rt. 62 and Rt. 32 in the Town of Princeton south to Rt. 56 in the Town of Paxton, south on Rt. 56 to Rt. 9 in the Town of Leicester, east on Rt. 9 to Cambridge Street in the City of Worcester, east on Cambridge Street to Rt. 146, and southeast on Rt. 146 to the Rhode Island border.
9. Zone 09 is bounded as follows: northerly by the New Hampshire border; westerly by Zones 05 and 08; southerly by the Rhode Island border; and easterly by a line running from the New Hampshire border southeast on Rt. 3 to the intersection with Rt. I-495 in the Town of Chelmsford, south on Rt. I-495 to the intersection with Rt. 121 in the Town of Wrentham, and southwest on Rt. 121 to the Rhode Island border.
10. Zone 10 is bounded as follows: northerly by the New Hampshire border; westerly by Zone 09; southerly by a line running from the intersection of Rt. 1A and Rt. 27 in the Town of Walpole northeast along Rt. 1A to the intersection with Rt. 128 in the Town of Dedham, east on Rt. 128 to the intersection with Rt. 3 in the Town of Braintree, east on Rt. 3 to the intersection with Rt. 228 in the Town of Rockland, and north on Rt. 228 to the Atlantic Ocean at the intersection of Rt. 228 and Nantasket Avenue in the Town of Hull.
11. Zone 11 is bounded as follows: northerly by Zones 09 and 10; westerly by the Rhode Island border; southerly by Buzzards Bay and the Cape Cod Canal; and easterly by the Atlantic Ocean.
12. Zone 12 is bounded as follows: northerly by the Atlantic Ocean (Cape Cod Bay); westerly by Zone 11; southerly by the Atlantic Ocean (Vineyard Sound); and easterly by the Atlantic Ocean.
13. Zone 13 shall consist of Dukes County.
14. Zone 14 shall consist of Nantucket County.

REGULATORY AUTHORITY 321 CMR 3.00:

M.G.L. c. 131, § 5.

