



MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

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

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PUBLIC HEARING NOTICE
321 CMR 3.02(9)

In accordance with the Massachusetts General Laws, Chapter 131, Section 5, and Chapter 30A, Section 2, NOTICE is hereby given of a public hearing to be held on Wednesday, May 15, 2019, at 6:30 p.m., at the Division of Fisheries and Wildlife's Field Headquarters, Richard Cronin Building, 1 Rabbit Hill Road, off North Drive, Westborough, Massachusetts, to amend rules and regulations relative to Hunting of Wild Turkey.

A handwritten signature in black ink that reads "Mark S. Tisa".

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

MASSWILDLIFE

321 CMR 3.02(9)

Hunting of Wild Turkey in Massachusetts. In accordance with M.G.L. c. 131, § 5, the Director shall declare an annual open season on wild turkeys, subject to the following:

(a) Definitions. For the purposes of 321 CMR 3.02(9), the following words or phrases shall have the following meanings:

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.

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

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

1. In Zones 01 through 13, the spring period of the open season (hereafter "spring season") shall begin on the last Monday in April and end on the fourth Saturday following.

2. In Zones 01 through 13, the fall period of the open season (hereafter "fall season") shall occur in concurrence with the exclusive archery deer season as specified in 321 CMR 3.02(4)(b)(2)(a). (See section 321 CMR 3.02(9)(h)(2) and (3) for permissible hunting methods within the fall season.)

~~2.3.~~ The open season for the mentored youth turkey hunt shall be as specified in 321 CMR 3.02(9)(c) and (l).

(c) Zones. A person shall not hunt a turkey during the spring season, fall season, or during the mentored youth turkey hunt except in Zones 01 through 13.

(d) Hunting Hours. A person shall not hunt a wild turkey on any day during the spring season ~~or during the mentored youth turkey hunt~~ except during the period from ½ hour before sunrise to 12:00 P.M. ~~AAny person participating in the mentored youth turkey hunt as defined in 321 CMR 3.02(9)(l) shall not hunt wild turkey during the except for youth participating in except during the period from ½ hour before sunrise until 5:00 p.m.~~ -A person shall not hunt a wild turkey on any day during the fall season except during the period from ½ hour before sunrise to ½ hour after sunset, except on wildlife management areas as provided in 321 CMR 3.01(1)(n) where the hunting hours shall be from sunrise to sunset.

(e) Bag Limit.

1. A person shall not kill, take, or possess more than ~~two~~ three wild turkeys in any calendar year, provided that during the spring season, the bag limit and possession limit shall be two bearded wild turkeys. Only one wild turkey may be taken per day.

2. During the fall season, the bag and possession limit shall be one wild turkey of either sex, ~~provided, that if a person has killed two turkeys during the spring season, then such person shall not be entitled to kill a turkey in the fall season in that same calendar year.~~

3. Notwithstanding 321 CMR 3.02(9)(e)1., a minor 12 through 14 years of age, who participates in the mentored youth turkey hunt as specified in 321 CMR 3.02(9)(l) and during the regular spring turkey hunting season as specified in 321 CMR 3.02(9)(b), may not kill more than two bearded turkeys, which shall be in addition to the bag limit of his adult mentor.

(f) Bearded Turkey Requirement. A person shall not kill, take, or possess any wild turkey during the spring season or the mentored youth turkey hunt unless said turkey is bearded.

(g) Permit and Tagging Requirements. A person shall not hunt, kill, take, or possess a wild turkey unless he or she possesses on his or her person a permit so to do. Such permit shall be valid only for the date or dates stipulated thereon. A person killing a wild turkey shall immediately, before transporting or removing the carcass in any manner from where it was killed, complete and attach to the carcass in a conspicuous manner that portion of the permit designated "turkey tag". Said turkey tag shall remain attached to the turkey until the turkey is presented to a duly authorized person or checking station at which time the turkey tag shall be surrendered upon request to the official agent in charge thereof or shall remain attached to the turkey after being reported online. No person shall possess a detached turkey tag except as described in 321 CMR 3.02(9)(g). Tags detached except as provided in 321 CMR 3.02(9)(g) shall be void and shall be surrendered to any officer empowered to enforce 321 CMR.

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(h) Permissible Hunting Methods.

1. During the spring season, a person may hunt wild turkey only by means of a bow and arrow as specified in 321 CMR 3.01(3) or a shotgun not larger than ten gauge, and shot not larger than size four. ~~and not smaller than size seven or by means of a bow and arrows as specified in 321 CMR 3.01(3).~~
2. Beginning the sixth Monday prior to Thanksgiving and ending the second Saturday thereafter, a person may hunt wild turkey only by means of either a bow and arrow as specified in 321 CMR 3.01(3) or a shotgun not larger than ten gauge, and shot not larger than size four.
3. At all other times during the fall season not specified in 321 CMR 3.02(9)(h)(2), a person may hunt wild turkey only by means of a bow and arrow as specified in 321 CMR 3.01(3) in any Zone that has a concurrent exclusive archery deer season as specified in 321 CMR 3.02(4)(b)(2)(a).

(i) Prohibitions. A person shall not hunt or take wild turkeys by means of or set or use any bait, live decoys, electronic or electronically operated callers, nor any trap or other device intended or designed for the purpose of capturing or ensnaring wild turkeys, nor shall any person use or have control of, in any place where turkeys may be found, any dog or dogs while hunting wild turkey, nor shall any person or persons drive, herd or take or attempt to take by driving or herding any wild turkey or turkeys provided that nothing in 321 CMR 3.02(9)(i) shall be construed to prohibit the use of hand or mouth operated turkey calls by persons otherwise lawfully hunting wild turkey.

(j) Safety Sticker Requirement. A person shall not hunt wild turkey with or by means of a shotgun nor have a shotgun in his or her possession while hunting wild turkey, unless such person has obtained a safety sticker as provided by the Director and applied said sticker to his or her shotgun in such a manner as to be visible to the shooter when sighting down the barrel of the shotgun. The Director is hereby authorized to provide such safety stickers of a type and design as he or she may deem appropriate.

(k) Harvest Reporting: Except as provided in this 321 CMR 3.02(9)(k), within 48 hours after killing a wild turkey 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 wild turkey to a duly authorized person, or at a wild turkey 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 wild turkey shall access the Online system to report the harvest of the wild turkey. 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 wild turkey as prescribed in 321 CMR 3.02(9)(g).
3. The official seal shall remain affixed to the wild turkey until the animal is skinned, cut up, or otherwise prepared for food purposes or for mounting by a taxidermist. The official seal is non-transferable and shall be valid only for the bear or carcass to which it is applied.
4. Any violation of the requirements of 321 CMR 3.02(9)(k) shall be heard in the District Court for the location where the violation occurred.
The Director may establish an alternate checking process for persons participating in the mentored youth turkey hunt. The Director may require, as a condition of checking, that the hunter surrender breast feathers, wing tips, or other biological samples from turkeys presented for checking.

(l) Youth Hunter Training Program.

1. The Director may establish standards, qualifications and curricula for a wild turkey hunter youth training program and field exercise. Minors between the ages 12 through 17 years of age who successfully complete the training program and field exercise and are properly enrolled with the Director may participate in a mentored hunt for wild turkey (mentored youth turkey hunt) on the first Saturday prior to the last Monday in April. All such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts turkey hunting permit. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt, but may carry the minor's firearm when unloaded or cased and may use a turkey caller to call for the minor. During this mentored youth turkey hunt, minors aged 12 through 14 years of age shall not be required to possess a hunting or sporting license.
2. The Director may issue minors 12 through 14 years of age who have successfully completed the Youth Hunter Training Program requirements, or their adult mentors, a special Massachusetts youth hunt turkey permit that is valid for the date of the mentored

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youth turkey hunt specified in the permit as well as for the duration of the regular spring and fall hunting seasons, as provided in 321 CMR 3.02(9)(b)(1) and 321 CMR 3.02(9)(b)(2). All minors 12 through 14 years of age and their adult mentors shall comply with the requirements of M.G.L. c. 131, § 14 and 321 CMR 3.02(9) while hunting during the regular spring and fall hunting seasons.

3. Minors 15 through 17 years of age shall possess both a Massachusetts hunting or sporting license and a valid Massachusetts turkey permit. All minors and their mentors shall otherwise conform to all provisions of M.G.L. c. 131, and 321 CMR 3.02(9).

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321 CMR 3.02(9)

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2. During the fall season, the bag and possession limit shall be one wild turkey of either sex.
3. Notwithstanding 321 CMR 3.02(9)(e)1., a minor 12 through 14 years of age, who participates in the mentored youth turkey hunt as specified in 321 CMR 3.02(9)(l) and during the regular spring turkey hunting season as specified in 321 CMR 3.02(9)(b), may not kill more than two bearded turkeys, which shall be in addition to the bag limit of his adult mentor.

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than ten gauge, and shot not larger than size four. .

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2. The Director may issue minors 12 through 14 years of age who have successfully completed the Youth Hunter Training Program requirements, or their adult mentors, a special Massachusetts youth hunt turkey permit that is valid for the date of the mentored youth turkey hunt specified in the permit as well as for the duration of the regular spring and fall hunting seasons, as provided in 321 CMR 3.02(9)(b)(1) and 321 CMR 3.02(9)(b)(2). All minors 12 through 14 years of age and their adult mentors shall

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comply with the requirements of M.G.L. c. 131, § 14 and 321 CMR 3.02(9) while hunting during the regular spring and fall hunting seasons.

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