

321 CMR 3.00: HUNTING

Section

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3.01: Hunting, Generally

(1) Wildlife Management Areas.

(a) Purpose: 321 CMR 3.00 governs the administration of wildlife management areas and sets forth permissible and prohibited activities on such areas. The provisions of 321 CMR 3.00 incorporate the philosophy of the Division that conservation shall encompass the wise use of wildlife resources, including, where appropriate, protection, utilization, and management. Therefore, except as provided in 321 CMR 3.03, hunting, fishing, and trapping shall be permitted on wildlife management areas in accordance with the provisions of 321 CMR 3.00 and other provisions of 321 CMR and of M.G.L. c. 131.

(b) Definitions:

Alcoholic Beverage shall be defined as in M.G.L. 138, § 1.

Camping means the utilization of any piece of equipment for sleeping in or upon, including, but not limited to, a sleeping bag, hammock, tent, tarp, motor vehicle, recreational vehicle, trailer, or watercraft, for the purpose of occupying a piece of land or water for transient and temporary outdoor living.

Controlled Substance and Counterfeit Substance shall be defined as in M.G.L. c. 94C, § 1. Director means the Director of the Division of Fisheries and Wildlife.

Installation means fish hatcheries, wildlife district offices, and the Westborough field headquarters.

Nature Preserve means those lands, waters, shores and interests therein as defined and established pursuant to 321 CMR 11.00 and administered under provisions of M.G.L. c. 131, §§ 10A through 10D.

Wildlife Management Area means any real property, except installations, nature preserves and wildlife sanctuaries, owned by the Commonwealth of Massachusetts through the Division of Fisheries and Wildlife and subject to the control and charge of said Division, or owned by or subject to the control and charge of another agency of the Commonwealth or political subdivision thereof or of the United States and operated or managed by the Division of Fisheries and Wildlife under lease, easement, or cooperative agreement as a wildlife management area. Additionally, the Director, with the approval of the Fisheries and Wildlife Board, may, by lease, easement, or cooperative agreement establish a wildlife management area with a partnership, corporation, whether profit or non-profit, firm, business, or other commercial or non-commercial entity, club, organization, or association and such area shall be subject to provisions of 321 CMR 3.01(1). For the purposes of 321 CMR 3.01(1), "wildlife management area" shall be construed as inclusive of "public shooting ground".

Wildlife Sanctuary means those lands, waters, shores, and interests therein as defined in 321 CMR 7.01(2)(e) and administered under provisions of M.G.L. c. 131, §§ 7 through 10, or any other lands designated by the Director as subject to 321 CMR 7.01.

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

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

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

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

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- (g) No person shall use excessive speed in driving a vehicle on roads within any wildlife management area.
- (h) No person, except under permit from the Director or his authorized agent, and except governmental employees in the performance of their duties, shall drive, operate, or possess within the bounds of any wildlife management area any motor vehicle, snow vehicle, or recreational vehicle, except on roads or trails maintained by a governmental agency and designated for the express purpose of permitting public vehicular traffic.
- (i) No person shall deface, damage, remove, or molest any sign, fence, gate, building, monument or equipment within or on any wildlife management area.
- (j) No person shall build or maintain, or cause to be built or maintained, a fire within any wildlife management area without written permission from the Director or his designated agent and the city or town fire chief or the District Fire Warden.
- (k) No person shall camp within any wildlife management area without written permission from the Director or his designated agent.
- (l) No person shall engage in target practicing or target shooting within any wildlife management area without written permission from the Director or his designated agent. "Target practicing" shall be construed to include the "sighting in" or testing of firearms and bows-and-arrows.
- (m) No person, except for the hunting of raccoon and opossum in accordance with 321 CMR 3.01(1)(o) and except for the shooting of trapped fur-bearing mammals by licensed trappers, shall use any weapon other than shotgun or bow-and-arrow during the pheasant or quail seasons on any wildlife management area where pheasant or quail are stocked. Stocked areas are listed in 321 CMR 3.01(1)(n).
- (n) No person, except in accordance with 321 CMR 3.01(1)(o), shall hunt before sunrise or after sunset during the pheasant and quail seasons on any wildlife management area where pheasant or quail are stocked. Stocked areas are as follows:

Central Wildlife District:

Barre Falls Wildlife Management Area (WMA)
 Bennett WMA
 Birch Hill WMA
 Bolton Flats WMA
 High Ridge WMA
 Hubbardston WMA
 Millers River WMA (Athol, Royalston, Phillipston)
 Moose Hill WMA
 Oakham WMA
 Phillipston WMA
 Quaboag River WMA
 Richardson WMA
 Ware River WMA
 West Hill WMA
 Westborough WMA
 Winimusset WMA

Connecticut Valley Wildlife District:

Bennett Meadows WMA
 Great Swamp WMA
 Herman J. Covey (Swift River) WMA
 Leyden WMA
 Montague Plains WMA
 Pauchaug Brook WMA
 Poland Brook WMA
 Southampton WMA
 Southwick WMA

Northeast Wildlife District:

Ashby WMA
 Charles River WMA (Area C)
 Crane Pond WMA
 Harold Parker WMA

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

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

1. Central Wildlife District:

Breakneck Brook Wildlife Management Area (WMA)
Fish Brook WMA
Lawrence Brook WMA
Leadmine WMA
McKinstry Brook WMA
Merrill Pond WMA
Moose Brook WMA
Muddy Brook WMA
Poutwater WMA
Prince River WMA
Quisset WMA
Raccoon Hill WMA
Savage Hill WMA
Wolf Swamp WMA

Connecticut Valley Wildlife District:

Catamount WMA
Coy Hill WMA
East Mountain WMA
Facing Rock WMA
Lake Warner WMA
Leadmine WMA
Ludlow WMA
Millers River WMA (Wendell)
Montague WMA
Mt. Toby WMA
Orange WMA
Palmer WMA
Satan's Kingdom WMA
Tully Mountain WMA
Wales WMA
Warwick WMA
Wendell WMA
Westfield WMA
Whately WMA
Williamsburg WMA

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Northeast Wildlife District:

Boxborough Station WMA
Dunstable Brook WMA
Hunting Hills WMA
Mulpus Brook WMA
Nissitissit River WMA
Pantry Brook WMA
Salisbury Marsh WMA
William Forward WMA

Southeast Wildlife District:

Black Brook WMA
Burrage Pond WMA
Canoe River WMA
Church Homestead WMA
Copicut WMA
Dartmoor Farms WMA
English Salt Marsh WMA
Freetown Swamp WMA
Haskell Swamp WMA
Hockomock Swamp WMA
(exclusive of Erwin S. Wilder Section)
Hyannis Ponds WMA
Mashpee Pine Barrens WMA
Meetinghouse Swamp WMA
Peterson Swamp WMA
Purchade Brook WMA
Quashnet River WMA
Red Brook WMA
Rochester WMA
Rocky Gutter WMA
Sly Pond WMA
Taunton River WMA
West Meadows WMA

Western Wildlife District:

Becket WMA
Chalet WMA
Cummington WMA
Day Mountain WMA
Dolomite Ledges WMA
Fairfield Brook WMA
Farmington River WMA
Fisk Meadows WMA
Fox Den WMA
Green River WMA
Hancock WMA
Hiram H. Fox WMA
John J. Kelly Memorial Forest and WMA
Jug End State Reservation and WMA
Lily Pond WMA
Maple Hill WMA
Mount Tekoa WMA
Otis WMA
Peru WMA
Powell Brook WMA
Savoy WMA
Taconic Ridge WMA
Three Mile Pond WMA
Walnut Hill WMA

3.01: continued

2. Night hunting of raccoon and opossum under special conditions shall also be permitted on all other wildlife management areas, except on the Delaney (Harvard, Bolton, and Stow) and Flint Pond (Tyngsborough) Wildlife Management Areas. During the period from the first Friday after Columbus Day through the Saturday following Thanksgiving, night hunting of raccoon and opossum shall be permitted on these areas only between the hours of 9:00 P.M. to 3:00 A.M. subject to the limitations pertaining to firearms in 321 CMR 3.01(1)(o). During this night hunting period, the wearing of a "hunter orange" color cap or hat is not mandatory.
 - (p) No person shall hunt during the pheasant or quail seasons on any wildlife management area where pheasant or quail are stocked without wearing a "hunter orange" color cap or hat, except for the hunting of raccoon or opossum in accordance with 321 CMR 3.01(1)(o) and except for persons hunting waterfowl from within a blind or a boat. For the purposes of 321 CMR 3.01(1)(p), "hunter orange" color shall be that color defined in 321 CMR 3.01(2).
 - (q) No person, except with the written permission of the Director or his authorized agent, shall, within any wildlife management area, dig, excavate, remove or disturb, or cause to be dug, excavated, removed or disturbed, any archaeological or paleontological artifacts, remains, ruins, sites, fossils, or other objects of unusual historical or prehistorical antiquity.
 - (r) The Director is authorized to declare special regulations as deemed necessary by him for the purpose of dealing with situations or conditions peculiar to specific wildlife management areas. Those special regulations appearing in 321 CMR 3.03 shall be construed to be part of 321 CMR 3.01(1)(r).
- (2) Requirements Defining Hunter Orange Color. Hunter orange color is a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85% and luminance factor of not less than 40%.
- (3) Hunting with Bows and Arrows.
- (a) No person shall use or have in his possession or under his control while hunting any poisoned arrow or arrow with explosive tips.
 - (b) No person shall use or have in his possession or under his control while hunting any arrow gun or any firearm or other device which projects or propels an arrow, dart or bolt by gunpowder, compressed air, or by any other means except by the flexing and release of a bow string.
 - (c) No person shall use or have in his possession or under his control while hunting any bow drawn or held by mechanical means, except as provided in 321 CMR 3.01(3). Hand-held, hand-operated bow string releases are permitted.
 - (d) A crossbow may be used for hunting by a person who is permanently disabled such that the person cannot operate a conventional bow and arrow, as certified by a licensed physician. Any costs associated with obtaining the medical documentation, re-evaluation of the information or a second medical opinion are the responsibility of the applicant. A person who wishes to use a crossbow for hunting in accordance with 321 CMR 3.01(3)(d) shall obtain a permit to do so from the director of the division of fisheries and wildlife, and such permit shall be valid for life. Nothing in 321 CMR 3.01(3) shall be construed to permit the use of a crossbow by any other person, except on a skeet, trap, or target range.
 - (e) Arrows used for hunting deer, bear or wild turkey shall have well-sharpened steel broadhead blades not less than $\frac{7}{8}$ of an inch in width.
 - (f) No person shall hunt deer, bear or wild turkey with a bow having a pull of less than 40 lbs. at 28" draw provided that compound bows and recurved bows shall have a minimum pull of 40 lbs. at peak draw.
 - (g) No person while hunting shall release an arrow from a bow upon or within 150 feet of any State or hard surfaced highway or within 500 feet of any dwelling in use, except as authorized by the owner or occupant thereof.
 - (h) Any person found guilty of any violation of 321 CMR 3.01 shall be punished as provided in M.G.L. c. 131, § 90.

3.02: Hunting, Particular Game

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

3.02: continued

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

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

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

Baiting means the placement, exposing, depositing, distributing, or scattering of any bait or other substance so as to constitute for bears a lure or attraction to areas where hunters are attempting to take them.

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

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

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

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

3.02: continued

- (b) Open Season: The open season shall be in three periods as follows:
 1. Beginning the first Tuesday after Labor Day and ending on the third Saturday thereafter; and
 2. Beginning the first Monday in November and ending the third Saturday thereafter.
- (c) Hunting Hours: A person shall not hunt black bear on any day during the open season except during the period between ½ hour before sunrise and ½ hour after sunset, except on wildlife management areas as provided in 321 CMR 3.01(1)(n) where the hunting hours shall be from sunrise to sunset.
- (d) Zone: Black bears may be hunted in wildlife management zones 01 through 09 only.
- (e) Bag Limit: A person shall not kill more than one black bear in any calendar year.
- (f) Permit: A person shall not hunt, kill, or possess a black bear unless he possesses on his person a permit from the Director so to do. A person killing a black bear shall immediately, before transporting or removing the carcass in any manner from where it was killed, complete and attach to the carcass in a conspicuous manner that portion of the permit, hunting license, or equivalent document, designated “bear tag”. Said bear tag shall remain attached to the bear until the bear is presented to a duly authorized person or checking station. At this time, the bear tag shall be surrendered upon request to the official agent in charge thereof or shall remain on the bear after being reported online. No person shall possess a detached bear tag except as affixed to a bear as described in 321 CMR 3.02(1)(f). Tags detached except as provided herein shall be void and shall be surrendered to any officer empowered to enforce M.G.L. c. 131 and 321 CMR.
- (g) Transportation: A person shall not have in his or her possession or under his or her control in any motor vehicle or otherwise transport the carcass of a bear unless such carcass is open to view, provided that after the bear is tagged with an official seal or a confirmation number having been issued after being reported online is written or printed on the attached tag in accordance with 321 CMR 3.02(1)(h), the bear may be concealed.
- (h) Harvest Reporting: Within 48 hours after killing a black bear, its harvest shall be reported to the Division of Fisheries and Wildlife by one of the following means:
 1. Check Station: The entire carcass shall be presented by the person who killed the black bear to a duly authorized person or bear checking station designated by the Director for the purpose of being recorded and examined for research purposes and to have affixed thereto an official seal in such manner as prescribed by the Director; or
 2. Online Reporting: The person who killed the black bear shall access the Online system to report the harvest of the black bear. The person shall receive an Online system confirmation number, which shall be the official seal issued by the Division of Fisheries and Wildlife, and record the confirmation number on the tag affixed to the bear as prescribed in 321 CMR 3.02(1)(f).
 3. The official seal shall remain affixed to the black bear until the animal is skinned, cut up, or otherwise prepared for food purposes or for mounting by a taxidermist. The official seal is non-transferable and shall be valid only for the bear or carcass to which it is applied.
 4. Any violation of the requirements of 321 CMR 3.02(1)(h) shall be heard in the District Court for the location where the violation occurred.
- (i) Hunting Implements.
 1. During that period of the open season beginning the first Tuesday in September and ending on the third Saturday thereafter, a person may hunt black bear only by means of: a bow and arrow; or a rifle .23 caliber or larger; or a muzzle-loading firearm, fired from the shoulder and not less than .44 caliber nor greater than .775 caliber; or a revolver chambered to take .357 Magnum cartridges, using only .357 Magnum cartridges, or a revolver chambered .40 caliber or larger.
 2. During that period of the open season beginning the first Monday in November and ending the third Saturday thereafter, a person may hunt black bear only by means of a bow and arrow; or a rifle .23 caliber or larger; or a muzzle-loading firearm, fired from the shoulder and not less than .44 caliber nor greater than .775 caliber.
- (j) Prohibited:
 1. to make, set or use any trap or other device for the purpose of ensnaring, trapping, taking, injuring, or killing a black bear;
 2. to hunt or attempt to hunt black bear by baiting;
 3. to hunt or pursue or attempt to hunt or pursue black bear with dogs, except as provided in 321 CMR 2.02;

3.02: continued

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

(2) Migratory Game Bird Regulations. In accordance with the authority found in M.G.L. c. 131, §§ 5 and 63, and subject to federal law and to 321 CMR 3.02(2), the annual open seasons for the hunting and possession of certain migratory game birds are hereby adopted.

(a) Definitions. For the purposes of 321 CMR 3.02(2), the following words or phrases shall have the following meanings.

American Coot or Coot means the American coot (*Fulica americana*).

Berkshire Zone means that portion of Massachusetts west of a boundary line running south from the Vermont border along Route I-91 to Route 9, west on Rte. 9 to Rte. 10, south on Rte. 10 to Rte. 202, and south on Rte. 202 to the Connecticut border.

Central Zone means that portion of Massachusetts lying between the Berkshire Zone and the Coastal Zone.

Coastal Zone means that portion of Massachusetts east and south of a boundary line running south from the New Hampshire border along Route I-95 south to Rte. 1, to Rte. I-93, south along I-93 to Rte. 3, south on Rte. 3 to Rte. 6, west on Rte. 6 to Rte. 28, west on Rte. 28 to Rte. I-195, and west on Rte. I-195 to the Rhode Island border, provided that the waters and lands 150 yards above the high water mark of the Assonet River from the mouth of said Assonet River to the Route 24 bridge and 150 yards above the high water mark of the Taunton River from the mouth of said Taunton River to the Center Street-Elm Street bridge shall be in the Coastal Zone.

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

Gender means, unless the context requires otherwise, that words importing the masculine gender shall include the feminine and neuter.

Migratory Game Birds means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in 321 CMR 3.02(2) and belong to the following families:

1. Anatidae (ducks, mergansers, geese, and brant);
2. Rallidae (rails and American coot); and
3. Scolopacidae (snipe and woodcock).

Non-toxic Shot means steel shot or such other non-toxic shot as shall be approved by the United States Fish and Wildlife Service as an acceptable non-toxic alternative to lead shot.

Primitive Firearm Loaded with Shot means loose shot carried in a shot pouch or similar container, or which is carried on the person and could readily be so loaded, as well as shot which has been loaded in the barrel of a primitive firearm.

Sea Ducks means scoter, eider, and long-tailed (oldsquaw) ducks.

Waterfowl means migratory game birds of the family Anatidae (ducks, mergansers, geese, and brant).

(b) Open Seasons. The dates of the open seasons for the various species herein mentioned, the daily bag limits, possession limits, and related matters are shown in Table 1.

3.02: continued

TABLE 1. OPEN SEASONS, ALL DATES INCLUSIVE.

Species	Open Season	Daily Bag	Possession Limit
Sora Rail	Sep. 1 - Nov. 9	5	5
Virginia Rail	Sep. 1 - Nov. 9	10	10
Snipe	Sep. 1 - Dec. 16	8	16
Woodcock	Oct. 5 - Oct. 29	3	6
	Oct. 31 - Nov. 19	3	6
Ducks ^A Berkshire	Oct. 12 - Nov. 26	6*	12*
	Dec. 10 - Jan. 2	6*	12*
Ducks ^A Central	Oct. 13 - Nov. 26	6*	12*
	Dec. 15 - Jan. 7	6*	12*
Ducks ^A Coastal	Oct. 14 - Oct. 22	6*	12*
	Nov. 17 - Jan. 16	6*	12*
American Coot	Same Dates as Ducks	15	30
Mergansers ^B	Same Dates as Ducks	5*	10*
Geese Berkshire (except blue & snow)	Oct. 20 - Nov. 26	3	6
	Dec. 10 - Dec. 23	3	6
Geese Central (except blue & snow)	Oct. 13 - Nov. 26	2	4
	Dec. 15 - Jan. 7	2	4
Geese Coastal (except blue & snow)	Oct. 14 - Oct. 22	2	4
	Nov. 17 - Jan. 16	2	4
Early Canada Goose (Statewide)	Sep. 6 - Sep. 24	7	14
Late Canada Goose (Central)	Jan. 16 - Feb. 15	5	10
Late Canada Goose (North Coastal)	Jan. 17 - Feb. 15	5	10
Snow & Blue Goose	Same Dates as Ducks	15	30
Late Snow & Blue Goose (Central)	Same as Late Canada Goose	15	30
Late Snow & Blue Goose (North Coastal)	Same as Late Canada Goose	15	30
Sea Ducks ^C (Scoter, Eider, Long-tailed duck)	Oct. 8 - Jan. 31	7**	14**
Brant (Coastal Only)	Nov. 17 - Nov. 26	2	4
	Dec. 15 - Jan. 31	2	4
Falconry (Ducks and Coot only, no Geese)	Oct. 8 - Feb. 9	3*	6*
Youth Waterfowl Hunt ^D (Ducks, Coots, Mergansers and Geese Only)	Oct. 8 & Oct. 10	6*	12*

* Singly or in the aggregate

**In Sea duck zone (Count as regular ducks in all other zones): seven singly or in the aggregate, but no more than four scoter, four eider (one female), four long-tailed duck (oldsquaw) in the daily bag. 14 in possession, but no more than eight scoter, eight eider (two females), eight long-tailed ducks.

3.02: continued

A. The bag may contain no more than: four scoter (eight in possession); four long-tailed duck (eight in possession); four eider, only one of which may be a female (eight in possession, including no more than two females); four mallards, only two of which may be a female (eight in possession, including no more than four females); three wood ducks (six in possession); two redheads (four in possession); two scaup (four in possession); one black duck (two in possession); one pintail (two in possession); one mottled duck (two in possession); one fulvous whistling duck (two in possession); one canvasback (two in possession). All other ducks (Sea Ducks, see Note D), no more than four of any one species in the daily bag (eight in possession). SEASON CLOSED on harlequin ducks.

B. Daily bag of mergansers may not include more than two hooded mergansers (no more than four hooded mergansers in possession).

C. Scoter, eider, and long-tailed (oldsquaw) ducks during the open period other than the open season for other ducks, shall be hunted only in coastal waters and waters of rivers and streams seaward from the first upstream bridge. Sea ducks when taken in areas other than coastal waters and waters of rivers and streams seaward of the first upstream bridge shall become part of the regular daily duck bag.

D. On October 8 and 10, 2011, there shall be a youth waterfowl hunt in all counties of the state for minors aged 12 through 15 years of age only. During this youth waterfowl hunt, such minors may hunt ducks, geese, mergansers, and coot during the period from ½ hour before sunrise to sunset, with a bag limit of six, possession 12, singly or in the aggregate, subject to the species restrictions in 321 CMR 3.02(2): *Table 1A* and *1B*. All such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts waterfowl stamp. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt, but may carry the minor's firearm when unloaded and cased. During this youth waterfowl hunt, minors aged 12 through 14 years shall not be required to possess a hunting or sporting license and a Massachusetts and Federal waterfowl stamp. Minors aged 15 years shall possess a Massachusetts hunting or sporting license and a Massachusetts waterfowl stamp, but need not possess a Federal waterfowl stamp. All minors shall otherwise conform to all provisions of M.G.L. c. 131 and 321 CMR 3.02(2) not excepted or specified in 321 CMR 3.02(2)(b): *Table 1E*.

(c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except as provided in 321 CMR 3.01(1)(n).

(d) Falconry. Notwithstanding the dates of the open seasons and the bag and possession limits as prescribed in 321 CMR 3.02(2)(b) and Table 1 thereof, ducks and coots may be hunted or taken with falcons by licensed falconers from October 9, 2010 through February 10, 2011. The bag limits for such falconry hunting shall be three birds daily or six in possession, singly or in the aggregate, subject to the limitations prescribed in 321 CMR 3.02(2)(b), Table 1, footnotes A through E. Hunting with falconry on Sundays is prohibited.

(e) Restrictions.

1. Migratory game birds shall not be hunted by the aid of salt, bait, grain of any kind, or other feed or means similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are hunting or attempting to hunt or take them.

2. Migratory game birds mentioned in 321 CMR 3.02(2) may be hunted only with bow and arrow or with a shotgun not larger than ten gauge, fired from the shoulder, or by falconry. Automatic loading or hand-operated repeating shotguns capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal, plastic or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined, shall not be used in the hunting of migratory game birds.

3. A person shall not hunt migratory game birds by means or aid of any motor-driven land, water or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of such birds either for himself or for others.

4. A person shall not hunt migratory game birds from or by means of a sinkbox (battery), live duck or live goose decoys or domesticated fowl or any kind.

5. A person shall not kill or cripple any migratory game bird pursuant to 321 CMR 3.02(2) without making a reasonable effort to retrieve the bird and include it in his daily bag.

3.02: continued

6. A person shall not hunt migratory game birds by the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.
 7. All counties of Massachusetts have been designated as non-toxic shot areas. Within these counties, no person hunting waterfowl or coot by means of a shotgun (including a primitive firearm) shall use or have in his possession while hunting waterfowl or coot, any shotgun shell or shells or any primitive firearm loaded with shot other than non-toxic shot.
 8. A person shall not hunt, take or possess waterfowl within Massachusetts or its coastal waters unless he possesses on his person a current valid Massachusetts waterfowl stamp, if aged 15 years or older, and, in addition, a current valid federal Migratory Bird Hunting and Conservation Stamp, if aged 16 years or older, except as provided in 321 CMR 3.02(2), Table 1E. Said stamps shall be signed across the face in ink by the bearer thereof and shall not be transferable. The display of such stamps shall be as provided in 321 CMR 2.11(4).
 - (f) Loaded Shotguns in Motor Boats. A person may have in his or her possession or under his or her control in a motor boat a loaded shotgun while such boat is beached, resting at anchor or fastened within or tied immediately alongside of any type of fixed hunting blind.
 - (g) Retrieval of Dead or Crippled Birds. A hunter may pick up or retrieve dead or crippled migratory game birds from a craft under power, but shall not shoot any birds from such craft except that wounded or crippled waterfowl or coot may be shot from a powered craft in coastal waters and in waters of rivers and streams seaward of the first upstream bridge.
 - (h) Harvest Information Program. No person shall hunt migratory game birds unless such person has completed a Migratory Game Bird Harvest Information Program (H.I.P.) survey as provided for by the U.S. Fish and Wildlife Service pursuant to the Code of Federal Regulations and has proof of completion inscribed on his hunting or sporting license in such a manner as provided for by the Director.
 - (i) Wampanoag Tribe of Gay Head (Aquinnah). The Wampanoag Tribe of Gay Head (Aquinnah), a federally recognized tribe, may set migratory game bird seasons on Settlement Lands, after consultation with the U.S. Fish and Wildlife Service pursuant to 50 CFR 20.110.
- (3) Hunting of Bobcat, Fox and Coyote in Massachusetts. In accordance with the authority vested in me by M.G.L. c. 131, § 5, as amended by St. 1967, c. 802, the annual open seasons for the hunting of fox, coyote, and bobcat are hereby adopted, subject to the following:
- (a) Definitions. For the purposes of 321 CMR 3.02(3), the following words or phrases shall have the following meanings:
Bobcat means the bobcat or wildcat (*Felis [Lynx] rufus*) but not the lynx or Canada lynx (*Felis [Lynx] canadensis*).
Division means the Massachusetts Division of Fisheries and Wildlife, 251 Causeway Street, Boston, MA 02114.
Fox means the red fox (*Vulpes vulpes*) and the gray fox (*Urocyon cinereoargenteus*).
Green Pelt means a pelt which has not been dried, cured, or tanned.
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.
Raw Pelt or Raw Fur means a green pelt which has been dried, fleshed, or cured.
State means the several states, territories, and possessions of the United States of America, and any foreign nation and any political subdivision, possession, or occupied area thereof.
Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).
 - (b) Open Seasons and Zones.
 1. The dates of the open seasons shall be as follows: for bobcat, beginning December 20th and ending the following March 8th; for fox, beginning November 1st and ending the following last day of February; and for coyote, beginning on the first Saturday after Columbus Day and ending the following March 8th, except that a person shall not hunt or take a fox except by means of a trap during the shotgun deer season as provided for in 321 CMR 3.02(4)(b)3.a.
 2. Fox and coyote may be hunted throughout Massachusetts.
 3. Bobcat may be hunted only in Zones 01 through 08.
 - (c) Hunting Hours. The hunting hours during each calendar day of the open season shall begin at ½ hour before sunrise and,

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1. for bobcat shall end at ½ hour after sunset, except on wildlife management areas as provided for in 321 CMR 3.01(1)(n); and
2. for fox shall end at midnight, except on wildlife management areas as provided for in 321 CMR 3.01(1)(n); and
3. for coyote shall end at midnight, except on wildlife management areas as provided for in 321 CMR 3.01(1)(n), and except during the shotgun deer season when the hunting hours shall end at ½ hour after sunset.

(d) Restrictions.

1. In addition to the provisions of 321 CMR 3.02(3)(b) and (c), all fox, coyote, and bobcat taken or salvaged shall be brought to a designated representative of the Division and sealed with an official seal by said representative, or the person who took or salvaged the fox, coyote or bobcat shall access the Online system to report the take or salvage. The person shall receive an Online system confirmation number, which shall be the official seal issued by the Division of Fisheries and Wildlife, and affix it to the fox, coyote or bobcat taken or salvaged. The official seal shall be non-transferable and shall be valid only for the animal or carcass to which it is applied.

The official seal shall remain attached to the pelt or animal until the pelt is dressed or tanned, or prepared for mounting by a taxidermist, or the animal is otherwise disposed of. Bobcat, fox and coyote shall be sealed no later than four working days after the closing day of the open season for that species. Working days are defined as the days Monday through Friday, except legal state holidays as defined in M.G.L. c. 4, § 7(18).

2. No raw bobcat, fox, or coyote pelt, regardless of state of origin, shall be sold, exchanged, bartered, or offered for sale within Massachusetts unless said pelt bears an official tag, seal, or stamp issued or applied by the state within which said bobcat, fox, or coyote was taken, or by another governmental jurisdiction empowered to tag, seal, or stamp such pelts. Such tag, seal, or stamp shall be identified as to the issuing jurisdiction. No person shall alter, tamper with, or reapply any such tag, seal, or stamp, nor possess any altered, tampered, or reapplied tag, seal, or stamp (except if such tag, seal, or stamp is destroyed to such a degree that it cannot be reapplied), or any pelt bearing the same.

3. Bobcat shall not be hunted or pursued with the aid of a dog.

4. During the shotgun deer season, coyote may be hunted throughout Massachusetts only 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.

5. During the shotgun deer season, a person hunting coyote shall not use any electronic call or other noise-making device. Nothing in 321 CMR 3.02(3)(d)5. shall be construed to prohibit the use of deer antlers or replicas thereof or grunt tubes by persons lawfully hunting deer, or the use of hand or mouth operated waterfowl callers by persons lawfully hunting waterfowl.

(e) Limitations. Nothing in 321 CMR 3.02(3) shall be deemed to limit any other provision of M.G.L. c. 131 or any rule or regulation issued under authority thereof.

(f) Savings Clause. If any part, section, subsection, division, or subdivision of 321 CMR 3.02(3) or the application thereof is held invalid, unconstitutional, or inoperative as to any particular person, persons, or conditions, the remainder thereof or the application of any such part, section, subsection, division, or subdivision shall not be affected thereby.

(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 or enticement to deer.

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Baited Area means any area where baiting has taken place and such area shall remain a baited area for the period from ten days prior to the opening of the 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.

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 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.

3.02: continued

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.

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:

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. Beginning on the sixth 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 31st, 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

3.02: continued

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.

(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.
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.
4. 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 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. 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, 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.

(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

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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 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 possession or under his or her 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 possession or under his or her 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 possession or under his or her control in any field or woodland, a dog or firearm, except a primitive firearm.

3.02: continued

(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.

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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.

(5) Hunting and Trapping of Certain Mammals. In accordance with the authority found in M.G.L. c. 131, § 5, and subject to 321 CMR 3.02(5), the annual open seasons for the hunting and trapping of certain mammals are hereby adopted.

(a) Definitions. For the purposes of 321 CMR 3.02(5), the following words or phrases shall have the following meanings.

Beaver Dam means an obstruction comprised of an aggregate of sticks and mud, which may additionally include natural vegetation or stones, constructed by beaver and which impounds or has impounded the flowage of water along a stream or other water body or through or over a water control structure.

Beaver Lodge means a den comprised of an aggregate of sticks and mud which is constructed or built by beaver and which is either free-standing in water or connected to an embankment, but excluding holes or burrows which lack a visible or external aggregate of sticks and mud.

Bobcat means the bobcat or wildcat (*Felis [Lynx] rufus*) but not the lynx or Canada lynx (*Felis [Lynx] canadensis*).

Box or Cage Type Trap means a trap that confines the whole animal without grasping any part of the animal.

Conibear Type Trap means "Conibear"-model traps and similar body-gripping traps and devices, whether or not enclosed in or comprising part of a box, tube, or other enclosing device.

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

Division means the Massachusetts Division of Fisheries and Wildlife, 251 Causeway Street, Suite 400, Boston, MA 02114-2104.

Environmental Police Officer or EPO means the Director of the Office 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.

3.02: continued

Fox means the red fox (*Vulpes vulpes*) and the gray fox (*Urocyon cinereoargenteus*).

Fur-bearing Mammals means all mammals in the Class Mammalia, as defined in M.G.L. c. 131, § 1.

Gender means, unless the context requires otherwise, that words importing the masculine gender shall include the feminine and neuter.

Green Pelt means a pelt which has not been dried, cured, or tanned.

Hunt, for the purposes of 321 CMR 3.02(5)(b)1. through 3., "hunted" or "kill or take by hunting" means a process excluding the use of traps.

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.

Raw Pelt means a green pelt which has been dried, fleshed, or cured.

State means the several states, territories, and possessions of the United States of America, and any foreign nation and any political subdivision, possession, or occupied area thereof.

Weasel means the ermine or short-tailed weasel (*Mustela erminea*) and the long-tailed weasel (*Mustela frenata*).

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

(b) Management Measures. Notwithstanding any municipal bylaw or ordinance to the contrary, the following management measures are hereby adopted and effective.

1. No trap may be used, set, placed, maintained, or possessed for the purpose of capturing fur-bearing mammals pursuant to 321 CMR 3.02(5), except for box or cage type traps or common type rat traps.
2. Opossum and raccoon may be hunted throughout Massachusetts, with or without the use of dogs, except as provided in M.G.L. c. 131, § 70, from October 1st through the following January 31st, except that raccoon and opossum may be taken only by trapping during the shotgun deer season as specified in 321 CMR 3.02(4)(b)3.
3. During the period from sunset of one day to sunset of the following day, a person shall not kill or take by hunting more than three raccoons, nor shall two or more persons hunting in one party kill or take by hunting more than six raccoons.
4. A person shall not remove or attempt to remove a beaver, bobcat, coyote, fisher, fox, mink, muskrat, opossum, raccoon, or river otter from any hole in the ground, stone wall, from within any ledge, or from under any stone, or from any hole in any log or tree.
5. Coyote, fox, and weasel may be taken by trapping throughout Massachusetts from November 1st through the following November 30th.
6. Bobcat may be taken by trapping only in Zones 01 through 08 from November 1st through the following November 30th.
7. Fisher may be taken by trapping throughout Massachusetts from November 1st through the following November 22nd.
8. Mink and river otter may be taken by trapping throughout Massachusetts from November 1st through the following December 15th.
9. Muskrat may be taken by trapping throughout Massachusetts from November 1st through the following last day of February.
10. Beaver may be taken by trapping throughout Massachusetts from November 1st through the following April 15th.
11. Raccoon, opossum, and skunk may be taken by trapping throughout Massachusetts from November 1st through the following last day of February.

3.02: continued

12. In addition to the provisions of 321 CMR 3.02(5)(b)5. through 10., all beaver, bobcat, coyote, fisher, fox, wild mink, and river otter taken or salvaged shall be brought to a designated representative of the Division and sealed with an official seal by said representative, or the person who took or salvaged the beaver, bobcat, coyote, fisher, fox, wild mink, and river otter shall access the Online system to report the take or salvage. The person shall receive an Online system confirmation number, which shall be the official seal issued by the Division of Fisheries and Wildlife, and affix it to the beaver, bobcat, coyote, fisher, fox, wild mink, and river otter taken or salvaged. The official seal shall be non-transferable and shall be valid only for the animal or carcass to which it is applied.

The official seal shall remain attached to the pelt or animal until the pelt is dressed or tanned, or prepared for mounting by a taxidermist, or the animal is otherwise disposed of. Beaver, bobcat, coyote, fisher, fox, mink, and river otter shall be sealed no later than four working days after the closing day of the open season for that species. Working days are defined as the days Monday through Friday, except legal state holidays as defined in M.G.L. c. 4, § 7(18).

13. No raw beaver, bobcat, coyote, fisher, fox, gray wolf, lynx, marten, mink, or river otter pelt, regardless of state of origin, shall be sold, exchanged, bartered, or offered for sale, exchange, or barter within Massachusetts unless said pelt bears an official tag, seal, or stamp issued or applied by the state within which said beaver, bobcat, coyote, fisher, fox, gray wolf, lynx, marten, mink, or river otter was taken, or by another governmental jurisdiction empowered to tag, seal, or stamp such pelts. Such tag, seal, or stamp shall be identifiable as to the issuing jurisdiction. No person shall alter, tamper with, or reapply any such tag, seal, or stamp, nor possess any altered, tampered, or reapplied tag, seal, or stamp (except if such tag, seal, or stamp is destroyed to such a degree that it cannot be reapplied), or any pelt bearing the same.

14. Except as otherwise provided for in M.G.L. c. 131, and 321 CMR 3.02(3), those mammals named in the last paragraph of M.G.L. c. 131, § 5, may be hunted throughout Massachusetts from January 1st through the following December 31st, except during the shotgun deer season as provided for in 321 CMR 3.02(4)(b)3.a.

(c) Authorized Means of Trapping-- Live Restraining Traps and Sets.

1. a box or cage type trap when tended, used, or set to insure that the device captures only one mammal at a time. Bailey and Hancock beaver traps and other suitcase type traps of similar design may be used only for the taking of beaver, and in accordance with 321 CMR 3.02(5)(c)2. and 3.;

2. Bailey and Hancock beaver traps and other suitcase type cage traps of similar design shall not be used unless the person using, placing, setting, tending, or maintaining such trap has completed a training session in the proper use of such trap and has been issued a certificate of completion of such training. Such traps may be used only for the taking of beaver. The Director is hereby authorized to coordinate with the Director of Law Enforcement in establishing such training course and to provide for the issuance of certificates to such persons as shall have satisfactorily completed the training. Such certificate shall be carried on the person when using such traps, and the certificate shall be shown upon demand to any officer empowered to enforce the provisions of M.G.L. c. 131; and

3. Bailey and Hancock beaver traps and other suitcase type cage traps of similar design shall not be used except when set in water, or when set upon a beaver lodge or beaver dam, snag, stump, rock, or other above-water protrusion entirely or substantially surrounded by water. In addition, whenever and wherever set, the pan of such traps must be completely submerged in water.

(d) Authorized Means of Trapping-- Kill Traps and Sets.

1. Common type rat traps for the taking of weasel;

2. Conibear-type traps may be used only in accordance with 321 CMR 2.08 and 321 CMR 2.14(24).

(e) Prohibitions. Except as otherwise provided for in M.G.L. c. 131 and 321 CMR, it shall be unlawful for any person:

1. to have in his or her possession the green pelt of any fur-bearing mammal or any part of such pelt except during the open season for such mammal and for ten days thereafter;

2. to possess or have under his or her control a trap on land of another in any place where fur-bearing mammals might be found from April 16th of any year through 6:00 A.M. on the following November 1st;

3.02: continued

3. to possess or have under his or her control an unregistered trap on land of another in any place where fur-bearing mammals may be found;
 4. to possess or have under his or her control unless duly authorized as provided for in M.G.L. c. 131, § 80, and 321 CMR 3.02(5)(e)14. the registered trap of another;
 5. to trap on land of another posted as provided for in M.G.L. c. 131, § 36 without the written permission of the owner or tenant of such land;
 6. to trap in a public way, cart road, path or other way commonly used as a passageway for human beings or domestic animals;
 7. to tear open, disturb, or destroy a muskrat lodge, beaver lodge or beaver dam, except as provided in 321 CMR 2.08;
 8. to trap with a trap designed to take more than one mammal at a time.
 9. to trap on land with a Bailey or Hancock beaver trap or other suitcase type cage trap of similar design, except when set upon a beaver dam or beaver lodge, snag, stump, rock, or other above-water protrusion entirely or substantially surrounded by water, or, when the pan of such trap is not completely submerged;
 10. to trap with a Bailey or Hancock beaver trap or other suitcase type cage trap of similar design without having completed a training session and having been issued a certificate of completion as provided for in 321 CMR 3.02(5)(c)2., or to fail to carry such certificate on one's person when using such traps;
 11. to fail to visit and remove all animals trapped in, at least once in each calendar day between the hours of 4:00 A.M. and 10:00 P.M., all traps by him staked out, set, used, tended, placed, or maintained;
 12. to destroy, mutilate, spring, or remove the trap of another;
 13. to take any fur-bearing mammal from the trap of another unless he has on his person a specific written authorization to do so, signed by the owner of such trap. The owner of traps may give such authorization to any person licensed to trap under M.G.L. c. 131 for a period not to exceed one week from the day the traps were last tended, provided that notice of the giving of such authorization including the name and trapping license number of the person so authorized shall be given to the regional Environmental Police Officer and to the Director within 24 hours of the giving of such authorization; and
 14. to set, use, place, locate, tend, or maintain a trap not bearing on a metal tag the name, town of residence and trap registration number of the person or persons using the same in a manner as to be legible at all times. Said registration number shall be permanently embedded in or marked on the traps with letters and figures not less than $\frac{1}{8}$ inches high in such a manner as to be legible at all times.
- (f) Trapper Training Course. No person shall, after September 1, 1989, be issued a trap registration certificate or a certificate of partnership pursuant to M.G.L. c. 131, § 80, or trap on land of another unless such person has completed a trapper training course and been issued a certificate of completion of such training, or unless such person has been issued a resident or non-resident Massachusetts trapping license or trap registration certificate or certificate of partnership in a previous year and shall prove the same to the satisfaction of the Director. The Director is hereby authorized to coordinate with the Director of Law Enforcement in establishing such training course and the curriculum thereof and to provide for the issuance of certificates to such persons as shall have satisfactorily completed the training. Nothing in 321 CMR 3.02(5)(f) shall be construed to limit the issuance of free resident sporting licenses to persons aged 70 and over.
- (g) Presumption. Registered traps set, used, maintained or tended in violation of 321 CMR 3.02(5)(b) through (d) shall be *prima facie* evidence that such traps were set, used, maintained, or tended by the registered owner thereof, unless such owner has notified the Office of Law Enforcement in writing within 48 hours of the loss or theft of such registered traps, the number and type of traps, and the date, time, place, and circumstances of such loss or theft. Such notification shall be signed under the pains and penalties of perjury.
- (h) Forfeitures. Any trap or trapping device set, used, maintained, or tended in violation of law and any fur-bearing mammals or other nondomesticated animals caught therein shall be seized by any officer empowered to enforce M.G.L. c. 131 and shall, in accordance with M.G.L. c. 131 and c. 257, be forfeited to the Commonwealth and disposed of by the Director of Law Enforcement to the best interests of the Commonwealth.
- (i) Licensed Furdealer Reports. Licensed fur dealer report books provided for by M.G.L. c. 131, § 28 shall be initialed by an Environmental Police Officer prior to submission to the Division and it shall be the responsibility of the licensee to contact the EPO for that purpose.

3.02: continued

(j) Limitations. Nothing in 321 CMR 3.02(5) shall be deemed to limit any other provision of M.G.L. c. 131 or any rule or regulation issued under authority thereof.

(k) Savings Clause. If any part, section, subsection, division, or subdivision of 321 CMR 3.02(5) or the application thereof is held invalid, unconstitutional, or inoperative as to any particular person, persons, or conditions, the remainder thereof or the application of any such part, section, subsection, division, or subdivision to other persons and conditions shall not be affected thereby.

(6) Hunting of Pheasants, Quail, and Ruffed Grouse. In accordance with the authority vested in me by M.G.L. c. 131, § 5, I hereby declare annual open seasons for the hunting of pheasants, bobwhite quail, and ruffed grouse, subject to the following:

(a) Definitions. For the purposes of 321 CMR 3.02(6), the following words or phrases shall have the following meanings:

Shotgun Deer Season means that season when it is lawful to hunt deer with a shotgun as provided for in 321 CMR 3.02(4)(b)3.

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

(b) Open Seasons and Zones.

1. Cock pheasants may be hunted throughout Massachusetts from the first Saturday after Columbus Day to November 30;

2. Hen pheasants may be hunted from the first Saturday after Columbus Day to November 30th in Zones 01 through 12, except in the Town of Hull in Plymouth County, and except eastward of a line running from the New Hampshire border southerly on Route I-95 to the junction with Route I-495, southerly on Rt. I-495 to the junction with Route 95, northerly on Rt. 95 to the junction with Routes I-93/128, easterly on Rts. I-93/128 to the junction with Route 3, southerly on Rt. 3 to the junction with Route 228, and northerly on Rt. 228 to the Hull town line; provided, that on any wildlife management areas which are stocked with pheasant or quail as listed in 321 CMR 3.01(1)(n) and which are eastward of the boundary line delineated by 321 CMR 3.02(6)(b)2., the taking of both cock and hen pheasants is lawful;

3. Ruffed grouse may be hunted throughout Massachusetts from the first Saturday after Columbus Day to November 30th;

4. Bobwhite quail may be hunted in Zones 11 through 14 from the first Saturday after Columbus Day to November 30th.

(c) Season Closure. Notwithstanding the provisions of 321 CMR 3.02(6)(b), there shall be no open season for the hunting or possession of cock or hen pheasant, ruffed grouse, or bobwhite quail during the shotgun deer season

(d) Youth Hunter Training Program. Minors between the ages of 12 and 17, who qualify and are properly enrolled with the Director may participate in a training program in the hunting of upland game birds on the first six Saturdays preceding Columbus Day, as specified annually by the Director;

(e) Falconry. Licensed falconers holding a valid hunting or sporting license and hunting with or by means of a falcon or other raptor may take ruffed grouse, pheasants, and bobwhite quail from the first Saturday after Columbus Day to March 15th; provided, that said falconers shall abide by all other applicable provisions of M.G.L. c. 131 and 321 CMR while pursuing game.

(f) Hunting Hours. The hunting hours on each calendar day of the open season shall begin at ½ hour before sunrise and end ½ hour after sunset except as provided in 321 CMR 3.01(1)(n).

(g) Bag Limits. A person shall not kill or take more than the following bag limits:

1. two pheasants in one day, nor possess at any time more than four nor take more than six in one season;

2. three ruffed grouse in one day, nor possess at any time more than six nor take more than 15 in one season;

3. four bobwhite quail in one day, nor possess at any time more than eight nor take more than 20 in one season; provided

3.02: continued

4. that for properly enrolled minors participating in the upland game bird training program as specified in 321 CMR 3.02(6)(d), the daily bag limit shall be two cock pheasants or two bobwhite quail.

(7) Hunting of Gray Squirrels. In accordance with the provisions of M.G.L. c. 131, § 5, I hereby declare an annual open season on gray squirrels as follows:

(a) Definitions: For the purposes of 321 CMR 3.02(7), the following words or phrases shall have the following meanings:

Shotgun Deer Season means that season when it is lawful to hunt deer with a shotgun as provided for in 321 CMR 3.02(4)(b)3.

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

(b) Open Seasons and Zones.

1. Gray squirrel may be taken from the first Saturday after Columbus Day to January 2nd, in Zones 10 through 14, except during the shotgun deer season; and
2. from the second Monday in September through January 2nd, in Zones 01 through 09, except during the shotgun deer season.

(c) Falconry. Licensed falconers holding a valid hunting or sporting license and hunting with or by means of a falcon or other raptor may take gray squirrels from the first Saturday after Columbus Day to the following March 15th in Zones 10 through 14 and from the second Monday in September to the following March 15 in Zones 01 through 09, provided that said falconers shall abide by all other applicable provisions of M.G.L. c. 131 and 321 CMR while pursuing game.

(d) Hunting Hours. The hunting hours during each calendar day of the open season shall begin at ½ hour before sunrise and end at ½ hour after sunset, except as provided in 321 CMR 3.01(1)(n).

(e) Bag Limits. A person shall not kill or take more than the following bag limits: five gray squirrels in one day nor possess at any time more than ten.

(f) Prohibitions. A person shall not take or kill a gray squirrel at any time by means of a handgun or rifle of any caliber in Zones 10 through 14, nor shall any person trap or net, or construct or set a trap or net for the purpose of taking or killing a gray squirrel, except as provided in M.G.L. c. 131, §§ 4 and 37.

(8) Hunting of Crows. There shall be an annual open season for the hunting of crows in all counties of Massachusetts subject to the following:

(a) Open Season. The open season shall be as follows: every Monday, Friday, and Saturday of each week except during the period of April 11th through June 30th, and except during the season when deer may be legally taken by means of a shotgun.

(b) Hunting Hours. The hunting hours during each calendar day of the open season shall be from ½ hour before sunrise to ½ hour after sunset except as provided in 321 CMR 3.01(1)(n).

(c) Permissible Hunting Methods. Crows may be hunted by means of firearms, bow and arrow and falconry, but not with the aid of or from an aircraft.

(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).

3.02: continued

- (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 begin on the second to last Monday in October and end on the second Saturday thereafter.
 3. The open season for the mentored 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. 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 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.
- (h) Permissible Hunting Methods. A person may hunt wild turkey only by means of 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).
- (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.

3.02: continued

(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 youth turkey hunt specified in the permit as well as for the duration of the regular spring hunting season as provided in 321 CMR 3.02(9)(b)1. 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 hunting season.
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).

(10) Hunting of Hares and Rabbits. In accordance with M.G.L. c. 131 § 5, the Director shall declare annual open seasons for the hunting of cottontail rabbits, snowshoe hares, and black-tailed jackrabbits, subject to the following:

(a) Definitions. For the purposes of 321 CMR 3.02(10), the following words or phrases shall have the following meanings:

Shotgun Deer Season means that season when it is lawful to hunt deer with a shotgun as provided for in 321 CMR 3.02(4)(b)3.

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

NON-TEXT PAGE

3.02: continued

- (b) Open Seasons and Zones.
 - 1. Cottontail rabbits may be hunted in Zones 01 through 12 from the first Saturday after Columbus Day to the following last day of February, and
 - 2. in Zones 13 and 14 from November 15 to the following last day of February.
 - 3. Blacktailed jackrabbits may be hunted only in Zone 14 from November 15 to the following December 31.
 - 4. Snowshoe (varying) hares may be hunted in Zones 01 through 04N and 04S from the first Saturday after Columbus Day to the following last day of February, and
 - 5. in Zones 05 through 12 from the first Saturday after Columbus Day to the following February 5 and,
 - 6. in Zones 13 and 14 from November 15 to the following February 5.
- (c) Season Closure. Notwithstanding the provisions of 321 CMR 3.02(10)(b), there shall be no open season for the hunting or possession of cottontail rabbit, snowshoe hare, or black-tailed jackrabbit during the shotgun deer season.
- (d) Falconry. Licensed falconers holding a valid hunting or sporting license and hunting with or by means of a falcon or other raptor may hunt:
 - 1. Cottontail rabbits in Zones 01 through 12 from the first Saturday after Columbus Day to the following March 15, and
 - 2. in Zones 13 and 14 from November 15 to the following March 15, and may hunt
 - 3. Snowshoe (varying) hare in Zones 01 through 12 from the first Saturday after Columbus Day to the following March 15, and
 - 4. in Zones 13 and 14 from November 15 to the following March 15; provided, that said falconers shall abide by all other applicable provisions of M.G.L. c. 131 and 321 CMR while pursuing cottontail rabbits and snowshoe hare.
- (e) Hunting Hours. The hunting hours on each calendar day of the open season shall begin at ½ hour before sunrise, except as provided in 321 CMR 3.01(1)(n).
- (f) Bag Limits. A person shall not kill or take more than the following bag limits:
 - 1. five cottontail rabbits in one day, nor possess at any time more than ten;
 - 2. one black-tailed jackrabbit in one day, nor possess at any time more than two;
 - 3. two snowshoe hares in one day, nor possess at any time more than four.

3.03 Hunting in Certain Areas

(1) Special Regulations for Hunting on the Delaney Wildlife Management Area in the Towns of Stow, Harvard and Bolton, Massachusetts. By the authority vested in me, pursuant to 321 CMR 3.01(1)(r) as established in accordance with the provision of M.G.L. c. 131, § 6, I herewith establish the following special regulations governing hunting on the Delaney Wildlife Management Area in the Towns of Stow, Harvard and Bolton during the prescribed hunting season for waterfowl as established in 321 CMR 3.02(2).

- (a) A permit system of hunting is hereby initiated that shall require a person, duly licensed to hunt in Massachusetts, to obtain a written permit from the Massachusetts Division of Fisheries and Wildlife to hunt on certain designated days and time periods of the Delaney Wildlife Management Area during the established hunting seasons for waterfowl. Such designated days shall be: The first four days of the open waterfowl season. In the event that the first Saturday immediately following the opening day of the waterfowl season is not one of the first four days of the open waterfowl season it shall also be a designated day. In the event of two opening days for the waterfowl season in one calendar year (split waterfowl season) designated days will apply only to the first part of the split season.
- (b) All applications for a permit shall be in writing and shall include a stamped, self-addressed envelope.
- (c) Applications shall be received not later than October 4 and shall be addressed to:

Division of Fisheries and Wildlife
Northeast Wildlife District Headquarters
68 Harris Street
Acton, Massachusetts 01720
- (d) Applicants shall not submit more than one application for each designated day.

3.03: continued

- (e) Permits issued shall be valid only for the designated day and period as specified on the permit. For this purpose, "time period" shall mean either that period from ½ hour before sunrise to 12:00 P.M. or from 12:00 P.M. to sunset and shall apply from only to those designated days when a permit is required. A person authorized by permit to hunt on a designated day shall be limited to only one of these time periods for that particular designated day. A person hunting from a specified blind site during the time period from ½ hour before sunrise to 12:00 P.M. shall be prepared to vacate said blind site by 12:00 P.M. in order to allow the next scheduled permittee access to the blind.
- (f) All shooting shall be from the specific blind sites only. This shall apply to designated and non-designated days alike. Shooting other than from a blind site is prohibited, except a hunter in pursuit of crippled waterfowl.
- (g) On designated days, a person, except a hunter in pursuit of crippled waterfowl, shall not hunt other than from the blind site specified on the permit.
- (h) A person hunting on designated days shall report to parking lot #1 located off Old Harvard Road for parking instructions.
- (i) A person hunting at the Delaney Wildlife Management Area shall abide by and adhere to 321 CMR 3.03(1) as they apply and any other pertinent law or regulation including 321 CMR 3.01(1), excepting that such persons shall not be required to wear on his head a "hunter orange" cap or hat and, further, that the legal shooting hours shall be in compliance with 321 CMR 3.02(2) established for the hunting of migratory game birds.

3.03: continued

- (j) Permits are not required of persons hunting other than on those designated days as specified. On non-designated days, blinds shall be occupied on a first come, first-served basis. No more than three people shall hunt from or be within a specified blind site at any one time.
- (k) Each permit issued on a designated day and time period shall entitle the permittee, and not more than two other persons, duly licensed or otherwise authorized to hunt in Massachusetts, to hunt from a blind site as specified on the permit.
- (l) On designated days, unoccupied blind sites may be filled at the discretion of the attendant Division of Fisheries and Wildlife personnel.
- (m) These special regulations shall become part of 321 CMR 3.01(1)(r).

(2) Special Regulations for Hunting on the Martin H. Burns Wildlife Management Area in the Town of Newbury, Massachusetts. By the authority vested in me, pursuant to 321 CMR 3.01(1)(r), as established in accordance with the provisions of M.G.L. c. 131, § 6, I hereby establish the following special regulations in accordance with 321 CMR 3.01(1)(r) governing hunting on the Martin H. Burns Wildlife Management Area in the Town of Newbury, Massachusetts during the prescribed hunting season for upland game birds.

- (a) A controlled hunting system is hereby initiated that shall require a person, duly licensed or otherwise authorized to hunt in Massachusetts, to register prior to hunting at a registration booth on certain days and time periods on the Martin H. Burns Wildlife Management Area during the established hunting seasons for upland game birds. Such designated days shall be: Opening day of the established pheasant hunting season, the four consecutive Saturdays immediately following the opening day of the established pheasant hunting season, and Veteran's Day.
- (b) On designated days, not more than a predetermined number of hunters to be set by the Division of Fisheries and Wildlife, but which shall not exceed 200, will be permitted to hunt on this area between the hours of sunrise and sunset.
- (c) On designated days, only those hunters first to register, but not to exceed the predetermined number to be allowed to hunt on the area for that designated day, will be permitted to hunt; except that, as registered hunters complete hunting and check out, other hunters will be permitted to enter to maintain the predetermined number established for that designated day.
- (d) On designated days, the hunter, upon registration, may receive an arm band which he shall display on his outer clothing on either of his upper arms while hunting during the prescribed time period established under 321 CMR 3.03(2)(b). Upon leaving the area he shall check out at a prescribed checkout point and return said arm band to a representative of the Division of Fisheries and Wildlife.
- (e) On designated days, the operator of each vehicle, upon registration, may receive a parking permit, which shall be displayed inside the windshield while the person or persons in said vehicle are on the areas during the prescribed time period established under 321 CMR 3.03(2)(b). Upon leaving the area, the operator of each vehicle shall return said permit to a representative of the Division of Fisheries and Wildlife.
- (f) On designated days, the registration booth will be located at the Martin H. Burns Wildlife Management Area headquarters off Orchard Street in the Town of Newbury.
- (g) On designated days, the checkout point will be located at the Highfield Street gate in the Town of Newbury.
- (h) A person shall not leave designated parking areas until sunrise for the purpose of hunting.
- (i) On days preceding designated days, no person shall be on the area after one hour before sunset, except as authorized under 321 CMR 3.01(1)(o).
- (j) On designated days, no person shall enter the area between the hours of 3:00 A. M. and 1½ hours before sunrise.
- (k) Persons entering the area between the hours of 1½ hours before sunrise and sunset must enter the area through the registration booth entrance located off Orchard Street in the Town of Newbury. All other points of entry shall be illegal.
- (l) A person hunting at the Martin H. Burns Wildlife Management Area shall abide by and adhere to 321 CMR 3.03(2) and any other pertinent law or regulations including 321 CMR 3.01(1).

3.03: continued

(3) Special Regulations for Hunting on the Ludlow Wildlife Management Area (also known as the Stony Brook Wetlands Area) in the Town of Ludlow, Massachusetts.

(a) A permit system of hunting is hereby initiated that shall require a person, duly licensed to hunt in Massachusetts, to obtain a written permit from the Massachusetts Division of Fisheries and Wildlife to hunt on certain designated days and time periods on the Ludlow Wildlife Management Area during the established hunting season for waterfowl. Such designated days shall be: Opening day of the waterfowl season, and Tuesdays, Thursdays, and Saturdays up to the second Saturday immediately following the opening day of the waterfowl season, all days inclusive. During this period (opening day through the second Saturday) there shall be no hunting on Sundays, Mondays, Wednesdays and Fridays, excepting when opening day of the waterfowl season occurs on a Monday, Wednesday or Friday that day shall also be a designated hunting day.

(b) In the event of two opening days for the waterfowl season in one calendar year (split waterfowl season), designated days will apply only to the first part of the split season.

(c) All applications for a permit shall be in writing and shall include a stamped, self-addressed envelope.

(d) Applications shall be received not later than October 4 in the calendar year and shall be addressed to:

Division of Fisheries and Wildlife
Connecticut Valley Wildlife District Headquarters
341 East Street
Belchertown, Massachusetts 01007

(e) Applicants shall not submit more than one application for each designated day and time period.

(f) Permits issued shall be valid only for the designated day and time period as specified on the permit. For this purpose, "time period" shall mean either that period from ½ hour before sunrise to 12:00 P.M. or 12:00 P.M. to sunset and shall apply only to those designated days when a permit is required. A person authorized by permit to hunt on a designated day shall be limited to only one of these time periods for that particular designated day. A person hunting from a specified blind site during the time period ½ hour before sunrise to 12:00 P.M. shall be prepared to vacate said blind site by 12:00 P.M. in order to allow the next scheduled permittee access to the blind.

(g) All waterfowl hunting shall be from the specific blind sites only. This shall apply to designated and non-designated days alike. Waterfowl hunting other than from a blind site is prohibited, except a hunter in pursuit of crippled waterfowl.

(h) On designated days, a person, except a hunter in pursuit of crippled waterfowl, shall not hunt other than from the blind site specified on the permit.

(i) Permits are not required of persons hunting other than on those designated days as specified. On non-designated days, blinds shall be occupied on a first-come basis. No more than three people shall hunt from or be within a specific blind site at any one time.

(j) Each permit issued on a designated day and time period shall entitle the permittee, and not more than two other persons, duly licensed or otherwise authorized to hunt in Massachusetts, to hunt from a blind site as specified in the permit. Permits are not transferable.

(k) Vehicles shall be parked only at the designated parking area located off Tilley Street, Ludlow, Massachusetts.

(l) Except as provided herein, a person hunting at the Ludlow Wildlife Management Area shall abide by and adhere to 321 CMR 3.03(3) as they apply and to any other pertinent law or regulation including 321 CMR 3.01(1), excepting that such person shall not be required to wear on his head a "hunter orange" cap or hat and, further, that the legal shooting hours shall be in compliance with the regulations established for the hunting of migratory game birds as set forth in 321 CMR 3.02(2).

(m) Notwithstanding the provisions of 321 CMR 3.01(1) and 3.02(9), hunting on the Ludlow Wildlife Management Area shall be restricted to the period between September 1 and the following last day of February.

(n) Notwithstanding any other provision of 321 CMR 3.00, hunting implements on the Ludlow Wildlife Management Area shall be restricted to bow-and-arrow, shotgun, and primitive firearms fired from the shoulder.

3.03: continued

(o) The provisions of 321 CMR 3.03(3) shall be in full force and effect only during such time as there is a current and active Memorandum of Understanding between the Town of Ludlow and the Division. In the absence of such Memorandum, the provisions of 321 CMR 3.03(3) shall be null and void.

(4) Entrance to Bat Caves in Chester.

(a) No person, except under written permission of the Director or his authorized agent, shall enter into or within any mine, shaft, pit, cave, adit, drift or tunnel within the bounds of the John J. Kelly Memorial Forest and Wildlife Management Area.

(b) This special regulation shall become part of 321 CMR 3.01(1)(r).

(5) Westboro Wildlife Management Area (Field Trial Grounds) in the Towns of Westboro and Northboro. No person, except as associated with licensed field trials duly authorized on the area described below, shall ride, drive, lead, or possess, or cause to be ridden, driven, led or possessed, any horse, mule, jackass, or other equine animal within the bounds or on any portion of the Westboro Wildlife Management Area or Field Trial Grounds, including that portion designated as the Beagle Training Area, in the Towns of Westboro and Northboro.

(6) Special Regulations for Hunting on the Flint Pond Wildlife Management Area in the Town of Tyngsborough. Notwithstanding the provisions of M.G.L. c. 131 and 321 CMR 3.01(1), hunting or the discharge of firearms on the Flint Pond Wildlife Management Area is prohibited.

3.04: Falcons, Other Raptors, and Falconry

In accordance with the authority vested in me by the provisions of the M.G.L. c. 131, §§ 4 and 5, I hereby establish the following rules and regulations relating to falcons and other raptors and to falconry.

Definitions: For the purposes of 321 CMR 3.04, the following words or phrases shall have the following meanings:

Captive Propagation, Bred in Captivity, or Captive Bred shall refer to raptors, including eggs, hatched in captivity from parents which mated or otherwise exchanged gametes in captivity, including fertilization and parturition resulting from artificial insemination of the raptors and shall refer to raptors which are imprinted to humans.

Falconry means the possession, care, and training of certain species of raptors in accordance with 321 CMR 3.04 for hunting or for the pursuit of wild game, and includes the live capture of such raptor species from the wild. Falconry also means the use of authorized raptors for the secondary purpose of conducting conservation and education programs for the general public.

Wild Caught means any bird live captured from the wild at any stage of its life by any person in accordance with 321 CMR 3.04.

(1) Application Requirement. The Director of the Division of Fisheries and Wildlife may issue falconry permits for the capture, acquisition and/or possession of certain hawks and owls for falconry purposes, raptor propagation, or for salvage and/or rehabilitation purposes. Utilizing falconry birds for purposes other than falconry and conservation education programs by falconers is not permissible unless authorized by the Director. While the primary purpose of falconry permits is to authorize the use the raptors for hunting or pursuing wild game, falconers of General or Master status only may also use their birds for the secondary purpose of conducting conservation and education programs for the general public. Such programs may include providing information and demonstrations on the biology and ecology of raptors and other migratory birds. Raptors used in such programs shall at no time come into physical contact with members of the audience or the general public. The falconer shall not charge a fee that exceeds the falconer's costs of administering the program. All applicants must be a resident of the Commonwealth of Massachusetts. Applications for the appropriate permit shall be made on a form prepared and furnished by the Division. The expiration date for each class of permit shall

3.04: continued

be December 31st of each calendar year. No person shall engage in falconry without a valid falconry permit and a valid sporting or hunting license. Permits shall be issued based on the experience of the applicant under one of five classes. Any permit holder who fails to renew a permit issued under 321 CMR 3.04 for five consecutive years or more shall be required to, along with all other requirements stated in 321 CMR 3.04, retake and pass all exams associated with their previously held, highest level permit. Falconers moving to Massachusetts from another state who wish to obtain a Massachusetts falconry permit shall only apply for an equivalent class of permit as possessed in their former state of residence upon providing proof of said permit. The applicant shall meet all requirements stated in 321 CMR 3.04 including, but not limited to, taking and passing the Massachusetts falconry examination(s).

(a) Apprentice Falconer Permit. Requirements: The minimum age of a licensed falconer in Massachusetts shall be 15 years of age. Applicants under 18 years of age must have written approval of a with an experienced falconer (the holder of a General or Master Falconer permit), who will consent in writing to act as a source of advice and information for the applicant. A sponsor may not have more than three apprentices at any one time. The Apprentice Falconer permit shall be granted to the applicant upon fulfillment of the falconry regulations (321 CMR 3.04(2) through (4)) including the successful completion of a falconry examination. The initial fee shall be \$25; the renewal fee shall be \$25 annually. No re-examination is required for permit renewal but annual renewal shall be contingent upon the submission of an annual activity report which shall be on a form provided by the Division.

(b) General Falconer Permit. Requirements: The minimum age of the applicant is 18 years of age. Applicants shall have at least two years' experience in the practice of falconry at the apprentice level or its equivalent. Experience shall be defined as the active pursuit of wild quarry with the applicant's raptor or raptors for at least two seasons. This experience shall be verified in writing by the applicant's sponsor, or by the Falconry Examining Panel as defined in 321 CMR 3.04(2)(b), or by both. Successful completion of an oral-practical and a written examination as described in 321 CMR 3.04(2) are required for eligibility to obtain the General Falconer permit. The initial fee for this permit shall be \$25; the renewal fee shall be \$25 and shall be contingent on the submission of an annual activity report on a form provided by the Division.

(c) Master Falconry Permit. Requirements: An applicant shall have at least five years' experience in the practice of falconry at the General class level or its equivalent. Successful completion of an oral-practical and a written examination as described in 321 CMR 3.04(2) are required for eligibility to obtain the Master Falconer permit. The initial fee for this permit shall be \$25; and the renewal fee shall be \$25; and shall be contingent on the submission of an annual activity report on a form provided by the Division.

(d) Raptor Propagation Permit. Requirements: An applicant must have had at least three years' experience as a General Falconer in Massachusetts or show documented evidence of its equivalent in another state with similar falconry regulations, or applicants shall show experience in husbandry of raptors in connection with previous research work or under previous Massachusetts possessor's permits granting the possession of raptors. Proof of qualifications shall be in writing and shall be substantiated by references from at least two individuals capable of judging the applicant's qualifications. The initial fee for this permit shall be \$10.00; annual renewal fee shall be \$10.00. Renewal is contingent upon submission of an annual summary report on a form provided by the Division. Accurate breeding records shall be maintained and reported annually as outlined by the Director for all raptor breeding research projects or as otherwise required by the Director of the U.S. Fish and Wildlife Service. Failure to maintain and submit appropriate records and/or reports as required by the Director shall be cause for revocation of this permit. Applicants must also possess a Federal Special Purpose permit.

(e) Raptor Salvage Permit. Requirements: An applicant must have had at least three years' experience as a General Falconer in Massachusetts or show documented evidence of its equivalent in another state with similar falconry regulations; or applicants shall show documented evidence of proficiency in the rehabilitation of raptors in connection with previous research work or under previous Massachusetts possessor's permits granting the possession of raptors. Proof of qualifications shall be in writing and shall be substantiated by references from at least two individuals capable of judging the applicant's qualifications. The initial fee for this permit shall be \$1.00; annual renewal fee shall be \$1.00. Renewal is

3.04: continued

contingent upon submission of an annual summary report on a form provided by the Division describing treatment, care and disposition of all birds maintained during the calendar year. Failure to maintain and submit appropriate records and/or reports as required by the Director shall be cause for revocation of this permit. The sport of falconry under the Raptor Salvage permit shall be limited to the proper conditioning and training of rehabilitated raptors prior to their release to the wild, transfer to a falconry permit, or other use of authorized by the Director. Applicant must also possess a Federal Salvage permit.

(2) Examination Requirements.

(a) Applicants for a falconry permit whether Apprentice Falconer, General Falconer, or Master Falconer must successfully complete a written examination relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter. If failed, applicants may not retake the examination in less than two months. A grade of 80% or higher shall constitute successful completion of the examination.

(b) In addition, applicants for the General Falconer and Master Falconer permits must successfully complete an oral-practical falconry examination as established by the Director. A two or three-man Falconry Examining Panel, appointed by the Director and consisting of one or two Master Falconer permit holders and a representative of the Division of Fisheries and Wildlife or their respective alternates, also appointed by the Director, shall conduct the oral examination covering all aspects of raptor biology, falconry and conservation of raptors, and shall observe and judge the falconry skills of the applicant in the field. The Falconry Examining Panel, in conjunction with the Division, shall develop the standards of field performance required for eligibility for the General and Master Falconer permits.

(3) Pens and Shelters. The primary consideration for raptor housing facilities, whether indoors (mews) or outdoors (weathering areas), is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities:

(a) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(b) Outdoor facilities (weathering areas) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(c) Significant changes of existing facilities must be reported to the Director as completed. Minimum facilities under the Raptor Propagation and/or Salvage permits shall be as established by the Director after due consideration of the individual breeding and/or rehabilitation program to be conducted by the applicant.

(4) Inspection. A designated agent of the Division of Law Enforcement shall make a visual inspection of the applicant's facilities and equipment before approval of a permit application may be granted. Subsequent inspections may be made at reasonable hours of the day by a designated agent of the Division of Law Enforcement as deemed necessary. Inspection of facilities shall be required upon application for a Raptor Propagation and/or Salvage permit even though the applicant's facilities were inspected under Falconry permit application to ensure adequate facilities for breeding and/or salvage purposes.(5) Capture Limitations. Raptors may be captured by:

(a) Licensed falconers during the period August 21st through January 11th, by use of traps, bird nets, do-ghazza nets, verbaile traps, bow nets or snares which are humane in their operation and use. The falconer's name shall be clearly marked on all capture devices. The use of steel-jawed traps, gins, pole traps or jump traps shall be illegal. Only raptors in juvenile plumage or less than a year of age may be removed from the wild, with the exception of American kestrels and great horned owls.

3.04: continued

(b) Nestling birds may be taken during the last full week of March and from May 10th through June 14th and from July 1st through July 14th and is restricted to permittees other than apprentices. No more than one nestling may be taken from a nest, and the nest must contain two or more birds. The taking of nestlings is prohibited to apprentice falconers. No more than one nestling may be taken a year. The permittee shall notify the Director of the Division of Fisheries and Wildlife and the Division of Law Enforcement at least 24 hours prior to the taking to provide the opportunity for accompaniment by a designated agent of the Division of Law Enforcement or the Division of Fisheries and Wildlife during the taking.

(c) The Director may close any area of the state to the taking of raptors. Upon acquisition of a raptor from any source, a falconer shall notify the Division within five days of such acquisition.

(d) Escaped hawks, formerly legally retained and wearing falconry equipment, may be retaken by trapping or any other legal means at any time by the licensed falconer who last possessed the escaped bird.

(e) The taking of eggs is prohibited.

(6) Species and Possession Limitations.

(a) The holder of an Apprentice Falconer permit shall be limited to one American kestrel or red-tailed hawk which must be taken from the wild.

1. General Falconer permittees may not possess more than three raptors.

2. Master Falconer permittees may not possess more than five raptors.

(b) General and Master Falconer permit holders shall not take, transport or possess any golden eagle, bald eagle, osprey, northern harrier, or any species or subspecies listed pursuant to either the Massachusetts Endangered Species Act ("MESA") or Federal Endangered Species Act ("ESA") unless such activities are authorized by and conducted in accordance with a permit issued pursuant to MESA and ESA respectively. Gyrfalcon may not be taken from the wild in Massachusetts, but may be possessed as long as they come from a captive source or lawfully taken in another state.

(c) Holders of the Raptor Salvage permit may take, transport, or possess all native and/or exotic raptors except that those species or subspecies listed by the U.S. Department of the Interior or the Director as threatened or endangered must be reported to the Division within 36 hours of acquisition. Disposition of the threatened or endangered species will be determined by the Director. Possession limits under this permit shall not exceed the capacity of the facilities as established by the Director for the permittee's individual rehabilitation program. For the purpose of 321 CMR 3.04(6)(c) the verb "to take" refers only to the taking of sick, injured or dead raptors.

(d) Holders of the Raptor Propagation permit may take, transport, propagate, and possess all native and/or exotic raptors except those species or subspecies judged threatened or endangered and in need of total protection by the U.S. Department of the Interior or the Director, except where permission to possess and maintain said species is specifically authorized in writing by the Department of the Interior or the Division. The possession limit under this permit shall not exceed the capacity of the facilities as established by the Director for the permittee's individual breeding and rehabilitation program.

(e) An Apprentice, General, Master, or Raptor Propagator permittee may not trap more than one raptor in any one year under 321 CMR 3.04(5)(a) and a General, Master, or Raptor Propagator permittee may not take more than one nestling per permit in any one year under 321 CMR 3.04(5)(b). The only exception to the above is when the Director determines that a raptor, other than a rare, threatened or endangered species, is causing damage to domestic or wild animals. All raptors except threatened or endangered species, taken under depredation or special use permits may be used for falconry by General and Master Falconers; however, the possession limits for each permit class shall apply to all raptors regardless of species or source.

(7) Equipment. The following items shall be in the possession of the applicant before he can obtain a permit.

(a) Jesses - at least one pair of Alymeri jesses or similar type, constructed of pliable, high quality leather, or suitable synthetic materials to be used when any raptor is flown free (traditional one-piece jesses may be used on raptors when not to be flown).

3.04: continued

- (b) Leashes and swivels - at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.
 - (c) Bath container - at least one suitable container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.
 - (d) Outdoor perch - at least one weather area perch of an acceptable design shall be provided for each raptor.
 - (e) Indoor perch - at least one mews perch of an acceptable design shall be provided for each raptor.
 - (f) Weighing device - a reliable scale or balance suitable for weighing the raptor held and graduated to increments of not more than ½ ounce (15 grams) shall be provided.
 - (g) Leather gloves and bells - at least one suitable leather glove and bells shall be provided.
 - (h) Name tags for use when the bird is flown.
 - (i) Optional equipment includes a lure and a hood. In addition, the applicant shall show evidence of a reliable food source for his raptors.
- (8) Lost Raptors. Any person possessing a raptor license who loses said raptor through death, escape, destruction or otherwise, shall immediately notify the Division in writing.
- (9) Transportation.
- (a) Raptors brought into Massachusetts may be imported only under the authority of a written permit from the Director to a licensed falconer. Importation permits will not be issued for the possession of species which are specifically prohibited by 321 CMR 3.04, and the Federal Migratory Bird Treaty Act at 16 USCA ch. 7. Nonresidents may bring their raptors into Massachusetts provided they have a valid permit or other adequate proof that such raptors are legally in their possession.
 - (b) No person, except non-residents possessing a current, valid falconry permit of General or Master level from the state in which they reside who also possess a non-resident Massachusetts hunting license, shall be permitted by the Director to take one raptor from the Commonwealth of Massachusetts in accordance with 321 CMR 3.04(5)(a) and (6)(b). A falconer transporting birds from this state temporarily shall have on his person his Massachusetts falconry permit which covers the bird when he returns the bird to this state.
 - (c) A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance. Another person may care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are transferred: Provided, that if the period of care will exceed 30 days, the Division shall be informed in writing by the permittee of this action within three days of the transfer and informed where the birds are being held, the reason for the transfer, who is caring for them and approximately how many days they will be in the care of the second person.
- (10) Hunting Limitations. A falconer must purchase a hunting or sporting license. Migratory waterfowl stamps are required when hunting waterfowl with a raptor. Falconers shall abide by the state and Federal fish and game laws and all seasons, bag limits, hunting hours and other regulations of the Division and the Federal government when pursuing game using a trained raptor with the exception that pheasant, bobwhite quail, ruffed grouse, cottontail rabbit, snowshoe hare, and gray squirrel may be taken through March 15th. Unprotected birds and mammals may be taken by falconry except in areas closed for the taking of such animals. Falconers shall not practice falconry on private property which is posted so as to prohibit hunting or trespass.
- (11) Revocation of Permit. The Director is authorized to revoke a falconer's permit if the permittee
- (a) does not provide proper care of his raptors,
 - (b) allows the raptors to become a public nuisance,
 - (c) violates established state and Federal laws or regulations while acquiring or hunting his raptors, or
 - (d) does not comply with the terms of his permit.
- Confiscated raptors will be released to the wild, transferred to another permittee, or used in a manner authorized by the Director.

3.04: continued

(12) Federal Falconry Regulations. The holder of a Massachusetts falconry permit or Propagation or Salvage permit shall abide by all existing Federal falconry regulations.

(13) Annual Activity Report. By January 31st of each year, a permittee shall submit a falconry report to the authority which issued the permit. A report shall contain the following:

- (a) A list of all raptors in his possession on December 31st of the year in which the report is filed by species, marker number, sex (if known), age (if known), and date and where or from whom acquired or given to, whether escaped, or released, and when the event occurred.
- (b) A list of all raptors possessed or acquired since the previous annual report, but no longer possessed, by species, marker number, sex (if known), age (if known), date and where or from whom acquired or given to, whether escaped, died, or released, and when the event occurred.
- (c) Activity reports relative to the sale or disposition of captive-bred raptors, as defined in 321 CMR 3.04(17)(a), shall be as provided in 321 CMR 3.04(17)(i).

(14) Marking.

- (a) An inventory and description of all raptors held within the Commonwealth, except those held for scientific or zoological purposes, shall be made and reported to the Division of Fisheries and Wildlife within 90 days of the date when the Commonwealth is listed as meeting the Federal falconry standards. This inventory applies to all raptors whether or not the owner intends to submit an application for a falconry permit.
- (b) All captive raptors, regardless of origin or species, shall be identified by a numbered, nonreusable marking device approved or supplied by the U.S. Fish and Wildlife Service. A person acquiring an unmarked raptor shall obtain a marker from the Division and shall immediately attach it to the raptor, provided that, in the case of an Apprentice falconer, markers shall be obtained by and attached to the raptor by the Apprentice's sponsor. The sponsor shall assume full responsibility for the marking of his or her Apprentice's raptors. All alterations, counterfeiting, or defacing of a marker is prohibited except that permittees or sponsors may remove the rear tab (if any) on markers and may smooth any imperfect surface provided that the integrity of the marker numbering is not affected thereby.

(15) Grandfather Clauses.

- (a) A person who possesses a lawfully acquired raptor before the enactment of 321 CMR 3.04 and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Division and cannot be replaced if death, loss, release, or escape occurs.
- (b) A person who possesses raptors before the enactment of 321 CMR 3.04, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the Division and no replacement can occur, nor may an additional raptor be obtained until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.
- (c) A person holding an Apprentice or Master Falconry permit before December 31, 1975 shall be classified in the same category. A person holding a temporary falconry permit shall be classified as a General falconer with years of experience equivalent to the time he held the temporary permit and a possessor's permit which specified raptors. Temporary permit holders with seven years of experience before December 31, 1975 will be classified as Master falconers upon completion of the oral-practical and written examinations specified in the falconry regulations promulgated May 31, 1974.

(16) Other Restrictions.

- (a) A falconry permit holder shall obtain written authorization from the Division before any species not indigenous to this state is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the Division. A standard Federal band shall be attached to such birds by the Division or by a Service-authorized Federal bird bander whenever possible.
- (b) Feathers that are molted or those feathers from birds held in captivity that die may be retained and exchanged by permittees only for imping purposes.

3.04: continued

(c) A permittee may trade or transfer a raptor to another permittee if the transaction occurs entirely within the state and no money or other consideration is involved. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if the prior written approval of the Director is obtained and no money or other consideration is involved in the transaction. Transactions involving money or other considerations shall be conducted in accordance with 321 CMR 3.04(17).

(d) Unless otherwise prohibited by the foregoing provisions of 321 CMR 3.04 or unless prohibited by provisions of the Code of Federal Regulations (50 CFR 13, 17, 21), persons holding a current Raptor Propagation permit may sell, exchange, or barter, or offer for sale, exchange, or barter, or may purchase all native or exotic captive-bred raptors in accordance with the provisions of 321 CMR 3.04(17).

(e) In accordance with the provisions of M.G.L. c. 131, § 57, nothing in 321 CMR 3.04 shall be construed to prohibit on Sunday the training of raptors on protected birds nor the exercising of such raptors as regulated by the director.

(f) The director may authorize a permittee to exceed the taking limitation in 321 CMR 3.04(6)(e) for raptor propagation purposes provided the permittee holds both a Federal special purpose permit (50 CFR 21.27) and a Massachusetts special purpose permit (M.G.L. c. 131, § 4(2)) authorizing the taking of additional birds.

(g) Nothing in 321 CMR 3.04 shall be construed to prohibit the conduct of a field trial with such raptors; provided however that a permit to do so is first obtained from the director. Such field trials shall be conducted in accordance with such rules as the director may prescribe. The director is hereby authorized to establish such rules.

1. Upon application to the director by an incorporated or unincorporated organization having membership consisting of at least ten citizens who have been residents of the Commonwealth for at least six months immediately prior to making application, and upon payment of a fee of \$15.00 by the applicant, the director may issue a license to such club or organization to hold a field trial under the rules and regulations of the Division of Fisheries and Wildlife for the sport of falconry at the time and place stated in the license. The license shall authorize members of the licensee to take by means of falconry such legal game as provided by 321 CMR 3.04(10). The license shall be valid only during daylight hours and the written consent of the owner of, or the person having legal control of, the land on which such field trial is held shall first be obtained. Out-of-state persons participating in any such field trial pursuant to the provisions of 321 CMR 3.04(16)(g)1. shall not be required to secure hunting or sporting licenses provided they hold a valid hunting license from their state of origin.

2. 321 CMR 3.04 shall become effective January 1, 1979 and shall remain in effect until amended or revoked.

(17) Sale, Exchange, and Barter of Captive-bred Raptors.

(a) A person holding a current General or Master Falconry Permit or Raptor Propagation permit may transfer, purchase, sell, barter, or exchange for a consideration any lawfully possessed raptor which is bred in captivity, subject to the following additional conditions:

(b) The person who receives any raptor by transfer, purchase, sale, barter, or exchange must be authorized to possess it under the aforesaid provisions of 321 CMR 3.04 and under any other applicable provisions of M.G.L. c. 131 or, if domiciled or resident in a foreign country and the raptor is to be transferred thereto, must be authorized to receive it by the appropriate wildlife management authority of his or her country of domicile or residence after the competent wildlife management authority of that country has certified in writing that the recipient is an experienced falconer or raptor propagator who is required by the laws of that country to maintain any raptors in his or her possession under conditions that are comparable to the conditions under which a permittee must maintain raptors pursuant to provisions of 321 CMR 3.04.

(c) The permittee who transfers, purchases, sells, barter, or exchanges any raptor must have acquired the raptor from a person authorized to possess and sell, exchange, or barter it, and, if acquired from a person in the United States, such person must additionally be authorized to possess and sell, exchange, or barter it pursuant to provisions of 321 CMR 3.04 and to any other relevant provisions of M.G.L. c. 131 and to provisions of the Code of Federal Regulations (50 CFR 13, 17, and 21).

3.04: continued

- (d) In addition to a current Raptor Propagation permit, a permittee who transfers, purchases, sells, barter, or exchanges any raptor, except as provided in 321 CMR 3.04(16)(c), must additionally hold a current Class 4 propagator's license as provided by M.G.L. c. 131, § 23.
- (e) No raptor may be traded, transferred, purchased, sold, exchanged, or bartered until such raptor is two weeks of age or older and only after such raptor is banded with a numbered nonreusable marker provided or authorized by the U.S. Fish and Wildlife Service, unless the raptor is traded, transferred, sold, exchanged, or bartered to a State or Federal wildlife management agency for conservation purposes. Markers shall be of the type and design stipulated by the U.S. Fish and Wildlife Service as appropriate for the species and origin of raptor being so marked. When a raptor is marked with more than one marker, all but one marker shall be removed before the raptor attains five weeks of age and the marker(s) so removed shall be returned to the U.S. Fish and Wildlife Service. Marking of captive-bred raptors shall be reported to the U.S. Fish and Wildlife Service within five days of the marking, and the report thereof shall contain such information as may be required by the Director of the U.S. Fish and Wildlife Service.
- (f) Permittees may transfer, purchase, sell, barter, or exchange for a consideration the semen of captive bred raptors when in compliance with other provisions of 321 CMR 3.04(17) and of 321 CMR 3.04 generally.
- (g) Permittees shall not transfer, purchase, sell, barter, or exchange any raptor eggs, any raptor semen collected from the wild, or any raptors hatched from eggs taken from the wild, or any raptors captured from the wild.
- (h) Permittees shall maintain complete and accurate records of all transactions conducted under 321 CMR 3.04(17), including the name, address, and permit number of the purchaser, barterer, or transferee; the day, month, and year of the transaction or disposition; the sale price or other consideration involved in the transaction or disposition; the species, sex, age, origin, and pedigree (lineage) of the raptor or raptors involved; the quantity and origin of raptor semen involved; the marker number or numbers of the raptor or raptors involved; and any other information which may be required of a Raptor Propagation permittee under provisions of 50 CFR 21.30. Records shall be kept on U.S. Fish and Wildlife Service breeding record forms or on such other forms as shall be approved by the director.
- (i) Permittees shall adhere to and abide by the species and possession limits established by 321 CMR 3.04(6), unless otherwise authorized pursuant to 321 CMR 3.04(16)(e).

3.05: Hunting, Fishing, Trapping and Taking of Reptiles and Amphibians in All the Counties of the Commonwealth

In accordance with the authority vested in me by M.G.L. c. 131, § 5, as recently amended by St. 1979, c. 614 I hereby promulgate rules and regulations relative to the hunting, fishing, trapping and taking of reptiles and amphibians in all the Counties of the Commonwealth:

- (1) Reptiles and amphibians, except American bullfrogs, green frogs and snapping turtles and those listed in 321 CMR 3.05(3), may be hunted, fished, trapped or taken from January 1st to the following December 31st, up to a possession limit of two, except that no reptile or amphibian may be taken by hunting with firearms or bow and arrow on any Sunday.

3.05: continued

(2) American bullfrogs (*Rana catesbeiana*) and green frogs (*Rana clamitans*): except the eggs thereof, may be hunted or taken from July 16 to September 30, both dates inclusive. Not more than 12 frogs, singly or in aggregate, of either species can be taken, or more than 24 in possession. No person shall take or kill a bullfrog or green frog which measures less than three inches from the snout to the vent. Snapping turtles (*Chelydra serpentina*) may be taken from January 1 to December 31, both dates inclusive, with no daily or seasonal bag limit.

(3) No person shall disturb or harass or, except as authorized in a special educational or scientific permit from the Director, shall hunt, fish, trap or take by any means any of the following species or their eggs or young:

- (a) Jefferson salamander (*Ambystoma jeffersonianum*)
- (b) Blue-spotted salamander (*Ambystoma laterale*)
- (c) Spotted salamander (*Ambystoma maculatum*)
- (d) Marbled salamander (*Ambystoma opacum*)
- (e) Four-toed salamander (*Hemidactylium scutatum*)
- (f) Spring salamander (*Gyrinophilus porphyriticus*)
- (g) Eastern spadefoot (*Scaphiopus holbrookii*)
- (h) Northern leopard frog (*Rana pipiens*)
- (i) Spotted turtle (*Clemmys guttata*)
- (j) Bog turtle (*Clemmys muhlenbergii*)
- (k) Wood turtle (*Clemmys insculpta*)
- (l) Eastern box turtle (*Terrapene carolina*)
- (m) Diamondback terrapin (*Malaclemmys terrapin*)
- (n) Northern red-bellied cooter (*Pseudemys rubriventris*)
- (o) Blanding's turtle (*Emydoidea blandingii*)
- (p) Green sea turtle (*Chelonia mydas*)
- (q) Hawksbill sea turtle (*Eretmochelys imbricata*)
- (r) Loggerhead sea turtle (*Caretta caretta*)
- (s) Kemp's ridley sea turtle (*Lepidochelys kempii*)
- (t) Leatherback sea turtle (*Dermochelys coriacea*)
- (u) Eastern hognosed snake (*Heterodon platirhinos*)
- (v) Eastern wormsnake (*Carphophis amoenus*)
- (w) Eastern ratsnake (*Elaphe obsoleta*)
- (x) Northern copperhead (*Agkistrodon contortrix*)
- (y) Timber rattlesnake (*Crotalus horridus*)

(4) Unless authorized in a permit from the Director, no reptile or amphibian may be taken from the wild in Massachusetts for purposes of sale. No snapping turtles taken under such a permit shall be less than six inches in carapace width.

(5) No person, unless authorized by the Director, shall take any reptile or amphibian by means of poison, explosives, seines, gill nets or fyke nets.

(6) Nothing in 321 CMR 3.05 shall be construed to prohibit the taking of frogs of the family Ranidae (except the northern leopard frog, *Rana pipiens*) for bait by licensed fishermen or persons fishing on their own property without a license. All such bait frogs must measure less than 2½ inches from the snout to the vent and not more than ten per day (ten in possession) can be taken. These frogs cannot be sold.

REGULATORY AUTHORITY

321 CMR 3.00: M.G.L. c. 131, §§ 4, 5, 6, and 71; c. 30A, § 5.

NON-TEXT PAGE

3.02: continued

TABLE 1. OPEN SEASONS, ALL DATES INCLUSIVE.

Species	Open Season	Daily Bag	Possession Limit
Sora Rail	Sep. 1 - Nov. 9	5	5
Virginia Rail	Sep. 1 - Nov. 9	10	10
Snipe	Sep. 1 - Dec. 16	8	16
Woodcock	Oct. 3 - Oct. 27	3	6
	Oct. 29 - Nov. 17	3	6
Ducks ^A Berkshire	Oct. 10 - Nov. 24	6*	12*
	Dec. 10 - Jan. 1	6*	12*
Ducks ^A Central	Oct. 8 - Nov. 24	6*	12*
	Dec. 17 - Jan. 5	6*	12*
Ducks ^A Coastal	Oct. 13 - Oct. 20	6*	12*
	Nov. 21 - Jan. 21	6*	12*
American Coot	Same Dates as Ducks	15	30
Mergansers ^B	Same Dates as Ducks	5*	10*
Geese Berkshire (except blue & snow)	Oct. 10 - Nov. 24	3	6
	Dec. 10 - Dec. 20	3	6
Geese Central (except blue & snow)	Oct. 8 - Nov. 24	2	4
	Dec. 17 - Jan. 5	2	4
Geese Coastal (except blue & snow)	Oct. 13 - Oct. 20	2	4
	Nov. 21 - Jan. 21	2	4
Early Canada Goose (Statewide)	Sep. 4 - Sep. 25	7	14
Late Canada Goose (Central)	Jan. 17 - Feb. 15	5	10
Late Canada Goose (North Coastal)	Jan. 22 - Feb. 15	5	10
Snow & Blue Goose	Same Dates as Ducks	15	30
Late Snow & Blue Goose (Central)	Same as Late Canada Goose	15	30
Late Snow & Blue Goose (North Coastal)	Same as Late Canada Goose	15	30
Sea Ducks ^C (Scoter, Eider, Long-tailed duck)	Oct. 8 - Jan. 31	7**	14**
Brant (Coastal Only)	Nov. 17 - Nov. 24	2	4
	Dec. 13 - Jan. 31	2	4
Falconry (Ducks and Coot only, no Geese)	Oct. 8 - Feb. 9	3*	6*
Youth Waterfowl Hunt ^D (Ducks, Coots, Mergansers and Geese Only)	Sept. 29 & Oct. 6	6*	12*

* Singly or in the aggregate

**In Sea duck zone (Count as regular ducks in all other zones): seven singly or in the aggregate, but no more than four scoter, four eider (one female), four long-tailed duck (oldsquaw) in the daily bag. 14 in possession, but no more than eight scoter, eight eider (two females), eight long-tailed ducks.

3.02: continued

A. The bag may contain no more than: four scoter (eight in possession); four long-tailed duck (eight in possession); four eider, only one of which may be a female (eight in possession, including no more than two females); four mallards, only two of which may be a female (eight in possession, including no more than four females); three wood ducks (six in possession); two redheads (four in possession); four scaup (eight in possession); one black duck (two in possession); one pintail (two in possession); one mottled duck (two in possession); one fulvous whistling duck (two in possession); one canvasback (two in possession). All other ducks (Sea Ducks, see Note D), no more than four of any one species in the daily bag (eight in possession). SEASON CLOSED on harlequin ducks.

B. Daily bag of mergansers may not include more than two hooded mergansers (no more than four hooded mergansers in possession).

C. Scoter, eider, and long-tailed (oldsquaw) ducks during the open period other than the open season for other ducks, shall be hunted only in coastal waters and waters of rivers and streams seaward from the first upstream bridge. Sea ducks when taken in areas other than coastal waters and waters of rivers and streams seaward of the first upstream bridge shall become part of the regular daily duck bag.

D. On September 29 and October 6, 2012, there shall be a youth waterfowl hunt in all counties of the state for minors aged 12 through 15 years of age only. During this youth waterfowl hunt, such minors may hunt ducks, geese, mergansers, and coot during the period from ½ hour before sunrise to sunset, with a bag limit of six, possession 12, singly or in the aggregate, subject to the species restrictions in 321 CMR 3.02(2): *Table 1A* and *1B*. All such minors must be accompanied by an adult licensed to hunt in Massachusetts and who possesses a Massachusetts waterfowl stamp. No adult may be accompanied by more than one minor, and no more than one firearm may be carried. The licensed adult may not hunt, but may carry the minor's firearm when unloaded and cased. During this youth waterfowl hunt, minors aged 12 through 14 years shall not be required to possess a hunting or sporting license and a Massachusetts and Federal waterfowl stamp. Minors aged 15 years shall possess a Massachusetts hunting or sporting license and a Massachusetts waterfowl stamp, but need not possess a Federal waterfowl stamp. All minors shall otherwise conform to all provisions of M.G.L. c. 131 and 321 CMR 3.02(2) not excepted or specified in 321 CMR 3.02(2)(b): *Table 1E*.

(c) Hunting Hours. The hunting hours for migratory game birds shall be from ½ hour before sunrise to sunset, except as provided in 321 CMR 3.01(1)(n).

(d) Falconry. Notwithstanding the dates of the open seasons and the bag and possession limits as prescribed in 321 CMR 3.02(2)(b) and Table 1 thereof, ducks and coots may be hunted or taken with falcons by licensed falconers from October 8, 2012 through February 9, 2013. The bag limits for such falconry hunting shall be three birds daily or six in possession, singly or in the aggregate, subject to the limitations prescribed in 321 CMR 3.02(2)(b), Table 1, footnotes A through E. Hunting with falconry on Sundays is prohibited.

(e) Restrictions.

1. Migratory game birds shall not be hunted by the aid of salt, bait, grain of any kind, or other feed or means similarly used to lure, attract, or entice such birds to, on, or over the area where hunters are hunting or attempting to hunt or take them.

2. Migratory game birds mentioned in 321 CMR 3.02(2) may be hunted only with bow and arrow or with a shotgun not larger than ten gauge, fired from the shoulder, or by falconry. Automatic loading or hand-operated repeating shotguns capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal, plastic or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined, shall not be used in the hunting of migratory game birds.

3. A person shall not hunt migratory game birds by means or aid of any motor-driven land, water or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of such birds either for himself or for others.

4. A person shall not hunt migratory game birds from or by means of a sinkbox (battery), live duck or live goose decoys or domesticated fowl or any kind.

5. A person shall not kill or cripple any migratory game bird pursuant to 321 CMR 3.02(2) without making a reasonable effort to retrieve the bird and include it in his daily bag.