

SENATE No. 381

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act enhancing the enforcement of illegal hunting practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Michael Barrett</i>	<i>Third Middlesex</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>

<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>

SENATE No. 381

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 381) of Michael O. Moore, James B. Eldridge, William N. Brownsberger, Thomas M. Stanley and other members of the General Court for legislation to enhance the enforcement of illegal hunting practices. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act enhancing the enforcement of illegal hunting practices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 21A of chapter 131 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out, in line 16, the figure “\$300” and inserting in
3 place thereof the following figure:- \$1,000.

4 SECTION 2. Said section 21A of said chapter 131, as so appearing, is hereby further
5 amended by striking out, in line 16, the figure “\$1,000” and inserting in place thereof the
6 following figure:- \$5,000.

7 SECTION 3. Said section 21A of said chapter 131, as so appearing, is hereby further
8 amended by striking out, in line 17, the word “six” and inserting in place thereof the following
9 figure:- 12.

10 SECTION 4. Said chapter 131 is hereby further amended by striking out section 34, as
11 so appearing, and inserting in place thereof the following section:-

12 Section 34. A license, permit or certificate issued under this chapter, except a license
13 issued under clauses (3), (4) or (6) of section 23, held by a person found guilty of, convicted of,
14 assessed in any manner after a plea of nolo contendere or penalized for a violation of clause (15)
15 of section 4 or section 12, 13, 16, 33, 54, 57, 58, 61, 63, 64, 66, 67, 70, 72, or 80 or a rule or
16 regulation made under the authority of such section, for which that particular license, permit or
17 certificate was issued, then that particular license, permit or certificate shall be void and shall
18 immediately be surrendered to an officer authorized to enforce this chapter. That person or a
19 person acting on that person’s behalf shall not be given or apply for the particular license, permit

20 or certificate that was voided due to a violation under this section for 1 year from the date that
21 person was found guilty or penalized and that particular license, permit or certificate was voided.
22 Every license, permit, or certificate issued under this chapter, held by a person found guilty or
23 assessed on 3 or more separate occasions for violations of this chapter or a rule or regulation
24 made under this chapter, shall be void and shall be immediately surrendered to an officer
25 authorized to enforce this chapter. That person or a person acting on that person's behalf shall
26 not be given or apply for any license, permit or certificate under this chapter, during the period of
27 1 year from the date of his being found guilty or penalized as aforesaid, and such license, permit
28 or certificate so issued shall be void and shall be surrendered to an officer authorized to enforce
29 this chapter. No fee received for a license, permit or certificate made void under this section shall
30 be refunded to the holder thereof.

31 A license, permit or certificate issued under this chapter, except a license issued under
32 clauses (3), (4) or (6) of section 23, held by a person found guilty of, or convicted of, or assessed
33 in any manner after a plea of nolo contendere, or penalized for, a violation of section 5, 10, 11,
34 32, 62, 65, 68, 73, 75 or 85, for which that particular license, permit or certificate was issued,
35 such particular license, permit or certificate shall be void, and shall immediately be surrendered
36 to an officer authorized to enforce this chapter. That person or a person acting on that person's
37 behalf shall not be given or apply for that particular license, permit or certificate that was voided
38 due to a violation under this section for not less than 1 year and not more than 3 years from the
39 date that person was found guilty or penalized and that particular license, permit or certificate so
40 issued shall be void and shall be surrendered to an officer authorized to enforce this chapter.

41 A license, permit, or certificate issued under this chapter, except a license issued under
42 clauses (3), (4) or (6) of section 23, held by a person found guilty of, or convicted of, or assessed
43 in any manner after a plea of nolo contendere, or penalized for, a second violation of section 5,
44 10, 11, 32, 62, 65, 68, 73, 75 or 85, for which that particular license, permit or certificate was
45 issued, that particular license, permit or certificate shall be void, and shall immediately be
46 surrendered to an officer authorized to enforce this chapter. That person or a person acting on
47 that person's behalf shall not be given or apply for that particular license, permit or certificate
48 that was voided due to a violation under this section for a period of not less than 3 years and not
49 more than 10 years from the date that person was found guilty or penalized and such particular
50 license, permit or certificate so issued shall be void and shall be surrendered to an officer
51 authorized to enforce this chapter.

52 A license, permit or certificate issued under this chapter, except a license issued under
53 clauses (3), (4) or (6) of section 23, held by a person found guilty of, or convicted of, or assessed
54 in any manner after a plea of nolo contendere, or penalized for, a third or subsequent violation of
55 section 5, 10, 11, 32, 62, 65, 68, 73, 75 or 85, for which that particular license, permit or
56 certificate was issued, that particular license, permit or certificate shall be void, and shall
57 immediately be surrendered to an officer authorized to enforce this chapter. That person or a
58 person acting on that person's behalf shall not be given or apply for that particular license,

59 permit or certificate that was voided due to a violation under this section for a period of not less
60 than 10 years from the date that person was found guilty or penalized and that particular license,
61 permit or certificate so issued shall be void and shall be surrendered to an officer authorized to
62 enforce this chapter.

63 SECTION 5. Said chapter 131 is hereby further amended by striking out section 90, as
64 so appearing, and inserting in place thereof the following section:-

65 Section 90. Whoever violates section 30, 35, 36, 38, 47, 49, 50, 51, 53, 54, 57, 58, 59,
66 69, 71, 72, 80, 82, 83, 84 or any rule or regulation made under those sections shall be punished
67 by a fine of not less than \$50 nor more than \$100 or by imprisonment for not more than 30 days
68 or both such fine and imprisonment. In addition, for each bird or mammal, other than a deer,
69 bear or turkey unlawfully killed, taken, held or possessed, or for each nest or egg unlawfully
70 taken, molested, distributed or destroyed a person shall be fined of not less than \$10 nor more
71 than \$50. For each deer unlawfully killed or unlawfully possessed, a person shall be fined not
72 less than \$300 nor more than \$1,000, or by imprisonment for not more than 6 months, or both
73 such fine and imprisonment. For each bear unlawfully killed or unlawfully possessed a person
74 shall be fined not less than \$1,000 nor more than \$5,000 or by imprisonment for not more than 6
75 months, or both such fine and imprisonment. For each turkey unlawfully killed or unlawfully
76 possessed, a person shall be fined not less than \$300 nor more than \$1,000 or by imprisonment
77 for not more than 6 months, or both such fine and imprisonment.

78 Whoever violates section 5, 10 , 11, 32, 62, 85 or any rule or regulation made under those
79 sections, shall be punished by a fine of not less than \$100 nor more than \$500 or by
80 imprisonment for not more than 90 days, or both such fine and imprisonment. In addition, for
81 each bird or mammal other than a deer, bear or turkey unlawfully killed, taken, held or
82 possessed, or for each nest or egg unlawfully taken, molested, distributed or destroyed, a person
83 shall be fined not less than \$50 nor more than \$200. For each deer unlawfully killed or
84 unlawfully possessed, a person shall be fined not less than \$500 nor more than \$3,000 or by
85 imprisonment for not more than 6 months, or both such fine and imprisonment. For each bear
86 unlawfully killed or unlawfully possessed, a person shall be fined not less than \$1,000 nor more
87 than \$10,000 or by imprisonment for not more than 6 months, or both such fine and
88 imprisonment. For each turkey unlawfully killed or unlawfully possessed, a person shall be
89 fined not less than \$500 nor more than \$3,000 or by imprisonment for not more than 6 months,
90 or both such fine and imprisonment.

91 Whoever violates section 73, shall be punished by a fine of not less than \$1,000 nor more
92 than \$5,000 or by imprisonment for not more than 1 year, or both. Whoever violates section 16,
93 28, 33, 48, 61, 63, 64 or 70 or any rule or regulation made under those sections shall be punished
94 by a fine of not less than \$50 nor more than \$100 or by imprisonment for not more than 60 days,
95 or both.

96 Whoever violates section 18, 19, 19A, 60, 79 or any rule or regulation made under those
97 sections, shall be punished by a fine of not less than \$100 nor more than \$500 or by
98 imprisonment for not more than 6 months, or both.

99 Whoever violates section 68 or of any rule or regulation made under that section, shall be
100 punished by a fine of not less than \$500 nor more than \$3,000 or by imprisonment for not more
101 than 1 year, or both.

102 Whoever violates section 22 or of any rule or regulation made under that section shall be
103 punished by a fine of not less than \$50 nor more than \$1,000 or by imprisonment for not more
104 than 6 months, or both for each fish, bird or mammal, other than a deer, bear or moose,
105 unlawfully bought, sold, bartered, exchanged, offered or exposed for sale or had in possession
106 for the purpose of sale. I In the case of a deer, a person shall be fined not less than \$1,000 nor
107 more than \$5,000 or by imprisonment for not more than 1 year, or both. In the case of a bear, a
108 person shall be fined not less than \$2,000 nor more than \$10,000 or by imprisonment for not
109 more than 1 year, or both. In the case of a moose, a person shall be fined not less than \$1,000
110 nor more than \$5,000 or by imprisonment for not more than 1 year, or both. Any person found
111 guilty of or convicted of a violation of this section who is the holder of a hunting or sporting
112 license issued under this chapter shall lose any rights thereunder and that license shall be
113 surrendered to an officer empowered to enforce this chapter. No other hunting or sporting
114 license shall be granted to that person for a period not less than 1 year.

115 Whoever violates section 41, to 43, inclusive, or any rule, regulation or order made under
116 those sections, shall be punished by a fine of not less than \$100 nor more than \$5,000 or by
117 imprisonment for not more than 2 years, or both.

118 Whoever violates section 66, 67 or 86 shall be punished by a fine of not less than \$50 nor
119 more than \$1,000 or by imprisonment for not more than 1 year, or both. Whoever fails to
120 keep open or maintain a fishway as prescribed by the director under clause (14) of section 4 shall
121 be punished by a fine of \$50 for each day that person fails to keep open or maintain that fishway
122 as prescribed.

123 Whoever violates section 65 shall be punished by a fine of not less than \$500 nor more
124 than \$3,000 or by imprisonment for not more than 30 days, or both.

125 Whoever violates section 74 or 76 shall be punished by a fine of not less than \$20 nor
126 more than \$50 or by imprisonment for not more than 30 days, or both, for each bird or mammal
127 taken, killed or removed and for each nest or egg taken, disturbed, molested or destroyed.

128 Whoever violates section 77 shall be punished by a fine of not more than \$100 or by
129 imprisonment for not more than 30 days, or both.

130 Whoever violates section 75 shall be punished by a fine of not less than \$300 nor more
131 than \$1,000 or by imprisonment for not more than 6 months, or both, for each wild turkey
132 knowingly and unlawfully had in possession and for each nest or egg thereof taken, molested,
133 disturbed, destroyed or unlawfully had in possession.

134 Whoever violates section 77A shall be punished by a fine of not less than \$100 nor more
135 than \$5,000.

136 Whoever violates section 75A shall be punished by a fine of not less than \$1,000 nor
137 more than \$10,000 or by imprisonment for not more than 6 months, or both. Such person, subject
138 to section 34, shall not be issued a license, permit or certificate under this chapter during the
139 period of not less than 3 years from the date of being found guilty or penalized for violating
140 section 75A.

141 Whoever violates clause (14) of section 4 relative to a dam or obstruction for passage of
142 anadromous fish or who refuses or neglects to keep open or maintain a fishway at the time
143 prescribed by the director shall be fined \$50 for each day or part of a day that person fails to keep
144 open or maintain the dam or fishway as prescribed.

145 Whoever violates section 5C shall be punished by a fine of not less than \$100 nor more
146 than \$500 or by imprisonment for not more than 14 days, or both.

147 Unless the context requires otherwise, a violation of this chapter or any rule or regulation
148 made under this chapter, for which no other penalty is provided, shall be punished by a fine of
149 not less than \$20 nor more than \$50, or by imprisonment for not more than 30 days, or both. Any
150 net, snare, trap, jacklight or other similar device used by a person or any bird or mammal taken
151 in violation of this chapter or any rule or regulation shall, upon a finding of guilt, be forfeited to
152 the commonwealth and shall be disposed of by the director of law enforcement for the best
153 interest of the commonwealth.

154 In addition to the penalties in this section for violating this chapter or any rule or
155 regulation made under this chapter, any person convicted of the illegal taking or illegal
156 possession of animals, birds, fur-bearing animals or fish resulting in the injury, death or
157 destruction of the same may be required to make restitution to the commonwealth for the value
158 of each animal, bird, fur-bearing animal or fish illegally taken or possessed as follows:

159 (i) deer or bear, \$300 per animal;

160 (ii) wild turkey, fisher, bobcat or otter, \$200 per animal;

161 (iii) fox, coyote or beaver, \$50 per animal;

162 (iv) mink, muskrat, raccoon, wild rabbit, hare or gray squirrel, \$25 per animal;

163 (v) ruffed grouse, pheasant, quail, woodcock or migratory waterfowl, \$25 per bird;

164 (vi) fish, \$5 per fish; and

165 (vii) other animals or birds, \$10 per animal or bird.

166 Any person convicted of the illegal taking or illegal possession of endangered, threatened
167 and special concern species included on the official Massachusetts list of endangered wildlife
168 and wild plants, established under section 4 of chapter 131A, may be required to make restitution
169 to the commonwealth for the value of each such species illegally taken or possessed as follows:

170 (i) endangered species, \$2,000;

171 (ii) threatened species, \$1,000; and

172 (iii) species of special concern, \$500.

173 The fines imposed for violations of this chapter or any rule or regulation made under this
174 chapter shall not be suspended or waived.

175 For a conviction involving the illegal taking or possession of animals, birds, fur-bearing
176 animals and fish, the court may order the defendant to reimburse the commonwealth in a sum
177 that exceeds the amount established in this section. Such reimbursement shall be paid directly to
178 the court. If 2 or more defendants are convicted of the illegal taking or possession of the animal,
179 bird, fur-bearing animal or fish, the reimbursement shall be declared against the defendants
180 jointly and severally. The court ordering such reimbursement shall remit the money as prescribed
181 in section 3.

182 Any person failing to make a damage assessment payment as ordered by the court shall
183 be guilty of contempt and such person shall not be eligible to purchase a license issued by the
184 division of fisheries and wildlife until all assessments are paid in full.

185 SECTION 6. Said chapter 131 is hereby further amended by striking out section 90A, as
186 so appearing, and inserting in place thereof the following section:-

187 Section 90A. A person whose privilege to hunt, trap or fish has been suspended or
188 revoked in any jurisdiction of the United States or Canada, shall not be licensed for such activity
189 in the commonwealth or if so licensed at the time, such license shall be suspended during the
190 period of such suspension or revocation if, after notice and hearing, the director determines that
191 the offense carrying such suspension or revocation would constitute a violation of section 10, 13,
192 22, 61, 62, 64, 65, 68, 69, 73, 74, 75, 75A, 79, 80, 80A or 82. That licensed person shall
193 immediately return that license to the division of fisheries and wildlife.

194 A person who hunts, traps or fishes in the commonwealth when that person's privilege to
195 conduct such activity has been suspended or revoked in any jurisdiction of the United States or
196 Canada for an offense that would constitute a violation of section 10, 13, 22, 61, 62, 64, 65, 68,
197 69, 73, 74, 75, 75A, 79, 80, 80A or 82 shall be punished consistent with the penalties assessed

198 for hunting, trapping or fishing without a license in violation of section 11. A person who fails
199 to immediately return a license in violation of this section shall be punished by a fine of not less
200 than \$50 nor more than \$200.

201 SECTION 7. Said chapter 131 is hereby further amended by inserting after section 90A
202 the following section:-

203 Section 90B. Whoever violates section 5, 22, 65 or 68 or any rule or regulation made
204 under those sections with respect to three or more animals of any species covered by this section
205 within the preceding 10 years, shall be punished by a fine of not less than \$1,000 nor more than
206 \$15,000 or by imprisonment for not more than 5 years in state prison, or both such fine and
207 imprisonment.

208 The penalties set forth in this section shall apply to persons whose total violations within
209 the last 10 years involves 3 or more animals and shall also apply to every violation thereafter.

210 Species covered by this section are deer, turkey, moose, fisher, bobcat, bear, any bird of
211 prey as defined in section 75A and any endangered, threatened or special concern species
212 included on the official Massachusetts List of Endangered Wildlife and Wild Plants established
213 under section 4 of chapter 131A.

214 A person penalized under this section shall immediately surrender any license, permit or
215 certificate issued under this chapter to an officer authorized to enforce this chapter, except a
216 license issued under clauses (3), (4) or (6) of section 23. Such surrendered license, permit or
217 certificate shall be void. That person or a person acting on that person's behalf shall not be given
218 or apply for that particular license, permit or certificate that was voided due to a violation under
219 this section for a period of not less than 10 years from the date that person was found guilty or
220 penalized, and any license, permit or certificate so issued shall be void and shall be surrendered
221 to an officer authorized to enforce this chapter.

222 SECTION 8. The General Laws are hereby amended by inserting after chapter 131A the
223 following chapter:-

224 CHAPTER 131B

225 WILDLIFE VIOLATOR COMPACT

226 The governor shall enter into a compact on behalf of the commonwealth with any other
227 jurisdiction legally joining therein in the form substantially as follows:-

228 ARTICLE I. Findings and Purpose

229 (a) The participating states find that:

230 (1) wildlife resources are managed in trust by the respective states for the benefit of all
231 residents and visitors;

232 (2) the protection of the wildlife resources of a state is materially affected by the degree
233 of compliance with state statutes, laws, regulations, ordinances and administrative rules relating
234 to the management of such resources;

235 (3) the preservation, protection, management and restoration of wildlife contributes
236 immeasurably to the aesthetic, recreational and economic aspects of such natural resources;

237 (4) wildlife resources are valuable without regard to political boundaries, therefore every
238 person should be required to comply with wildlife preservation, protection, management and
239 restoration laws, ordinances and administrative rules and regulations of the participating states as
240 a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess
241 wildlife;

242 (5) violations of wildlife laws interferes with the management of wildlife resources and
243 may endanger the safety of people and property;

244 (6) the mobility of many wildlife law violators necessitates the maintenance of channels
245 of communication among the various states;

246 (7) in most instances, a person who is cited for a wildlife violation in a state other than
247 that person's home state is:

248 (i) Required to post collateral or a bond to secure appearance for a trial at a later date;

249 (ii) Taken into custody until the collateral or bond is posted; or

250 (iii) Taken directly to court for an immediate appearance;

251 (8) the purpose of the enforcement practices set forth in paragraph (7) is to ensure
252 compliance with the terms of a wildlife citation by the cited person who, if permitted to continue
253 on after receiving the citation, could return to that person's home state and disregard the duty
254 established by the terms of the citation;

255 (9) in most instances, a person receiving a wildlife citation in that person's home state is
256 permitted to accept the citation from the officer at the scene of the violation and immediately
257 continue on after agreeing or being instructed to comply with the terms of the citation;

258 (10) the practices described in paragraph (7) cause unnecessary inconvenience and, at
259 times, a hardship for the person who is unable to post collateral at the time of the violation,
260 furnish a bond, stand trial or pay a fine and thus is compelled to remain in custody until some
261 alternative arrangement is made; and

262 (11) the enforcement practices described in paragraph (7) consume an undue amount of
263 time of law enforcement agencies.

264 (b) It is the policy of the participating states to:

265 (1) promote compliance with the statutes, laws, ordinances, regulations and
266 administrative rules relating to the management of wildlife resources in their respective states;

267 (2) recognize a suspension of the wildlife license privileges of any person whose license
268 privileges have been suspended by a participating state and treat such suspension as if it had
269 occurred in each respective state;

270 (3) allow a violator, if that violator's home state is a party to this compact, to continue on,
271 without delay, after receiving a wildlife citation in another member state, except as provided in
272 subsection (2) of Article III;

273 (4) report to the appropriate participating state, as provided in the compact manual, any
274 conviction recorded against a person whose home state was not the issuing state;

275 (5) allow the home state to recognize and treat convictions recorded against its residents,
276 when such conviction occurs in another member state, as though that conviction had occurred in
277 the violator's home state;

278 (6) extend cooperation to its fullest extent among the participating states for enforcing
279 compliance with the terms of a wildlife citation issued in 1 participating state to a resident of
280 another participating state;

281 (7) maximize the effective use of law enforcement personnel and information; and

282 (8) assist court systems in the efficient disposition of wildlife violations.

283 (c) The purpose of this compact is to:

284 (1) provide a means through which participating states may join in a reciprocal program
285 to effectuate the policies enumerated in subsection (b) in a uniform and orderly manner; and

286 (2) provide for the fair and impartial treatment of wildlife violators operating within
287 participating states in recognition of the violator's right to due process and the sovereign status of
288 a participating state.

289 ARTICLE II. Definitions

290 As used in this compact, the following words shall, unless the context clearly requires
291 otherwise, have the following meanings:

292 "Citation", a summons, complaint, ticket, penalty assessment or other official document
293 issued to a person by a wildlife officer or peace officer for a wildlife violation which contains an
294 order requiring the person to respond.

295 "Collateral", cash or other security deposited to secure an appearance for trial in
296 connection with the issuance by a wildlife officer or peace officer of a citation for a wildlife
297 violation.

298 "Compliance", the act of answering a citation through an appearance in a court or tribunal
299 or through the payment of fines, costs and surcharges, if any.

300 "Conviction", a conviction that results in suspension or revocation of a license, including
301 any court conviction, for an offense related to the preservation, protection, management or
302 restoration of wildlife which is prohibited by state statute, law, regulation, ordinance or
303 administrative rule. The term also includes the forfeiture of any bail, bond or other security
304 deposited to secure appearance by a person charged with having committed any such offense, the
305 payment of a penalty assessment, a plea of nolo contendere or the imposition of a deferred or
306 suspended sentence by the court.

307 "Court", a court of law, including magistrate's court and the justice of the peace court.

308 "Home state", the state of primary residence of a person.

309 "Issuing state", the participating state that issues a wildlife citation to the violator.

310 "License" a license, permit or other public document that conveys to the person to whom
311 it was issued the privilege of pursuing, possessing or taking any wildlife regulated by statute,
312 law, regulation, ordinance or administrative rule of a participating state; any privilege to obtain
313 such license, permit or other public document; or any statutory exemption from the requirement
314 to obtain such license, permit or other public document.

315 "Licensing authority", the department or division within each participating state which is
316 authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife.

317 "Participating state", any state that enacts legislation to become a member of this wildlife
318 compact.

319 "Personal recognizance", an agreement by a person, made at the time a wildlife citation is
320 issued, that such person will comply with the terms of the citation.

321 "State", a state, territory or possession of the United States, the District of Columbia, the
322 commonwealth of Puerto Rico, the provinces of Canada and other countries.

323 "Suspension", revocation, denial or withdrawal of license privileges, including the
324 privilege to apply for, purchase or exercise the benefits conferred by a license.

325 "Terms of the citation", conditions and options expressly stated upon the citation.

326 "Wildlife", all species of animals, including, but not limited to, mammals, birds, fish,
327 reptiles, amphibians, mollusks and crustaceans, which are defined as "wildlife" and are protected
328 or otherwise regulated by statute, law, regulation, ordinance or administrative rule in a
329 participating state. Species included in the definition of "wildlife" vary from state to state and the
330 determination of whether a species is "wildlife" for the purposes of this compact shall be based
331 on local law.

332 "Wildlife law", a statute, law, regulation, ordinance or administrative rule developed and
333 enacted for the management and use of wildlife resources.

334 "Wildlife officer", an individual authorized by a participating state to issue a citation for a
335 wildlife violation.

336 "Wildlife violation", a cited violation of a statute, law, regulation, ordinance or
337 administrative rule developed and enacted for the management and use of wildlife resources.

338 ARTICLE III. Procedures for Issuing State

339 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation
340 to any person whose primary residence is in a participating state in the same manner as though
341 the person were a resident of the issuing state and shall not require that person to post collateral
342 to secure appearance; provided, however, that subject to the exceptions noted in subsection (b), if
343 the officer receives the recognizance of that person stating that such person will comply with the
344 terms of the citation.

345 (b) Personal recognizance is acceptable if it is not prohibited by local law, policy,
346 procedure or regulation of the issuing agency or by the compact manual; provided, however that
347 the violator provides adequate proof of identification to the wildlife officer.

348 (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation,
349 the appropriate official shall report the conviction or failure to comply to the licensing authority
350 of the participating state in which the wildlife citation was issued. The report shall be made
351 under the procedures specified by the issuing state and must contain information as specified in
352 the compact manual as minimum requirements for effective processing by the home state.

353 (d) Upon receipt of the report of conviction or noncompliance under subsection (c), the
354 licensing authority of the issuing state shall transmit to the licensing authority of the home state
355 of the violator the information in the form and content prescribed in the compact manual.

356 ARTICLE IV. Procedure for Home State

357 (a) Upon receipt of a report from the licensing authority of the issuing state reporting the
358 failure of a violator to comply with the terms of a citation, the licensing authority of the home

359 state shall notify the violator and shall initiate a suspension action in accordance with the home
360 state's suspension procedures and shall suspend the violator's license privileges until satisfactory
361 evidence of compliance with the terms of the wildlife citation has been furnished by the issuing
362 state to the home state licensing authority. Due-process safeguards shall be accorded.

363 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,
364 the licensing authority of the home state shall enter such conviction in its records and shall treat
365 such conviction as though it occurred in the home state for the purposes of suspension of license
366 privileges.

367 (c) The licensing authority of the home state shall maintain a record of actions taken and
368 shall make reports to issuing states as provided in the compact manual.

369 ARTICLE V. Reciprocal Recognition of Suspension

370 (a) Each participating state may recognize the suspension of a person's license privileges
371 by another participating state as though the violation resulting in the suspension had occurred in
372 that state and would have been the basis for suspension of license privileges in that state.

373 (b) Each participating state shall communicate suspension information to other
374 participating states in the form and content contained in the compact manual.

375 ARTICLE VI. Applicability of Other Laws

376 Except as expressly required by this compact, this compact does not affect the right of
377 any participating state to apply its laws relating to license privileges to a person or circumstance
378 or to invalidate or prevent an agreement or other cooperative arrangement between a
379 participating state and a nonparticipating state concerning the enforcement of wildlife laws.

380 ARTICLE VII. Compact Administrator Procedures

381 (a) For the purpose of administering this compact and to serve as a governing body for
382 the resolution of all matters relating to the operation of this compact, there shall be a board of
383 compact administrators. The board shall be composed of 1 representative from each of the
384 participating states to be known as the compact administrator. The compact administrator shall
385 be appointed by the head of the licensing authority of each participating state and shall serve and
386 be subject to removal under the laws of the state that compact administrator represents. A
387 compact administrator may provide for the discharge of the compact administrator's duties and
388 the performance of such functions as a board member by an alternate. An alternate is not entitled
389 to serve unless written notification of the alternate's identity is given to the board.

390 (b) Each member of the board of compact administrators shall be entitled to 1 vote. No
391 action of the board shall be binding unless taken at a meeting at which a majority of the total

392 number of the board's votes are cast in favor of the action. Action by the board shall be only at a
393 meeting at which a majority of the participating states are represented.

394 (c) The board shall annually elect, from its membership, a chairman and vice chairman.

395 (d) The board shall adopt by-laws consistent with this compact or the laws of a
396 participating state for the conduct of its business and shall have the power to amend and rescind
397 those by-laws.

398 (e) The board may accept donations and grants of moneys, equipment, supplies, materials
399 and services, conditional or otherwise, from any state, the United States or any governmental
400 agency and may receive, use, and dispose of the same in order to carry out the purposes and
401 functions of the board under this compact.

402 (f) The board may contract with or accept services or personnel from a governmental or
403 intergovernmental agency, individual, firm, corporation or private nonprofit organization or
404 institution.

405 (g) The board shall formulate all necessary procedures and develop uniform forms and
406 documents for administering this compact. All procedures and forms adopted by board action
407 shall be contained in a compact manual.

408 ARTICLE VIII. Entry into Compact and Withdrawal

409 (a) This compact shall become effective at such time as it is adopted in substantially
410 similar form by 2 or more states.

411 (b) Entry into the compact shall be made by resolution of ratification executed by the
412 authorized officials of the applying state and submitted to the chairman of the board.

413 (c) The resolution shall substantially be in the form and content provided in the compact
414 manual and must include:

415 (i) a citation of the authority from which the state is empowered to become a party to this
416 compact;

417 (ii) an agreement of compliance with the terms this compact; and

418 (iii) an agreement that compact entry is with all states participating in the compact and
419 with all additional states legally becoming a party to the compact.

420 (d) The effective date of entry shall be specified by the applying state, but may not be less
421 than 60 days after notice has been given by the chairman of the board of the compact
422 administrators or by the secretariat of the board to each participating state that the resolution
423 from the applying state has been received.

424 (e) A participating state may withdraw from participation in this compact by official
425 written notice to each participating state, but withdrawal shall not become effective until 90 days
426 after giving notice of withdrawal. The notice must be directed to the compact administrator of
427 each member state. The withdrawal of any state does not affect the validity of this compact as to
428 the remaining participating states.

429 ARTICLE IX. Amendments to the Compact

430 (a) This compact may be amended. Amendments shall be presented in resolution form to
431 the chairman of the board of compact administrators and shall be initiated by 1 or more
432 participating states.

433 (b) Adoption of an amendment shall require endorsement by all participating states and
434 shall become effective 30 days after the date of the last endorsement.

435 ARTICLE X. Construction and Severability

436 This compact shall be liberally construed so as to effectuate the purposes stated herein.
437 The provisions of this compact are severable and if any phrase, clause, sentence or provision of
438 this compact is declared to be contrary to the constitution of a participating state or of the United
439 States, or if the applicability thereof to any government, agency, individual or circumstance is
440 held invalid, the validity of the remainder of this compact shall not be affected. If this compact is
441 held contrary to the constitution of a participating state, the compact shall remain in full force
442 and effect as to the remaining states and in full force and effect as to the participating state
443 affected as to all severable matters.