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(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

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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

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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, verbail 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.

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(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).

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- (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.

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(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.

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(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).

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(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.