

## MASSACHUSETTS QUESTION ONE

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In 1995, Massachusetts, the third most densely populated state in the nation, had thriving populations of black bear, beaver, and deer. It also had a growing population of bobcats. According to state officials, these animals had prospered because of wise management by the Massachusetts Department of Fisheries and Wildlife (MDFW). According to a coalition of environmental and animal rights activists, the animals had prospered despite MDFW management. On November 5, 1996, by a 64 percent majority, Massachusetts voters adopted by referendum the Massachusetts Wildlife Protection Act, popularly known as Question One. The referendum was opposed by every state agency dealing with environmental issues.

Question One mandated dramatic changes in the methods used to manage wildlife in Massachusetts. It also restructured the MDFW's governing board. Two of its provisions were especially controversial. First, except for common mouse and rat traps, the use of traps "designed to capture and hold a fur-bearing mammal by gripping the mammal's leg or body part" was prohibited. Second, the use of dogs to hunt or control bears or bobcats was also prohibited. According to state wildlife biologists, these methods were crucial for effective management of fur-bearing animals, and banning them would lead to a dramatic increase in conflicts between the animals and their human neighbors.<sup>1</sup> These conflicts, the MDFW predicted, "will alter the public view of wildlife from an intrinsically valuable part of our world to a pest." (Proponents of the referendum called this the "If we don't kill them, you won't love them" argument.)

Among the harmful effects of the act predicted by its opponents, these four received the most publicity in preelection debates:

1. *Increased risk of drinking water contamination.* Giardia and other waterborne parasites can be spread from beaver feces through public drinking water supplies. This was especially important in Massachusetts, which relied on "soft" technology (watershed protection rather than chemical treatment) to manage forty-seven of its drinking water reservoirs.
2. *Increased threat of disease to humans and domestic animals.* Raccoon rabies and roundworm were among the diseases mentioned in this connection.
3. *Increased coyote attacks on humans, pets, and farm animals.* The MDFW had received more than 100 reports of coyote attacks in 1994, none involving humans. Opponents of Question One argued that the referendum left no effective method to control coyote populations.
4. *Increased numbers of confrontations between humans and black bears.* In 1995, the MDFW logged a record 100 confrontations. Critics of Question One argued that bear populations would soon outgrow their natural food supply, forcing them to scavenge food from human sources and making more confrontations inevitable.

Opponents of Question One also adduced economic arguments. In 1994, raccoons caused more than \$2 million in property damage. Deer and other wildlife caused about \$3 million in crop damage. And beavers caused tens of thousands of dollars of damage to roadways and reservoirs.

Proponents of the act did not deny that some of these consequences might result *if animal populations increased dramatically*; rather, they argued that dogs and leg traps could be replaced by other, less cruel and equally effective control measures, such as box traps and nets. If these other measures did not suffice in a particular case to achieve "protection from threats to human health and safety," the act would allow state and federal departments of health (but not city or country authorities or private landowners) to use the prohibited traps.

Question One also changed the composition of the MDFW's governing board. Before Question One, the board had seven members. Of these, five represented geographic districts in the state, and each must have held a fishing, trapping, or hunting license for at least five years. At least one of these

five must also be involved in some sort of agriculture. Of the remaining two members, one must be a wildlife biologist and the other an expert on nongame species.

Proponents of the referendum argued that since less than 3 percent of Massachusetts residents hunt, fish, or trap, the MDFW board disenfranchised more than 97 percent of the state's residents, including all 47 percent of the state residents who "enjoy wildlife nonconsumptively through activities such as photography, hiking, and bird-watching."

Opponents of the referendum responded to this constituency argument with an economic one: Almost all the MDFW's budget is funded by fishing, hunting, and trapping license fees, and those citizens who fund the budget should control its use.

## DISCUSSION

In the few years since Question One was adopted, some but not all of the opponents' predictions seem to have been validated. Coyote attacks on domestic animals have more than doubled, and three attacks on children (none fatal) have been reported. Confrontations with black bears have increased more than fourfold; in some state campgrounds, confrontations are now a daily event. The state's beaver population has grown from 24,000 in 1996 to 70,000 in 2000. There is no evidence of an increase in the incidence of waterborne parasitic disease, but some municipal wells have been closed because of groundwater contamination from new beaver colonies. Some cities, such as Worcester, have abandoned "soft" drinking water technology (such as watershed protection, including beaver control) and built chemical treatment facilities. Annual road repair costs due to beaver activity have jumped from thousands to millions of dollars.

On the other hand, in private conversations, state park and campground employees are quick to point out that almost all confrontations between humans and bears are the fault of the humans: Many hikers and campers are careless about food storage and trash disposal; some even think it cute, contrary to all state regulations, to feed the bears—in effect, training them to invade campgrounds. Road repair costs due to beaver activities will eventually drop as roads through wetlands are rebuilt to accommodate higher water levels. As to coyote attacks, everyone seems to agree that people who live near coyotes should not leave small pets or children outdoors unattended.

## QUESTIONS

1. Question One exempts rat and mouse traps from its ban on traps that grasp any portion of an animal's body. No doubt, this exception was politically expedient. But is it morally defensible? A home owner may use a leg trap to remove a mouse from her basement but not to remove a chipmunk from her attic. A farmer can trap rats in his barn but not coyotes in his chicken coop or beavers in his horse pond. The rat, the mouse, the chipmunk, the coyote, and the beaver all suffer slow and painful deaths. What justifies their different treatment under the law?
2. Is it true that the state residents who fund the MDFW should have a majority of seats on its board? In some other contexts, this argument would be plainly silly: Who would claim that 80 percent of federal officials should be drawn from the 10 percent of the U.S. population who provide 80 percent of federal tax revenues? The argument used by Question One's proponents seems equally weak: If the fact that I hunt or fish does not qualify me as an expert in wildlife management, neither does the fact that I hike or bird-watch. But then what *is* a proper procedure for selecting citizen members of environmentally important public boards, such as the MDFW board?
3. City public health and animal control officers in Massachusetts have repeatedly expressed their frustration that Question One reserves the authority to use banned traps only to state and federal authorities. In July 2000, the law was amended by the Massachusetts legislature to give local boards of health the authority to issue ten-day permits to trap beaver or muskrat in emergency situations threatening drinking water wells or pumping stations, sewage beds or septic systems, roads, railways, electrical generation plants, natural gas or telephone distribution systems, or hazardous waste storage or disposal facilities. Why might the referendum's proponents have preferred a centralized management process? Should more authority be vested in local governments?
4. Feeding bears creates "problem" or "nuisance" animals. These bears, conditioned to look for handouts from humans, can end up in conflict with people. The result of these conflicts is often that the "nuisance" bear is killed. What should be the penalty for feeding bears?
5. How are "fur-bearing pests" controlled in your town or on your campus?

## NOTE

1. For example, state park rangers had long used leashed dogs to discourage black bears from visiting campgrounds and picnic areas. The practice, although effective, is now prohibited.

## SOURCES

Primary legal and regulatory documents and links to a variety of public and private groups concerned with Question One issues can be found on the Massachusetts Department of Fish and Wildlife site at [www.state.ma.us/dfwele/dfw/dfw\\_beaver\\_law.htm](http://www.state.ma.us/dfwele/dfw/dfw_beaver_law.htm).

Other links and materials can be found at the site of the Massachusetts Department of Public Health at [www.state.ma.us/dph/beha/beavers/beavh.htm](http://www.state.ma.us/dph/beha/beavers/beavh.htm) and the Massachusetts Executive Office of Environmental Affairs at [www.state.ma.us/envir](http://www.state.ma.us/envir). An especially good collection of links is maintained at [www.state.ma.us/dfwele/Links/lmk\\_toc.htm](http://www.state.ma.us/dfwele/Links/lmk_toc.htm).