

By Mr. Silvia of Fall River, petition of Charles E. Silvia for legislation to regulate the taking of sea clams found in coastal waters. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT REGULATING THE TAKING OF CERTAIN FISH BY CERTAIN CITY AND TOWN OFFICERS.

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 52 of chapter 130 of the General Laws, as most recently
2 amended by section 2 of chapter 447 of the acts of 1977, is hereby
3 further amended by striking out the first paragraph and inserting in
4 place thereof the following paragraph: —

5 The selectmen of a town bordering upon coastal waters, if so
6 authorized by their own town, and the board of aldermen or the city
7 council of any city so situated may control, regulate or prohibit the
8 taking of eels and any or all kinds of shellfish and sea worms,
9 excepting sea clams found in coastal waters at a depth of ten feet or
10 greater which species shall be under the control of the director,
11 within such cities and towns and may, from time to time, without
12 other or special authority therefor, make any regulations not con-
13 trary to law in regard to said fisheries as they deem expedient,
14 including the times, places, methods, purposes, uses, sizes, quanti-
15 ties and other particulars of such taking, and may grant permits,
16 and establish the fees therefor, subject to any such regulation,
17 then or thereafter in force. Any such authorizations to said select-
18 men hereunder shall continue in force until subsequent action of
19 such town shall repeal the same. Any regulations made under
20 authority of this section shall continue in force until the board of
21 aldermen, city council, or selectmen, as the case may be, shall alter,
22 amend, rescind or repeal the same, or the authority of the select-

23 men to make and enforce such regulation shall be repealed. No city
24 or town shall require a person to be licensed to take shellfish who is
25 accompanying or operating a boat for a person so licensed and who
26 is not otherwise actively engaged in or assisting in such fishing.