

HOUSE No. 79

The Commonwealth of Massachusetts

COMMISSION ON INTERSTATE CO-OPERATION,
15 ASHBURTON PLACE, BOSTON 8, December 3, 1947.

To the General Court of Massachusetts.

In accordance with the requirements of section 33 of chapter 30 of the General Laws, Tercentenary Edition, as amended, a copy of the recommendations to be contained in the annual report of this Commission for the year 1947 is transmitted herewith, together with drafts of the legislation recommended. These drafts have been submitted to the Counsel for the House, as required by law.

At a meeting of the Commission held at the State House November 25, 1947, the chairman was authorized to sign and forward these recommendations.

Respectfully,

EDWARD W. STAVES,
Chairman.

RECOMMENDATIONS FROM ELEVENTH ANNUAL REPORT.

The Commission makes one recommendation for legislation, and submits herewith a bill to make its recommendation effective. It will also endorse and support certain measures to be introduced by other state agencies and private organizations, if the drafts of these measures prove to be satisfactory when examined.

AMENDMENTS OF THE ATLANTIC STATES MARINE FISHERIES COMPACT.

This compact, ratified by the General Court in 1941, has been similarly ratified by thirteen other Atlantic coastal States, so that all except North Carolina are represented on the Atlantic States Marine Fisheries Commission. Experience has shown that most fisheries problems affect only a part of the coast, and that some are of consequence to only two, three or four neighboring States. This situation led early to the establishment of panels for various groups of neighboring States having common problems, but these panels, like the whole Commission, have no powers except of discussion and recommendation. The Fisheries Commission believes that advantage would sometimes be gained if the States composing these panels, or smaller numbers of States having common problems, could in certain instances exercise joint regulatory authority in order to attempt solutions of these problems. The first proposed amendment authorizes, but does not require, States to enable their members of the Fisheries Commission to act with those of such other States as may wish to join as joint regulatory agencies of fisheries along their shores. This amendment appears desirable, and since it is only permissive, so that the Legislatures of any States concerned will have the

opportunity to pass upon specific proposals for action under it, we recommend that the General Court ratify it during the coming session.

The second amendment also is permissive. It provides that any two or more States that ratify it may establish common conservation zones with respect to particular species or fisheries or areas in which such States have a common interest, and by appropriate state action may make regulations applicable to such species, fisheries or areas. The amendment also provides for agreement on certain principles to be applied in connection with the establishment of conservation zones in waters outside the traditional limit of territorial waters. These principles deal with the interests of States participating, boundaries of zones, applicability of regulations, subjects to be covered and exceptions in favor of foreign vessels. Provision is also made for reservation of fisheries within the territorial waters of each State to the citizens and vessels of such State if the State so desires. As this amendment is not mandatory and may be beneficial to Massachusetts fisheries and citizens engaged in them, we recommend its ratification.

CONTRIBUTIONS AMONG TORTFEASORS.

In the session of 1947 this Commission supported a bill recommended by the Commissioners on Uniform State Laws, providing for contributions among tortfeasors (Senate, No. 131). The bill had been considered by the General Court in 1946 and had failed to pass. In 1947 it was rejected in the Senate, though it had been favorably reported by the Joint Committee on Legal Affairs. The bill is designed to remedy a defect in the present law of torts, under which all of the burden of liability for an accident can be imposed upon one of the persons involved in it, leaving scot-free others who may have been equally or even more to blame. The Commissioners on Uniform State Laws believe that in the interest of justice all persons involved in causing an injury should be made liable for their respective share of the damage, and this Com-

mission agrees. As the Commissioners will introduce a bill, we need not do so, but we recommend that their bill be enacted.

UNIFORM BILL FOR REGULATION AND CONTROL OF INSECTICIDES, FUNGICIDES, RODENTICIDES AND OTHER ECONOMIC POISONS AND DEVICES.

This bill will be identical with one introduced in the *last session* for several agricultural organizations and recommended in the legislative program of the Council of State Governments (House, No. 1418). Its purpose is to provide for establishing standards for economic poisons, regulating labeling, sale, transportation, marketing and handling of such materials, and enforcement of the law and rules and regulations made under it. In view of the rapid increase in the number and use of these materials and their dangerous character, provisions for controlling their distribution and use are essential. The bill will again be introduced by agricultural organizations and its passage advocated by the State Department of Agriculture. This Commission will therefore not introduce a bill on its own account, but recommends enactment of the bill to be proposed.

Accompanying the recommendation of the Commission on Inter-
state Co-operation. Conservation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT RATIFYING PROPOSED AMENDMENTS TO THE AT-
LANTIC STATES MARINE FISHERIES COMPACT, SO-CALLED.

1 *Whereas*, It is desirable that the Atlantic States
2 Marine Fisheries Compact, ratified on the part of
3 the commonwealth by chapter four hundred and
4 eighty-nine of the acts of nineteen hundred and
5 forty-one, should be amended as soon as possible so
6 as to provide for joint or common action by any
7 two or more states that have ratified said compact
8 to establish joint agencies to regulate fisheries in
9 which such states have common interests, and to
10 authorize common conservation zones for certain
11 purposes; therefore this act is hereby declared to be
12 an emergency law, necessary for the immediate
13 preservation of the public health and convenience.

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

1 The general court hereby approves and ratifies
2 the following amendments to the Atlantic States
3 Marine Fisheries Compact, now ratified by the com-

4 monwealth and the states of Maine, New Hampshire,
5 Rhode Island, Connecticut, New York, New Jersey,
6 Pennsylvania, Delaware, Maryland, Virginia, South
7 Carolina, Georgia and Florida, for the purpose of
8 permitting the states that ratify said amendments
9 to establish joint regulation of specific fisheries
10 common to those states or any of them, through the
11 Atlantic States Marine Fisheries Commission and
12 their representatives thereon, and also to establish
13 common conservation zones for particular species of
14 fish, or fisheries or areas in which such states have
15 common interests, and to make appropriate regula-
16 tions applicable therein. Notice of intention to with-
17 draw such approval and ratification of either or both
18 of said amendments, in case such withdrawal shall
19 be desired at any time hereafter, shall be executed
20 and transmitted by the governor whenever authorized
21 thereto by the general court, shall be in accordance
22 with the provisions of Article XII of said compact,
23 and shall be effective as to this commonwealth in
24 relation to such states as shall have ratified said
25 amendments or either of them before notice of inten-
26 tion to withdraw by this commonwealth has been
27 given as above provided.

28 AMENDMENTS, ATLANTIC STATES MARINE
29 FISHERIES COMPACT.

30 *Article I.*

31 The states approving and ratifying this amend-
32 ment agree that any two or more of them may desig-
33 nate the Atlantic States Marine Fisheries Commis-
34 sion as a joint regulatory agency with such powers
35 as they may jointly confer upon it from time to time

36 for the regulation of the fishing operations of the
37 citizens and vessels of such designating states with
38 respect to specific fisheries in which such states have
39 a common interest. The representatives of such
40 states on the Atlantic States Marine Fisheries Com-
41 mission shall constitute a separate section of such
42 commission for the exercise of the additional powers
43 so granted; provided, that the states so acting shall
44 appropriate additional funds for this purpose. The
45 creation of such section as a joint regulatory agency
46 shall not deprive the states participating therein of
47 any of their privileges or powers or responsibilities
48 in the Atlantic States Marine Fisheries Commission
49 under the general compact.

50

Article II.

51 A. The states approving and ratifying this amend-
52 ment agree that any two or more of them may estab-
53 lish common conservation zones with respect to
54 particular species or fisheries or areas in which they
55 have a common interest and by appropriate state
56 action may make regulations applicable therein.

57 B. In order to avoid disputes which might other-
58 wise arise, the states assenting hereto agree to the
59 following principles with respect to the establish-
60 ment of conservation zones in waters outside the
61 traditional limit of territorial waters:—

62 1. A state shall be considered to have an interest
63 in a fishery in such outside waters when its waters
64 inside such traditional limit are contiguous to the
65 area in which those fisheries are found or when its
66 vessels have customarily operated in such outside
67 fishery.

68 2. The boundaries of any such zone to be jointly

69 established in outside waters shall be subject to prior
70 approval by a majority vote of the member states
71 of the Atlantic States Marine Fisheries Commis-
72 sion. Such boundaries shall be specifically defined
73 in the laws of regulations promulgated by the several
74 states participating therein.

75 3. The regulations adopted by the states creating
76 such a conservation zone shall be recognized by the
77 other states assenting to this amendment with respect
78 to the fishery operations of the citizens and vessels
79 of such assenting states in the waters outside the
80 traditional limit of territorial waters comprised
81 within the said zone; provided, that such regulations
82 are clearly for conservation purposes and have been
83 so certified by majority vote of the member states
84 of the Atlantic States Marine Fisheries Commis-
85 sion. However, with respect to a state which has
86 assented to this amendment but has not joined in
87 the creation of a conservation zone which includes
88 waters directly off its shores, the obligations of this
89 amendment shall not apply to the fishing operations
90 of the citizens of such state in those waters of such
91 zone which lie directly offshore from the coast of
92 such state, but shall apply in all other waters of such
93 zone.

94 4. The regulations adopted for and applying
95 within such outside conservation zones may relate
96 to types of gear and minimum sizes of mesh to be
97 used, open and closed seasons, minimum sizes of fish
98 to be taken, and reasonable limitations upon per-
99 missible take per unit of time, per man or per vessel;
100 and the establishment of quotas and licenses of all
101 kinds or any other suitable device for the control of
102 fishing pressure in each zone, but may not discrimin-

103 ate between vessels on the basis of size or power or
104 number of crew nor discriminate against citizens
105 or vessels of other states of the Atlantic Coast.

106 5. No regulation shall be enforced against any
107 vessel of foreign nationality except under the author-
108 ity of the government of the United States.

109 C. The States party to this amendment agree
110 that as has been established law and usage, each state
111 shall have sole jurisdiction over the fisheries within
112 the traditional limit of territorial waters, and the
113 right to reserve the fisheries in those waters for its
114 own citizens and vessels if such state so desires.

