

# SENATE . . . . No. 239

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To accompany the petition of Donald W. Nicholson that certain changes be made in the laws relative to oysters and other shellfish. Conservation.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Five.

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An Act making Certain Changes in the Laws relative to  
Oysters and Other Shellfish.

*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 forty-eight of chapter one hundred and  
2 thirty of the General Laws, inserted therein by sec-  
3 tion two of chapter three hundred and twenty-nine  
4 of the acts of nineteen hundred and thirty-three, is  
5 hereby amended by inserting after the word "shell-  
6 fish" in the second line and in the third and fourth  
7 lines, in each instance, the words:—, other than  
8 oysters,— so that the first paragraph will read as  
9 follows:— Except as provided in sections forty-two  
10 to forty-six, inclusive, and except in the case of shell-  
11 fish, other than oysters, on private grants licensed  
12 under section fifty-seven, or shellfish, other than  
13 oysters, on areas closed for municipal cultivation  
14 under section fifty-five, and except that the private  
15 rights of any person shall not be impaired thereby,

16 the aldermen or the selectmen, if so instructed by  
17 their respective cities or towns, in addition to any  
18 action authorized by section fifty-one, in their dis-  
19 cretion may from time to time control, regulate or  
20 prohibit the taking of eels and any or all kinds of  
21 shellfish and seaworms within such cities and towns.  
22 For the purpose of such control, regulation or pro-  
23 hibition the aldermen or the selectmen may, from  
24 time to time, without other or special authority  
25 therefor, make any regulations not contrary to law  
26 in regard to said fisheries that they deem expedient,  
27 including the times, places, methods, purposes, uses,  
28 sizes, quantities or any other particulars of such  
29 taking, and may grant permits, subject to the excep-  
30 tions hereinabove mentioned and subject also to any  
31 such regulations, then or thereafter in force, for the  
32 taking of eels and such shellfish and seaworms within  
33 such cities and towns. Any such instructions here-  
34 under shall continue in force until subsequent action  
35 of such city or town shall alter, amend, rescind or  
36 repeal the same. Any regulations made under any  
37 such instruction shall continue in force, as far as such  
38 instruction shall continue to authorize the same, until  
39 the aldermen or selectmen of said city or town shall  
40 alter, amend, rescind or repeal the same.