

HOUSE No. 1979

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, MASS., May 28, 1937.

To the Honorable Senate and House of Representatives:

I am returning herewith without my approval House Bill No. 1884 entitled, "An Act relative to the Use of Beam or Otter Trawls in taking Fish from Certain Territorial Waters of the Commonwealth".

This bill provides that a violation shall be punishable by fine of not less than \$75.00 nor more than \$300 or by imprisonment for not more than two months or both. It is in conflict with and provides for a more severe penalty than similar laws enacted in the past.

Under Chapter 86 of the Acts of 1931 covering the waters of Nantucket Sound a penalty of not less than \$25 nor more than \$50 was provided for with no provision for a prison sentence.

Chapter 238 of the Acts of 1936 covering the shore line from Nauset light to Monomoy Point provided for a penalty of not less than \$25 nor more than \$50. This act had no provision for a prison sentence.

Again under Chapter 239 of the Acts of 1936 covering Bass River to the towns of Yarmouth and Dennis, a fine of not more than \$20 was provided for with no provision made for imprisonment. In the same year under Chapter 412, which covered Cape Cod Bay, there was a provision for a fine of not less than \$50 nor more than \$100, or imprisonment for thirty (30) days, or both.

It is my opinion that the same violations of law in

different sections of the Commonwealth should have the same penalties.

Because of the conflict with reference to these penalties now existing in the law, it does not seem reasonable to create an even greater conflict.

CHARLES F. HURLEY.