

HOUSE No. 1508

Bill accompanying the petition of George L. Jacobs for better protection for the lobster and crab industries. Fisheries and Game. January 21.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

AN ACT

To provide for the Better Protection of the Lobster and Crab Industry.

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 1. No person either as principal, agent or
2 servant shall at any time, catch or take any lobsters
3 from any of the waters in the jurisdiction of this state,
4 or place, set, keep, maintain, supervise, lift, raise or
5 draw in or from any of said waters or cause to be placed,
6 set, kept, maintained, supervised, lifted, raised or drawn
7 in or from any of said waters, any pot, trap, or other
8 contrivance designed or adapted for the catching or
9 taking of lobsters or crabs unless licensed so to do as
10 hereinafter provided.

1 SECTION 2. City and town clerks shall issue licenses
2 to catch and take lobsters and crabs from the waters
3 within the jurisdiction of this state, in the manner, at the

4 time and subject to the regulations provided in this act,
5 to such residents of this state as have resided in this
6 state for at least five years next preceding the granting
7 of such license. Applications for licenses shall be made
8 on a special form and a metal tag provided by the com-
9 missioners on fisheries and game. The metal tag shall
10 not be over one and three quarters inches long and
11 seven eighths of an inch wide, with the person's name,
12 lobster license year and license number stamped thereon,
13 with a hole in it for use on an ordinary key ring. Li-
14 censes shall be granted to expire on the thirty-first day
15 of May next succeeding the granting of the same, unless
16 sooner revoked as hereinafter provided, and each person
17 to whom a license shall be granted shall pay to the city
18 or town clerk the sum of one dollar for said license and
19 metal tag, seventy-five cents of which shall immediately
20 be forwarded to the commissioners on fisheries and game.
21 Said commissioners in their annual report shall state the
22 number of licenses granted, with the names of the persons
23 licensed, and the amount of money received therefor.
24 Said commissioners shall furnish and issue to each person
25 licensed as aforesaid a certificate and metal tag stating
26 the name of the person to whom such license has been
27 granted, number of same and date of expiration of such
28 license.

1 SECTION 3. Each person licensed under the provisions
2 of this act shall at all times while engaged in the pursuit
3 so licensed exhibit upon demand of any authorized person
4 the metal tag issued to him as provided in the preceding
5 section.

1 SECTION 4. No negative allegation of any kind need
2 be averred or approved in any prosecution brought under
3 this act, but the respondent in any such action may

4 show his license certificate and metal tag by way of
5 defence.

1 SECTION 5. All pots, traps and buoys, or other con-
2 trivances, used for the catching or taking of lobsters
3 must be marked with a brand of at least one half inch
4 letters, with the name or names of the owners thereof, or
5 the person or persons using the same together with the
6 license number. All pots or traps used contrary to the
7 provisions of this or any other section of this act, or any
8 other act relative to the lobster industry, shall be seized
9 by any officer authorized in the enforcement of this act
10 and forfeited and disposed of to the best interests of the
11 commonwealth.

1 SECTION 6. All boats used for the catching or taking
2 of lobsters or crabs shall be marked with the number of
3 the license of the owner or owners in brass or painted
4 letters at least two inches high on each side of the bow of
5 said boat.

1 SECTION 7. A person convicted of fishing for lobsters
2 or crabs without a license shall be fined not less than
3 twenty nor more than fifty dollars. A licensed fisher-
4 man convicted of having short lobsters in his possession,
5 or of brushing eggs from egg bearing lobsters shall have
6 his license suspended for three months for the first offence,
7 and for the second offence shall have his license taken
8 away for one year. It shall be unlawful for any person
9 to haul any pot or trap set for the taking of lobsters or
10 crabs without the consent of the owner or owners thereof.
11 Any person convicted of hauling any pot or trap belong-
12 ing to any person or persons licensed under this act and
13 set for the purpose of catching lobsters or crabs, ex-
14 cept with the permission of the owner or owners thereof,

15 shall be fined fifty dollars for the first offence, and for the
16 second offence shall be subject to a fine of fifty dollars
17 and imprisonment for three months. Any licensed fisher-
18 man convicted of hauling or stealing pots and traps used
19 for the catching of lobsters or crabs shall have his license
20 revoked and shall not be entitled to a renewal of same
21 for one year. Any person convicted of maliciously cut-
22 ting lobster or crab pot lines shall be fined fifty dollars
23 for the first offence, and for a second offence shall be sub-
24 ject to a fine of fifty dollars and imprisonment for three
25 months. A licensed fisherman convicted of maliciously
26 cutting lobster or crab pot or trap lines, besides being
27 subject to the above penalties, shall have his license
28 taken away for one year from the date of conviction.

1 SECTION 8. The license of any fisherman which has
2 been suspended or revoked under this act shall be void
3 and shall be immediately surrendered together with the
4 metal tag to the officer who secures such conviction, and
5 the officer shall forthwith forward the license certificate
6 and tag to the commissioners on fisheries and game who
7 shall cancel the same. Any person convicted of a second
8 offence shall not be entitled to receive a license during a
9 period of one year from date of conviction.

1 SECTION 9. Twenty-five cents of the license fee shall
2 be retained by the city or town clerk for his services, and
3 the balance shall be paid immediately upon receipt to the
4 commissioners on fisheries and game, said balance to be
5 used by them for the purchase of egg bearing lobsters
6 that come into this commonwealth from Maine, Nova
7 Scotia or other foreign waters.

1 SECTION 10. This act shall take effect on the first day
2 of June, nineteen hundred and sixteen.