

HOUSE No. 250

By Mr. Dolan of Ipswich, petition of John F. Dolan for legislation relative to the appointment of a shellfish constable or shellfish supervisor and the powers and duties of such office. Natural Resources.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE APPOINTMENT OF A SHELLFISH CONSTABLE OR SHELLFISH SUPERVISOR AND THE DUTIES AND POWERS OF SUCH OFFICE.

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 98 of chapter 130 of the General Laws, inserted by
2 section 1 of chapter 598 of the acts of 1941, is hereby amended
3 by striking out said section and inserting in place thereof the
4 following new section:—

5 *Section 98.* The mayor of a city or the selectmen in towns
6 bordering on coastal waters shall appoint for a term of three or
7 five years a person who shall be designated as shellfish constable
8 or shellfish supervisor, and such persons may be reappointed for
9 like term. Persons so appointed shall be fully qualified by
10 training and experience in the field of shellfish management.
11 Persons so appointed shall, under the supervision and direction
12 of the appointing authority, initiate, promote and manage the
13 shell fisheries, and all shellfish programs, and cause to be made
14 such scientific studies as may be necessary, to further enhance
15 the economic values of the shell fisheries in his city or town, in
16 co-operation with the division of marine fisheries. Incidental
17 to the main objectives of his office in the promotion of the shell
18 fisheries, a shellfish constable or shellfish supervisor shall enforce
19 all laws, rules and regulations that relate to shellfish in his city
20 or town.

21 In the performance of his duties, he may request any person
22 whom he has cause to believe is engaged in unlawful fishing, or
23 to be in unlawful possession of fish, or to be in possession of fish
24 unlawfully taken to forthwith display for inspection all fish then
25 in his possession, and may arrest without warrant a person re-
26 fusing or failing to comply with such request.

27 Notification of all appointments made under the provisions
28 of this section shall be made annually to the director of the
29 division of marine fisheries of the department of natural re-
30 sources, and to the director of the division of law enforcement
31 of this department.