

The Commonwealth of Massachusetts

SPECIAL REPORT

OF THE

MARINE FISHERIES ADVISORY COMMISSION

RELATIVE TO

LOBSTER AND EDIBLE CRAB LICENSES
FOR NON-RESIDENT CITIZENS

UNDER CHAPTER 67 OF THE RESOLVES OF 1964

DECEMBER, 1964

BOSTON

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Department of the Interior
The Commissioner of General Land Office

REPORT

Submitted to the Board of Land Commissioners
for the year ending June 30, 1918

By the Commissioner of General Land Office
W. H. HARRIS, Commissioner

Washington, D. C.
1918

The Commonwealth of Massachusetts

RESOLVE AUTHORIZING AND DIRECTING THE INVESTIGATION AND STUDY.

CHAPTER 67.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MARINE FISHERIES ADVISORY COMMISSION RELATIVE TO LOBSTER AND EDIBLE CRAB LICENSES FOR NON-RESIDENT CITIZENS.

Resolved, That the marine fisheries advisory commission is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 1997, relative to lobster and edible crab licenses for non-resident citizens. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and sixty-four. *Approved May 15, 1964.*

The Commonwealth of Massachusetts

BOSTON, MASSACHUSETTS, January, 1965.

To the Honorable Senate and House of Representatives.

We herewith submit a report upon the investigation and study relative to lobster and edible crab licenses for non-resident citizens. This report was prepared by Marine Fisheries Biologist Thomas Morrissey working under the supervision of Dr. Robert F. Hutton, Assistant Director of Marine Fisheries, and Frederick C. Wilbour, Jr., Director of Marine Fisheries.

Respectfully submitted,

FRANK J. BACHOFF,
Chairman.

JAMES F. CAHILL, JR.,
Clerk.

JAMES D. ACKERT.
ROBERT S. BARLOW.
GEORGE A. DAVIS.
RICHARD W. FRAWLEY.
RAYMOND KERSHAW.
JOHN C. WORTHINGTON.

Commission appointed by the Governor.

By Mr. Harrison of Gloucester, petition of David E. Harrison and Beatrice K. Corliss relative to the issuance to non-residents of licenses to take lobsters or edible crabs. Natural Resources.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO LOBSTER AND EDIBLE CRAB LICENSES FOR NON-RESIDENT CITIZENS.

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 third paragraph of section 38 of chapter 130 of the General
2 Laws, as appearing in chapter 642 of the acts of 1960, is hereby
3 amended by striking out the first sentence and inserting in place
4 thereof the following sentence:— A non-resident citizen of the
5 United States, after one year's residence in any coastal city or
6 town may in *any* year, upon payment of the fee required by this
7 section, obtain a license to take lobsters or edible crabs during
8 June, July, August and September in such year, for consumption
9 only by the licensee and his family who are so residing.

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The Commonwealth of Massachusetts

A SPECIAL REPORT OF THE MARINE FISHERIES ADVISORY COMMISSION RELATIVE TO LOBSTER AND EDIBLE CRAB LICENSES FOR NON-RESIDENT CITIZENS.¹

INTRODUCTION.

Chapter 67 of the Resolves of 1964 authorized and directed the Marine Fisheries Advisory Commission to make an investigation and study of the subject matter of current House document numbered 1997, an act relative to lobster and edible crab licenses for non-resident citizens. This act would amend section 38 of chapter 130 of the General Laws to require one year's residence in any coastal city or town as a qualification for non-resident citizens of the United States to obtain a license to take lobsters and edible crabs. At the present time, non-resident citizens temporarily residing or intending to temporarily reside in any coastal city or town may obtain a license.

This is a report of the Marine Fisheries Advisory Commission relative to its findings in the investigation and study of the subject matter of House document numbered 1997. Investigation of the subject matter of H. 1997 required the consideration of certain social, economic, and biological aspects of the Massachusetts lobster fishery which are believed to have prompted the submission of this petition.

CERTAIN SOCIAL, ECONOMIC, AND BIOLOGICAL ASPECTS OF THE MASSACHUSETTS LOBSTER FISHERY.

The Massachusetts lobster fishery has experienced considerable change in the past decade, largely as a result of an increase in the popularity of lobstering as a part-time occupation and as a sport activity. The number of Massachusetts *lobster fishermen more than doubled* in the period from 1956 to 1960 when license sales increased

¹ Contribution No. 14. Massachusetts Division of Marine Fisheries, Department of Natural Resources, Boston.

from 1,873 in 1956 to 3,860 in 1960. *The number of lobster fishermen has apparently stabilized at this high level with license sales numbering more than 3,000 each year since the 1960 peak sales.*

While this increase in the number of lobster fishermen has not exerted any demonstrable harmful effect on our lobster stocks (see "The Facts About Massachusetts Lobster Statistics", Special Scientific Report No. 1, Massachusetts Division of Marine Fisheries, Department of Natural Resources, Boston), it has had considerable effect on the over-all fishery. Although the number of fishermen has increased greatly, the total catch of lobsters has remained relatively constant. This phenomenon is attributable to the fact that the productive capacity of our lobster stocks is essentially fixed by nature and under any particular set of environmental conditions there can be only so many lobsters produced for harvest. When nearly all of this production is being harvested by a certain number of fishermen, an increase in the number of fishermen will not significantly increase the size of the harvest providing that the efficiency of the fishing method does not increase. The end result is that there are fewer lobsters caught per fisherman.

Since the increase in license sales has for the most part consisted of an increase in the number of small-scale fishermen and in the number of skin divers fishing primarily for sport, the commercial fisherman has not had his catch of lobsters reduced in direct proportion to the number of additional fishermen. The commercial fisherman has, however, undoubtedly experienced some reduction in catch for the effort expended as a result of this increased competition for the harvestable lobsters available.

The increase in the number of pot fishermen has also resulted in competition for fishing space. The gear used in pot fishing, *i.e.*, pot, rope and buoy, the movement of the gear in storms and when tending the gear combine to create a problem of sufficient space between units of gear to avoid excessive fouling. In some sections of the commonwealth, this problem has resulted in open conflict among the lobster fishermen (see "A SPECIAL REPORT OF THE DIVISION OF MARINE FISHERIES RELATIVE TO THE TAKING OF LOBSTERS IN CERTAIN WATERS OF THE COMMONWEALTH", Contribution No. 6, Massachusetts Division of Marine Fisheries, Department of Natural Resources, Boston).

In addition to increasing the competition for the harvestable lobster crop, the increase in the number of divers has created additional problems. While it is not believed that the efficiency of this

relatively new method of taking lobsters is great enough under present conditions to endanger our lobster stocks by over-fishing, this increased fishing pressure does tend to further distribute the available supply of lobsters. Since diving for lobsters is prohibited in neighboring States, it is likely that non-resident divers will be increasingly attracted to our lobster grounds.

The increase in the practice of diving for lobsters has also resulted in problems of law enforcement. These problems relate to the difficulty of observing violations occurring under water. In many instances, it is impossible for enforcement officers to determine if diving activities for lobsters are in progress.

DISCUSSION.

Apparently the intent of House document numbered 1997 is to increase the eligibility requirements for non-resident citizens to obtain lobster and edible crab licenses in order to reduce the number of persons fishing for lobsters. This act would primarily affect non-resident divers. An insignificant number of non-resident pot fishermen would be affected because the low portability of pot gear is already an effective limitation of the numbers of these fishermen.

As previously indicated, the changes in the Massachusetts lobster fishery that have prompted submission of House document numbered 1997 involve problems of law enforcement as well as competition for fishing space and the available supply of lobsters. While the amendment of chapter 130 proposed by this petition attempts to find at least a partial solution to these problems, it will not provide the changes in chapter 130 that are necessary to meet the changes that have occurred in the fishery. It is felt that this act would be overly restrictive of one group of fishermen without producing any significant solution to the problems involved.

CONCLUSIONS.

Section 38 of chapter 130 of the General Laws is in need of general revision as a result of the changes that have occurred in the lobster fishery during the last decade. Some regulation of the number of fishermen is desirable, although it is felt that this regulation should not be of a nature that will prohibit a particular group such as non-resident summertime visitors to our State from obtaining a license. Non-residents contribute to the economy of the commonwealth

during their visits and legislation effectively prohibiting them from participating in an activity would discourage these visits and could result in a loss greater than that to be gained by the restriction. However, the nature of our fishery dictates that we cannot afford to become a mecca for visiting fishermen. For these reasons, a special non-resident license designed to keep the number of non-resident fishermen within reasonable limits is needed. Limiting the issuance of helper's permits to citizens of the commonwealth will serve as an additional control on the number of non-resident fishermen.

Other areas in which section 38 is in need of revision include providing a penalty for improperly marked buoys, regulations designed to assist enforcement officers in detecting violations occurring under water, and the fixing of responsibility on the licensee for violations occurring in connection with helper's permits.

RECOMMENDATIONS.

The Massachusetts Marine Fisheries Advisory Commission recommends that House document numbered 1997 should not pass. Furthermore, the Commission, although recognizing certain deficiencies in section 38 of chapter 130 of the General Laws, recommends that section 38 of chapter 130 of the General Laws not be changed at this time.

HOUSE

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OF THE UNITED STATES OF AMERICA

THE CONSTITUTION OF THE UNITED STATES OF AMERICA, as amended, is hereby published in accordance with the provisions of the Act of October 3, 1926, (44 Stat. 2078), and the Act of August 1, 1947, (60 Stat. 817), and the Act of August 1, 1950, (64 Stat. 398).

THE CONSTITUTION OF THE UNITED STATES OF AMERICA, as amended, is hereby published in accordance with the provisions of the Act of October 3, 1926, (44 Stat. 2078), and the Act of August 1, 1947, (60 Stat. 817), and the Act of August 1, 1950, (64 Stat. 398).

The first of the year was a very cold one, and the
 snow lay on the ground for several weeks. The
 weather was very disagreeable, and the
 people were much distressed. The
 crops were all ruined, and the
 people were obliged to starve. The
 king was very angry, and he
 ordered that all the people should
 be put to death. But the people
 were so poor, and so weak, that
 they could not do anything. The
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 ordered that all the people should
 be put to death. But the people
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 they could not do anything.

The second of the year was a very warm one, and
 the snow melted. The weather was very
 disagreeable, and the people were
 much distressed. The crops were
 all ruined, and the people were
 obliged to starve. The king was
 very angry, and he ordered that
 all the people should be put to
 death. But the people were so
 poor, and so weak, that they
 could not do anything.

The third of the year was a very cold one, and
 the snow lay on the ground for
 several weeks. The weather was
 very disagreeable, and the people
 were much distressed. The crops
 were all ruined, and the people
 were obliged to starve. The king
 was very angry, and he ordered
 that all the people should be
 put to death. But the people
 were so poor, and so weak, that
 they could not do anything.

The fourth of the year was a very warm one, and
 the snow melted. The weather was
 very disagreeable, and the people
 were much distressed. The crops
 were all ruined, and the people
 were obliged to starve. The king
 was very angry, and he ordered
 that all the people should be
 put to death. But the people
 were so poor, and so weak, that
 they could not do anything.

The fifth of the year was a very cold one, and
 the snow lay on the ground for
 several weeks. The weather was
 very disagreeable, and the people
 were much distressed. The crops
 were all ruined, and the people
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