

By Mr. Walker of Salisbury, petition of Henry A. Walker for the creation of a Massachusetts fishing gear damage fund for the payment to owners of fishing vessels registered in the Commonwealth and claiming damages to gear by foreign fishing vessels. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Six.

**AN ACT TO CREATE A MASSACHUSETTS FISHING GEAR DAMAGE FUND.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 130 of the General Laws is hereby amended by  
2 inserting after section 32 the following: —

3 *Section 32A.* Any owner of a Massachusetts registered fishing  
4 vessel claiming to have suffered damages to gear or equipment as  
5 a result of direct or indirect acts of a foreign fishing vessel shall  
6 make an application for compensation within thirty days of such  
7 damage to the director on a form provided by the director. Such  
8 application form shall include provisions whereby the applicant  
9 certifies under the pains and penalties of perjury that the gear had  
10 been properly marked in accordance with international regula-  
11 tion on marking fishing gear for navigational purposes, the value  
12 of the gear and equipment losses and the circumstances of the loss  
13 with sufficient information and evidence so that the director can  
14 investigate the claim.

15 Within thirty days of receipt of the application, the director  
16 shall certify the amount of the claim and the name of the claimant  
17 to the treasurer of the state, who shall pay the same to  
18 compensate the owner of the fishing vessel the amount of the  
19 claim, not to exceed two thousand dollars from the  
20 Massachusetts Fishing Gear Damage Fund. Damages omitted  
21 from any claim for which compensation is awarded shall be  
22 deemed waived.

23 There is hereby established a fund to be known as the  
24 Massachusetts Fishing Gear Damage Fund. To carry out the  
25 purposes of this act the state treasurer shall subject to  
26 appropriation withdraw from the general fund the sum of twenty-  
27 five thousand dollars and credit said sum on the books of the  
28 Commonwealth to the Massachusetts Fishing Gear Damage  
29 Fund hereafter in this section called the fund.

30 Within sixty days of receipt of an application the director shall  
31 verify the facts certified in the application. If after investigation  
32 the director finds that the application and claim may contain false  
33 information or statements, he shall forward the application and  
34 claim and the results of his investigation to the Attorney General  
35 who shall take action in a court of competent jurisdiction.

36 The compensation received from the fund shall be applied to  
37 repairing and replacing damaged gear.

38 Any Massachusetts fishing vessel owner who receives compen-  
39 sation from the fund shall notify the director of any claims made  
40 against any foreign fishing vessel owner, the amount of the claim  
41 and the disposition of the claim, including the amount of  
42 settlement, if any.

43 Any Massachusetts fishing vessel owner successfully recovering  
44 compensation from a foreign fishing vessel owner for damaged  
45 gear and equipment shall reimburse the fund for the amount  
46 awarded to him by it.

47 This act shall become effective on July 1, 1976.