

HOUSE No. 34

Accompanying the eighth recommendation of the Division of Fisheries and Game of the Department of Conservation (see House, No. 26). Conservation. January 3.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Three.

AN ACT

Establishing a Close Season for Certain Species of Fish and Prohibiting the Sale thereof.

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. Section fifty-eight of chapter one hundred
2 and thirty of the General Laws is hereby amended by
3 striking out said section and inserting in place thereof the
4 following:— *Section 58.* No person shall take pickerel
5 between February first and May first in any year or have
6 in possession pickerel taken in this commonwealth during
7 said period, unless taken by a person lawfully fishing and
8 immediately returned alive to the water whence it was
9 taken, nor shall he at any time buy, sell or offer for sale
10 or have in possession for the purpose of sale any pickerel
11 taken in this commonwealth. Whoever violates any
12 provision of this section shall be punished by a fine of

13 not less than five dollars. The possession of a pickerel
14 during said period shall be prima facie evidence of such
15 unlawful taking.

1 SECTION 2. Section fifty-nine of chapter one hundred
2 and thirty is hereby amended by striking out said section
3 and inserting in place thereof the following: — *Section 59.*
4 Whoever takes from the waters of the commonwealth a
5 pickerel less than twelve inches in length or has in pos-
6 session any such pickerel shall be punished by a fine of
7 one dollar for each pickerel so taken or held in possession
8 and in prosecutions under this section the possession of
9 pickerel less than twelve inches in length shall be prima
10 facie evidence of such unlawful taking.

1 SECTION 3. Section sixty-one of said chapter one
2 hundred and thirty as amended by chapter one hundred
3 and forty-eight of the acts of nineteen hundred and
4 twenty-two is hereby further amended by striking out
5 said section and inserting in place thereof the following:
6 — *Section 61.* No person shall take from any of the
7 inland waters of the commonwealth any white perch
8 between February first and June first in any year or have
9 in possession a white perch so taken, or sell or offer for
10 sale or buy any white perch taken from the inland
11 waters of the commonwealth, nor shall he take from said
12 waters any white perch less than seven inches in length
13 or have the same in possession, nor shall he take there-
14 from a total of more than twenty white perch in any one
15 day; provided, that when two or more persons are fishing
16 from the same boat or raft they shall take not more than
17 thirty white perch in the aggregate. This section shall
18 not apply to waters now or hereafter held under lease by
19 the commonwealth or by the commissioner of conserva-

20 tion. Violation of any provision of this section shall be
21 punished by a fine of not more than twenty-five dollars
22 and five dollars additional for every fish so unlawfully
23 taken, bought, sold or had in possession.

1 SECTION 4. Section seventy-eight A of said chapter
2 one hundred and thirty as amended by chapter one hun-
3 dred and eighty-eight of the acts of nineteen hundred and
4 twenty-one is hereby further amended by striking out
5 said section and inserting in place thereof the following:
6 *Section 78A.* No person shall take or have in possession
7 more than six black bass, fifteen pickerel, forty horned
8 pout, forty yellow perch or five wall-eyed pike, some-
9 times called pike perch, taken from the waters of the
10 commonwealth in any one day. Nor shall he take from
11 said waters or have in possession horned pout between
12 February first and June fifteenth in any year, nor yellow
13 perch between February first and April first in any year,
14 nor shall he at any time buy, sell, offer or expose for sale
15 or have in possession for the purpose of sale a horned
16 pout or yellow perch taken from the waters of the
17 commonwealth. Whoever violates this section shall be
18 punished by a fine of not more than ten dollars for every
19 fish so unlawfully taken, sold, offered for sale or had in
20 possession.

