

HOUSE No. 1170.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Mar. 28, 1900.

The committee on Fisheries and Game, to whom was referred the petition (with accompanying bill, House, No. 240) of the selectmen of the town of Dartmouth and others for legislation for the protection of clams and quahaugs in said town; the petition (with accompanying bill, House, No. 276) of Nathan S. Mendell and others for legislation relative to the taking of scallops in the waters of the town of Mattapoisett; the petition (with accompanying bill, House, No. 485) of Benjamin Oliver and others for legislation to authorize the planting of clams in and around the shores of the town of Wellfleet; and the petition (with accompanying bill, House, No. 886) of W. H. Woodman and others for legislation to provide for the cultivation and protection of clams, report the accompanying bill.

For the Committee,

R. E. CONWELL.

Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred.

AN ACT

To authorize Cities and Towns to regulate the Taking of Eels and Shellfish.

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. The mayor and aldermen of cities
2 and the selectmen of towns may, when so in-
3 structed by their cities and towns and with the
4 limitation made in section two hereof, control and
5 regulate the taking of eels, clams, quahaugs and
6 scallops from any waters within the limits of such
7 cities or towns, including any ponds which now
8 are or hereafter may be leased by the commis-
9 sioners on inland fisheries and game; and may
10 grant permits for such taking, and prescribe the
11 times, methods, uses and quantities thereof.

1 SECTION 2. Any inhabitant of the Common-
2 wealth without a permit may take from the
3 waters of any city or town therein, including the

4 ponds aforesaid, eels, clams, quahaugs and scal-
5 lops for his own family use or for bait, but only
6 at such times, by such methods, in such quanti-
7 ties and according to such regulations as may be
8 prescribed by the mayor and aldermen of the city
9 or by the selectmen of the town concerned, in
10 accordance with this act.

1 SECTION 3. The mayor and aldermen of cities
2 and the selectmen of towns, when so instructed
3 by their cities and towns, may plant and cultivate
4 the aforesaid shellfish within the limits of their
5 respective cities and towns; and they may within
6 such limits allot to any person or persons a speci-
7 fied territory for the planting and cultivation and
8 taking of said shellfish for a period not exceed-
9 ing three years; and during such period it shall
10 be unlawful for any person to whom said territory
11 is not so allotted to take said shellfish therein:
12 *provided, however,* that such allotted territory shall
13 not exceed one-half of the whole territory adapted
14 to the growth of said shellfish. Proper notice
15 of such allotment shall be given by the mayor and
16 aldermen or selectmen concerned.

1 SECTION 4. Whoever takes eels, clams, qua-
2 haugs or scallops in violation of any regulation or
3 allotment made by the mayor and aldermen of a
4 city or the selectmen of a town in accordance
5 with the provisions of this act, shall be punished
6 by a fine of not less than five nor more than one
7 hundred dollars, or by imprisonment in the house

8 of correction for a period not exceeding three
9 months.

1 SECTION 5. Section sixty-eight of chapter
2 ninety-one of the Public Statutes as amended by
3 chapter three hundred and ninety-one of the acts
4 of the year eighteen hundred and eighty-nine is
5 hereby repealed.

1 SECTION 6. This act shall not affect any ex-
2 isting agreements pertaining to shell fishing be-
3 tween the towns of Mattapoisett, Marion and
4 Rochester.

1 SECTION 7. All forfeitures under this act shall
2 be paid one-half to the city or town where the
3 offence is committed, and one-half into the treas-
4 ury of the Commonwealth.

1 SECTION 8. This act shall take effect upon its
2 passage.