

# HOUSE . . . . No. 1179

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By Mr. Jones of Barnstable, petition of Frank Cabral and others for legislation to prohibit use of beam or otter trawls in taking fish from coastal waters adjacent to Cape Cod and Cape Cod Bay. Conservation.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Nine.

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AN ACT PROHIBITING THE USE OF BEAM OR OTTER TRAWLS  
IN TAKING FISH FROM THE COASTAL WATERS ADJACENT  
TO CAPE COD AND CAPE COD BAY.

*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. It shall be unlawful for any person  
2 to use a beam or otter trawl to drag for fish in the  
3 coastal waters, as defined in section one of chapter  
4 three hundred and twenty-nine of the acts of nine-  
5 teen hundred and thirty-three, which are adjacent  
6 to that part of Cape Cod and Cape Cod bay de-  
7 scribed as follows: beginning at Nauset light, thence  
8 following the shore line around and to Wood End  
9 light, thence continuing around the shore line of  
10 Cape Cod bay to Gurnet light.

1 SECTION 2. Whoever uses a beam or other trawl  
2 in violation of the foregoing section shall be punished

3 by a fine of not less than fifty dollars nor more than  
4 two hundred dollars or by imprisonment in jail for  
5 not more than two months or both. The possession,  
6 control or tending of a beam or otter trawl which is  
7 in contact with said waters shall be prima facie evi-  
8 dence of a violation of said section.

1 SECTION 3. The director, supervisor, wardens and  
2 deputy wardens, as defined in said section one of  
3 said chapter three hundred and twenty-nine, mem-  
4 bers of the state police and all other officers qualified  
5 to serve criminal process may arrest without a war-  
6 rant any person found violating the provisions of this  
7 act, and detain him until a warrant for his arrest  
8 for such violation is procured; and in case of a sec-  
9 ond conviction under the preceding sections, may  
10 seize any boat or vessel and its tackle, apparel, fur-  
11 niture and implements and any other personal prop-  
12 erty, used in such violation, and any fish illegally  
13 taken or held, which shall be forfeited.

1 SECTION 4. All fines, penalties and forfeitures re-  
2 covered and received by virtue of this act shall go  
3 to, and for the use of, the commonwealth.

1 SECTION 5. All acts or parts of acts inconsistent  
2 with the provisions of this act are hereby repealed.

1 SECTION 6. This act shall take effect upon its  
2 passage.