

HOUSE No. 5716

The Commonwealth of Massachusetts

House of Representatives, May 27, 1970.

The Committee on Natural Resources and Agriculture, to whom were referred the petition (accompanied by bill, Senate No. 656) of the Massachusetts Lobstermen's Association, by Robert S. Barlow, secretary, for legislation to fix the time during which lobsters may be taken from the waters of the Commonwealth, and relative to licenses for the taking of lobsters and crabs; and the final report of the special commission (under Chapter 17 of the Resolves of 1968 and most recently revived and continued by Chapter 3 of the Resolves of 1970) relative to increasing the revenue of the Marine Fisheries Fund (House, No. 5109), report the accompanying bill (House, No. 5716) [Senator Quinn and Representatives Dwinell of Millbury and Wetmore of Barre, dissenting].

For the committee,

STEVE T. CHMURA.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT RELATIVE TO THE FEES FOR CERTAIN PERMITS AND CERTIFICATES ISSUED BY THE DIVISION OF MARINE FISHERIES.

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. Chapter 130 of the General Laws is hereby
2 amended by striking out section 3, as appearing in section 1 of
3 chapter 598 of the acts of 1941, and inserting in place thereof the
4 following section: — *Section 3.* Whoever loses or by mistake or
5 accident destroys his license, permit or certificate issued by the
6 director under any provision of this chapter may, upon applica-
7 tion to him, and upon payment of the fee listed in section
8 eighty-three, receive a duplicate thereof; provided, that such
9 application is accompanied by an affidavit setting forth the
10 circumstances of said loss.

1 SECTION 2. The first paragraph of section 38 of said chapter
2 130 is hereby amended by striking out the first sentence, as
3 appearing in chapter 642 of the acts of 1960, and inserting in
4 place thereof the following eight sentences: — A person shall not
5 fish for or take lobsters or edible crabs in coastal waters or land
6 the same in the commonwealth without a permit issued by the
7 director, the fees therefor being established in section eighty-
8 three. A non-commercial lobster and crab permit shall authorize
9 the holder thereof to fish for, take and land lobsters and edible
10 crabs for consumption, and not for sale, by himself or his
11 immediate family, provided the holder does not use more than
12 ten traps for such fishing at any one time. A commercial
13 fisherman permit (lobster) authorizes the holder thereof to fish
14 for, take and land lobsters and edible crabs for commercial

15 purposes. No person holding a commercial fisherman permit
16 (lobster) need at the same time hold a non-commercial lobster
17 and crab permit. Upon application to the director, and endorse-
18 ment on his license, the holder of a commercial fisherman permit
19 (lobster) may have the privilege afforded the holder of any type
20 of commercial fisherman permit issued under section eighty. A
21 commercial fisherman permit (lobster) may be issued to an
22 individual or it may be issued in the name or number of a vessel,
23 in which case it shall be valid for all persons on board said vessel.
24 Such a vessel license may be transferred by the director. In
25 addition to the above non-commercial lobster and crab permit
26 and the commercial fisherman permit (lobster) there shall be a
27 seasonal commercial fisherman permit (lobster). Such a permit
28 shall allow the holder thereof to take and sell lobsters during the
29 period June fifteenth to September fifteenth and shall limit the
30 holder to the use of not more than twenty-five pots.

1 SECTION 3. Said section 38 of said chapter 130 is hereby
2 further amended by striking out the fourth paragraph, as
3 amended by section 2 of chapter 737 of the acts of 1969.

1 SECTION 4. Said section 38 of said chapter 130 is hereby
2 further amended by striking out the fifth paragraph, as appearing
3 in chapter 642 of the acts of 1960, and inserting in place thereof
4 the following paragraph: —

5 A permittee shall at all times, while acting in pursuance of his
6 permit exhibit his permit upon the demand of any officer
7 qualified to serve criminal process, and upon failure to do so shall
8 be punished by a fine of not more than twenty-five dollars.

1 SECTION 5. Said Chapter 130 is hereby further amended by
2 striking out section 80, as most recently amended by chapter 878
3 of the acts of 1967, and inserting in place thereof the following
4 section: —

5 *Section 80.* CERTIFICATES OF COMMERCIAL DISTRIBUTION OF FISH AND SHELLFISH; AUTHORITY TO GRANT;
6 RULES AND REGULATIONS; APPROVAL; REVOCATION OR
7 CANCELLATION; HEARING.

9 Except as permitted in section thirty-eight and seventy-five a
10 person shall not fish for or take fish for commercial purposes in
11 the coastal waters or land raw fish, whether frozen or unfrozen in
12 the commonwealth for the purpose of sale unless he is the holder
13 of a commercial fisherman permit. A commercial fisherman
14 permit may be issued to an individual or it may be issued in the
15 name or number of a vessel, in which case it shall be valid for all
16 persons on board said vessel. A vessel permit may be transferred
17 by the director. Notwithstanding anything contained in this
18 paragraph and except as provided in section seventy-five, a person
19 shall not dig or take shellfish for commercial purposes unless he is
20 the holder of a commercial fisherman permit (shellfish) or unless
21 he is the holder of a commercial fisherman permit which has been
22 specially endorsed at no additional charge, for the taking of such
23 shellfish; a person holding a permit issued under section seventy-
24 five shall not hold a permit issued under this section for the
25 taking or digging of shellfish. Notwithstanding anything con-
26 tained in this or the succeeding paragraph, a person who has in his
27 possession a commercial fisherman permit (rod and reel -
28 limited) may take by rod and reel or by diving and sell finfish
29 lawfully taken from the coastal waters in an amount not
30 exceeding fifty pounds per day plus one fish, and a person who
31 has in his possession a commercial fisherman permit (rod and
32 reel - unlimited) may take by rod and reel or by diving and sell
33 finfish lawfully taken from the coastal waters.

34 A person shall not for commercial purposes acquire, handle,
35 store, distribute, process, fillet, ship or sell raw fish, whether
36 frozen or unfrozen, in bulk or for resale without first obtaining a
37 wholesale dealer permit, provided that the holder of a valid
38 commercial fisherman permit who catches fish or takes lobsters
39 and sells such fish or lobsters to wholesale or retail dealers
40 exclusively shall be exempt from obtaining a dealer permit. A
41 person shall not sell raw fish, whether frozen or unfrozen, at
42 retail without a retail dealer permit, provided that the holder of a
43 wholesale dealer permit may sell fish at retail at one location
44 which shall be named on the permit.

45 A person shall not for commercial purposes shuck shellfish, or
46 pack or repack shucked shellfish, or dig, take, pack or buy
47 shellfish within this commonwealth for shipment outside the

48 commonwealth, without the approval of the director which shall
49 be endorsed on the certificate or permit held by such person at
50 no additional cost.

51 No person shall take or sell fish from a fishery regulated by the
52 director without a regulated fishery permit, in addition to any
53 other permit that may be required by this chapter.

54 The director is hereby authorized to issue the permits called
55 for in this section for such fee as is specified in section
56 eighty-three.

57 The director shall promulgate rules and regulations relative to
58 the form, contents and use of all permits issued under this
59 section. At the request of the commissioner of public health, or
60 of his own motion, the director shall revoke and cancel and
61 require the surrender of any certificate issued by him under this
62 section if, in his opinion, after a hearing, after due notice, by him
63 or some person designated by him the holder thereof is guilty of
64 violating any rule or regulation of the director or of the
65 department of public health pertaining to fish or the sale thereof,
66 or of any provision of this section or section seventy-five, or upon
67 a change in the facts and conditions set forth in such certificate.
68 Pending the hearing the certificate shall be suspended. Whoever
69 violates any provision of this section shall be punished by a fine
70 of not less than ten nor more than fifty dollars or by
71 imprisonment for thirty days, or both.

1 SECTION 6. Said chapter 130 is hereby further amended by
2 striking out section 83, as amended by chapter 697 of the acts of
3 1965, and inserting in place thereof the following section: -

4 *Section 83. FEES FOR PERMITS*

5 For the purpose of defraying the cost of the divisions research
6 and management, including administrating and operating ex-
7 penses, activities and the costs of issuing certain permits and the
8 inspection thereof the following fees shall be paid to the director
9 by the person to whom the same is issued for any calendar year
10 or part thereof:

Type of Permit

Commercial Fisherman (For the taking of fish for sale)	
Individual (For named individual only)	\$ 25.00
Shellfish	15.00
Rod and Reel – Limited (for the sale of finfish lawfully taken by rod and reel or by diving – 50 pounds plus one fish, per day)	
	no fee
Rod and Reel – Unlimited (for the sale of finfish lawfully taken by rod and reel or by diving)	
	5.00
Boat (100 feet or more in total length)	100.00
(60 to 99 feet in total length)	75.00
(up to 59 feet in total length)	50.00
Lobster (For the taking of lobsters for sale)	100.00
Seasonal lobster	25.00
Wholesale dealer (Any wholesaler dealing in fresh or raw fish)	50.00
Retail dealer (Any retailer dealing in fresh or raw fish)	25.00
Special Permits	
Non-commercial lobster and crab (up to 10 pots and/or diving privileges)	10.00
Contaminated shellfish (bait)	10.00
Master Digger	50.00
Subordinate Digger	15.00
Regulated fishery (for fishing in special areas, etc.)	10.00
Others, miscellaneous	5.00
Duplicate (Replacing originals)	3.00

1 SECTION 7. This act shall take effect on January first,
2 nineteen hundred and seventy-one.

