

By Mr. McKinnon, a petition (accompanied by bill, Senate, No. 1008) of Allan R. McKinnon and Sharon M. Pollard for legislation to provide for comprehensive enforcement of certain laws relating to marine fisheries and fish. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR COMPREHENSIVE ENFORCEMENT OF CERTAIN LAWS RELATING TO MARINE FISHERIES AND FISH.

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 2 of Chapter 130 of the General Laws is
2 hereby amended by striking out the second paragraph and
3 inserting in place thereof the following:

4 "Unless otherwise specifically provided by law, every
5 license, permit, or certificate, issued under any provision of
6 this chapter or any other provisions of law relating to marine
7 fish and fisheries or any rules and regulations made under
8 authority thereof, held by any person convicted of a violation
9 of any of the laws relating to marine fish and fisheries or any
10 rule or regulation made under authority thereof by a court
11 of competent jurisdiction, shall be suspended and inoperative
12 for one month for the first offense, three months for the
13 second offense, and for one year for any subsequent offense.
14 All suspended or void licenses, permits or certificates shall be
15 surrendered forthwith to any officer authorized to enforce
16 the laws relating to marine fish and fisheries. No person
17 whose license, permit or certificate has become suspended or
18 void shall be given a new license, permit or certificate under
19 authority of any provision of law relating to marine fish and
20 fisheries during the period of suspension, and any license,
21 permit or certificate so issued shall also be void and shall be
22 surrendered forthwith on demand of any officer authorized to
23 enforce the laws relating to marine fish and fisheries. No fee
24 received for a license, permit or certificate suspended or made

25 void under this section shall be refunded. All traps, trawls,
26 pots, buoys, lines, boats or other fishing gear used in violation
27 of the laws relating to lobsters may be impounded by the
28 division of law enforcement for a period of not less than
29 thirty days nor more than one year from and after the date
30 on which the owner, lessee or person in possession of such
31 traps, trawls, pots, buoys, lines, boats or other fishing gear is
32 convicted of such violation.

1 SECTION 2. Section 2 of chapter 130 of the General Laws is
2 hereby further amended by adding, at the end thereof, the
3 following new paragraph:

4 "All fines collected under this section shall revert to the
5 Inland Fisheries and Game Fund and the State Recreation
6 Areas Fund to enforce the laws relating to marine fish and
7 fisheries."

1 SECTION 3. Section 98 of Chapter 130 of the General Laws,
2 as most recently amended by chapter 209 of the act of 1974,
3 is hereby further amended by striking out said section and
4 inserting in place thereof the following:

5 "In each city and town bordering on coastal waters, the
6 mayor or the selectmen, as the case may be, shall appoint a
7 person or persons, qualified by training and experience in the
8 field of shellfish management, as shellfish constables and
9 deputy shellfish constables. Such shellfish constables and
10 deputy shellfish constables shall be appointed for terms of
11 three years, and may be reappointed. They shall, subject to
12 the appointing authority, make or cause to be made such
13 studies as may be necessary to enhance the value of such
14 shellfisheries. They shall enforce all statutes, ordinances,
15 by-laws, rules and regulations relative to shellfish in such city
16 and town. They shall, for the enforcement of sections 17A,
17 31, 37, 38, 38A, 39, 41, 43, 44, 100A, 100B and 100C, have
18 the authority granted to natural resource officers, subject to
19 written rules and regulations of the Directors of Marine
20 Fisheries and Law Enforcement. In the performance of his
21 duties, a shellfish constable or deputy shellfish constable may
22 request any person who he has cause to believe is engaged in

23 unlawful fishing, is in unlawful possession of fish unlawfully
24 taken, to display forthwith for inspection all fish in his posses-
25 sion, and he may arrest without a warrant any person re-
26 fusing or failing to comply with such request.

27 Upon the appointment of a shellfish constable or deputy
28 shellfish constable under this section, the appointing authority
29 shall forthwith notify the director of the Division of Marine
30 Fisheries and the director of the Division of Law Enforce-
31 ment.

1 SECTION 4. Chapter 130 of the General Laws is hereby fur-
2 ther amended by adding, after section 9 the following new
3 section:

4 *Section 9A.* A shellfish constable or deputy appointed under
5 the authority of Chapter 98 shall have the same powers
6 granted to a natural resource officer under authority of sec-
7 tion 9 relating only to those in sections specifically referred
8 to in section 08 and all statutes, ordinance, by-laws, rules and
9 regulations relative to fish in such city or town. Such author-
10 ity shall be subject to written rules and regulations of the
11 Directors of Marine Fisheries and Law Enforcement.

1 SECTION 5. Chapter 130 of the General Laws is hereby fur-
2 ther amended by adding after section 13 the following new
3 section:

4 *Section 13A.* A shellfish constable or deputy appointed
5 under authority of section 98 shall have the same powers
6 granted to a natural resource officer under authority of sec-
7 tion 13 relating only to those sections specifically referred to in
8 section 98 and all statutes, ordinances, by-laws, rules and
9 regulations relative to shellfish in such city or town. Such
10 authority shall be subject to written rules and regulations of
11 the Directors of Marine Fisheries and Law Enforcement.

1 SECTION 6. Section 62C of chapter 221 of the General Laws,
2 as added by section 250 of chapter 478 of the acts of 1978 is
3 hereby amended by adding after subsection (g), the following
4 new subsection:

5 (h) hear complaints pursuant to chapter 130 of the general
6 laws.

