

By Mr. Angelo of Saugus, petition of Steven Angelo for legislation to prohibit the landing or sale of lobsters taken outside of the territorial waters of the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO PROHIBIT THE LANDING OR SALE IN THE COMMONWEALTH OF MASSACHUSETTS OF LOBSTERS TAKEN OUTSIDE OF THE TERRITORIAL WATERS OF THE COMMONWEALTH OF MASSACHUSETTS BY A COMMERCIAL FISHING VESSEL FISHING WITH DRAGGING APPARATUS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 130 of the General Laws is hereby amended by adding
2 thereto a new Section 37B, as follows:

3 No commercial fishing vessel that has taken, kept, maintained
4 or possessed lobsters while operating outside of the territorial
5 waters of the Commonwealth of Massachusetts and while fishing
6 by the use of dragging apparatus shall land such lobsters or any
7 of them at any port of, or sell or distribute the same at wholesale
8 or retail within, the Commonwealth of Massachusetts. The owner
9 and master of every such vessel coming to ports of the
10 Commonwealth of Massachusetts shall have a nondelegable duty
11 to assure that such vessels shall not violate this section.

12 Violation of this section upon a first offense shall be punished
13 by a fine in an amount not less than twenty-five dollars per lobster
14 landed or sold, and upon any subsequent offense by a fine in an
15 amount not less than fifty dollars landed or sold, against the
16 master of the vessel. Upon conviction of the master for a violation
17 of this section, a civil fine in similar amount to that imposed upon
18 the master shall be imposed on the owner of the vessel, which civil
19 fine shall constitute a lien upon the vessel until paid.

20 In addition to any other punishment, civil fine, forfeiture or
21 other action permitted by law as a result of conviction for a

22 violation of any part of this section, upon being given notice by
23 any person, the director shall ascertain whether the owner or
24 master of the vessel, or the vessel itself, is a holder of any permits
25 issued by the director. If so, the director shall make a determination
26 whether to suspend for a designated period of time or to terminate
27 any such permits, and may take such action as to him seems
28 appropriate.