

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 by commercial fishing vessels with dragging apparatus. Natural Resources and Agriculture.

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## The Commonwealth of Massachusetts

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

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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 new Sections 37B, 37C, 37D and 37E, as follows:

3 Chapter 130: Section 37B. No commercial fishing vessel that  
4 has taken, kept, maintained or possessed lobsters while operating  
5 outside of the territorial waters of the Commonwealth of  
6 Massachusetts and while fishing by the use of dragging apparatus  
7 shall land such lobsters or any of them at any port of, or sell, or  
8 distribute the same at wholesale or retail within, the Common-  
9 wealth of Massachusetts. The owner and master of every such  
10 vessel coming to ports of the Commonwealth of Massachusetts  
11 shall have a nondelegable duty to assure that such vessels shall  
12 not violate this section.

13 Chapter 130: Section 37C. No commercial fishing vessel that  
14 has taken, kept, maintained or possessed lobsters while operating  
15 outside of the territorial waters of the Commonwealth of  
16 Massachusetts and while fishing by the use of dragging apparatus  
17 shall transfer such lobsters or any of them to any other commercial  
18 fishing vessel for the purpose of landing such lobsters or any of  
19 them at any port of, or for the purpose of selling or distributing  
20 the same at wholesale or retail within, the Commonwealth of

21 Massachusetts. The owner and master of every such vessel  
22 transferring lobsters which may be brought to ports of the  
23 Commonwealth of Massachusetts shall have a nondelegable duty  
24 to assure that such vessels shall not violate this section.

25 Chapter 130: Section 37D. No commercial fishing vessel that  
26 has received transfer of lobsters taken, kept, maintained or  
27 possessed by another commercial fishing vessel while such other  
28 commercial fishing vessel is operating outside of the territorial  
29 waters of the Commonwealth of Massachusetts and while fishing  
30 by the use of dragging apparatus shall land such transferred  
31 lobsters or any of them at any port of, or sell, or distribute the  
32 same at wholesale or retail within, the Commonwealth of  
33 Massachusetts. The owner and master of every such receiving  
34 vessel coming to ports of the Commonwealth of Massachusetts  
35 shall have a nondelegable duty to assure that such vessels shall  
36 not violate this section.

37 Chapter 130: Section 37E. Violation of Section 37B, 37C, or  
38 37D upon a first offense shall be punished by a fine in the amount  
39 not less than \$25.00 per lobster transferred, received, landed or  
40 sold, and upon any subsequent offense by a fine in an amount  
41 not less than \$50.00 per lobster transferred, received, landed or  
42 sold, against the master of the vessel. Upon conviction of the  
43 master for a violation of any of the foregoing sections, a civil fine  
44 in similar amount to that imposed upon the master shall be  
45 imposed upon the owner of the vessel, which civil fine shall  
46 constitute a lien upon the vessel until paid.

47 In addition to any other punishment, civil fine, forfeiture or  
48 other action permitted by law as a result of conviction for a  
49 violation of any of the foregoing sections, upon being given notice  
50 by any person, the director shall ascertain whether the owner or  
51 master of the vessel, or the vessel itself, is a holder of any permits  
52 issued by the director. If so, the director shall make a  
53 determination whether to suspend for a designated period of time  
54 or to terminate any such permits, and may take such action as  
55 to him seems appropriate.