

By Mr. Cahoon of Chatham, petition of Howard C. Cahoon, Jr., relative to increasing certain fines for violation of marine fish and fisheries rules and regulations. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT INCREASING CERTAIN FINES FOR VIOLATION OF MARINE FISH AND FISHERIES RULES AND REGULATIONS.

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 69 and inserting in place thereof
3 the following section: —

4 *Section 69.* Whoever takes or has in possession quahaugs or
5 soft-shelled clams less than two inches in longest diameter or oys-
6 ters less than three inches in longest diameter, hereinafter referred
7 to as seed quahaugs, seed clams or seed oysters, to the amount of
8 more than five per cent of any batch shall be punished by a fine of
9 not less than fifty nor more than five hundred dollars or by impri-
10 sonment for not more than thirty days, or both provided, that it
11 shall not be unlawful to take seed quahaugs, seed clams or seed
12 oysters or have the same in possession under authority of a permit
13 therefor, which the director is hereby authorized to grant, for
14 replanting in waters or flats within the commonwealth.

1 SECTION 2. Said chapter 130 is hereby further amended by
2 striking out section 70 and inserting in place thereof the following
3 section: —

4 *Section 70.* No person shall take from the flats or coastal waters
5 of the commonwealth scallops other than adult scallops, or sell or
6 offer for sale or have in possession such scallops. For the purposes
7 of this section an adult scallop shall be a scallop with a well-defined

8 raised annual growth line, and any scallop without such line shall be
9 deemed a "seed" scallop. Scallops taken from the coastal waters
10 shall immediately be culled when taken, and all scallops other than
11 adult scallops shall forthwith be returned alive to the coastal waters
12 whence taken; but it shall not be unlawful to sell or have in posses-
13 sion scallops other than adult scallops unavoidably left in the catch
14 after it has been culled, to the amount of not more than five per cent
15 of the total catch remaining. All scallops taken in accordance with
16 the section shall be taken ashore in the shell. This and section
17 seventy-one shall not apply to seed and adult scallops carried by
18 storm or tide from the natural beds and deposited on beaches and
19 flats where, in the opinion of the director, they cannot survive, but
20 the taking of said seed scallops and the taking and sale of said adult
21 scallops may be authorized by him at any season of the year. The
22 director shall promulgate rules and regulations governing the tak-
23 ing and sale of said seed and adult scallops by special permits, which
24 he is empowered to issue without fee, or otherwise so as to prevent
25 the sale of seed scallops at any time, or the sale of adult scallops
26 between April first and the following October first, except as autho-
27 rized herein. Whoever violates any provision of this section shall be
28 fined not less than fifty nor more than five hundred dollars and
29 imprisonment for thirty days or both.

1 SECTION 3. Said chapter 130 is hereby further amended by
2 striking out section 71 and inserting in place thereof the following
3 section: —

4 *Section 71.* Except as provided in sections seventy and seventy-
5 three, no person shall take scallops between April first and the
6 following October first from the flats or coastal waters of the
7 commonwealth, or buy or sell or have in possession scallops so
8 taken. Whoever violates any provision of this section shall be
9 punished by a fine of not less than fifty nor more than five hundred
10 dollars and imprisonment for thirty days or both.

1 SECTION 4. Said chapter 130 is hereby further amended by
2 striking out section 72 and inserting in place thereof the following
3 section: —

4 *Section 72.* No person shall for any purpose taken more than a
5 total of ten bushels of scallops, including shells, in one day, unless

6 authorized by the director under sections seventy and seventy-three
7 so to do. Whoever violates any provision of this section shall be
8 punished by a fine of not less than fifty nor more than five hundred
9 dollars and imprisonment for thirty days or both.

