

HOUSE No. 1454

By Messrs. Jordan and Rowan of Revere, petition of William H. J. Rowan and Peter J. Jordan for repeal of certain provisions of law relative to the taking of seaworms. Conservation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT RELATIVE TO THE TAKING OF SEAWORMS.

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 one hundred and thirty of the General Laws
2 is hereby amended by striking out the first paragraph
3 of section forty-eight, as most recently amended by
4 chapter one hundred and ten of the acts of nineteen
5 hundred and thirty-five, and inserting in place thereof
6 the following:—

7 Except as provided in sections forty-two to forty-
8 six, inclusive, and except in the case of shellfish on
9 private grants licensed under section fifty-seven, or
10 shellfish on areas closed for municipal cultivation
11 under section fifty-five, and except that the private
12 rights of any person shall not be impaired thereby,
13 the aldermen or the selectmen, if so instructed by their
14 respective cities or towns, in addition to any action
15 authorized by section fifty-one, in their discretion
16 may from time to time control, regulate or prohibit
17 the taking of eels and any or all kinds of shellfish

18 within such cities and towns. For the purpose of
19 such control, regulation or prohibition the aldermen
20 or the selectmen may, from time to time, without
21 other or special authority therefor, make any regu-
22 lations not contrary to law in regard to said fisheries
23 that they deem expedient, including the times, places,
24 methods, purposes, uses, sizes, quantities or any other
25 particulars of such taking, and may grant permits,
26 subject to the exceptions hereinabove mentioned
27 and subject also to any such regulations, then or
28 thereafter in force, for the taking of eels and such
29 shellfish within such cities and towns. Any such
30 instructions hereunder shall continue in force until
31 subsequent action of such city or town shall alter,
32 amend, rescind or repeal the same. Any regulations
33 made under any such instruction shall continue in
34 force, as far as such instruction shall continue to
35 authorize the same, until the aldermen or selectmen
36 of said city or town shall alter, amend, rescind or
37 repeal the same.