

HOUSE No. 4224

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act instituting salt water fishing licenses ..

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 inserting after section 17B the
2 following section:

3 Section 17C. Recreational Saltwater Fishing Permit Program

4 (a) The director shall establish a state recreational saltwater fishing permit program to
5 comply with the state exemption requirements of Section 401(g)(2) of the Magnuson-Stevens
6 Fishery Conservation and Management Act, codified at 16 U.S.C. 1881, and may promulgate
7 regulations implementing the state program in accordance with sections 17 and 17A of Chapter
8 130.

9 (b) No person shall engage in the recreational activity of finfishing, or take or land
10 finfish for recreational purposes in or from the coastal waters of the commonwealth, as defined
11 in section 1 of Chapter 130, without first obtaining a saltwater recreational fishing permit from
12 the director. The permit process shall require the applicant to submit, in addition to any other

13 information required by the director, his name, address, telephone number, and date of birth. No
14 such permit shall be required in the following circumstances:

15 (1) non-resident persons holding a valid recreational saltwater fishing permit of any
16 coastal state, provided the director has determined that the requirements of such other state
17 permit is substantially the same as the commonwealth's permit, and the director has determined
18 that the other state provides similar privileges granted under its law to residents permitted by the
19 commonwealth;

20 (2) persons under sixteen years of age;

21 (3) persons who meet the definition of disabled under applicable state law; or

22 (4) persons fishing as a passenger from a for-hire vessel, provided the owner of the
23 vessel has a valid permit from the director as provided in subsection (c).

24 (c) The director may issue a recreational saltwater fishing permit to an individual or a
25 business entity that is engaged in for-hire recreational fishing in the coastal waters of the
26 commonwealth, and such permit shall be valid for all persons on board the for-hire vessel. The
27 director may establish categories and related requirements for such permits, including but not
28 limited to, for a charter boat allowing the permit holder to carry up to six paying passengers and
29 for a head-boat allowing the permit holder to carry more than six paying passengers.

30 (d) The director may establish categories of recreational saltwater fishing permits,
31 including, but not limited to, individual permits, age-related permits and for-hire permits, and
32 may charge a separate annual fee for each category of permits. The amounts of such fees shall be
33 established by the secretary of administration and finance pursuant to section 3B of chapter

34 seven. However, the director or authorized agents may not charge a fee to individuals requesting
35 a permit who at the time of permit application are more than sixty-four years of age or less than
36 seventeen years of age. The director shall develop a fee schedule for all classes of permits and
37 submit such schedule to the clerks of the House of Representatives and Senate not less than 30
38 days before such schedule is to take effect. The director may also authorize agents to sell
39 recreational saltwater fishing permits issued pursuant to section 17C and authorize agents who
40 are not employed by the commonwealth to charge and retain a reasonable service fee for such
41 service.

42 (e) The director may designate not more than two consecutive or nonconsecutive days in
43 each year as free saltwater fishing days. Notwithstanding any other provision of this chapter,
44 any person may take saltwater fish for noncommercial purposes on a free saltwater fishing day,
45 without obtaining or possessing a license or permit or paying a license or permit fee as
46 prescribed in this section. A person who takes saltwater fish on a free fishing day must comply
47 with all laws, rules, and regulations governing the holders of a fishing license or permit and all
48 other conditions and limitations regulating the taking of saltwater fish.

49 (f) There shall be established within the division of marine fisheries a marine recreational
50 fisheries development panel. The panel shall advise the director on the development and
51 administration of recreational saltwater fishing improvement programs, including but not limited
52 to the improvement of public access to marine recreational fisheries. The panel shall consist of
53 two members of the marine fisheries advisory commission and three members of the public at
54 large, all of whom shall have specific expertise and background in the commonwealth's marine
55 recreational fisheries. The panel members shall be appointed for terms not to exceed three years
56 by the commissioner of the department of fish and game. The panel shall meet at least twice

57 each year, and shall also meet at the request of the director or the commissioner. A quorum to
58 conduct business shall consist of three members.

59 SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after
60 Section 35KK the following section:-

61 “Section 35LL. Marine recreational fisheries development fund.

62 (1) There shall be established and set up on the books of the commonwealth a separate
63 fund to be known as the marine recreational fisheries development fund. There shall be credited
64 to the fund all recreational saltwater fishing permit fees collected by the director of the Division
65 of Marine Fisheries pursuant to Section 17C of Chapter 130 of the General Laws, any
66 appropriations, grants, gifts, or other monies authorized by the general court or other parties and
67 specifically designated to be credited to the fund, and any income derived from the investment of
68 amounts credited to the fund. All amounts credited to the fund may be expended, subject to
69 appropriation, provided that all unexpended balances remaining in the fund at the end of the
70 fiscal year shall not revert to the general fund and may be appropriated for expenditure in the
71 subsequent fiscal year.

72 (2) The fund shall be administered by the director in consultation with the marine
73 recreational fisheries development panel. Monies expended from the fund shall be used for the
74 development and administration of the recreational saltwater fishing permit program established
75 pursuant to Section 17C of Chapter 130 to support science and conservation programs designed
76 to improve recreational fishing and other recreational saltwater fishing improvement programs,
77 including for the direct and indirect costs of personnel or contractors of the division of marine
78 fisheries associated with such programs; provided, that at least one-third of the license fees

79 appropriated for expenditure in a fiscal year shall be expended on existing or new facilities and
80 other activities that improve public access to recreational saltwater fishing. The director shall
81 consult with the department's office of fishing and boating access on any proposals for public
82 access facilities to be constructed with monies from the fund, and such facilities may be
83 constructed with said office. The director shall request the panel's input on the division's
84 proposed spending plan for the fund in the upcoming fiscal year, and provide the panel with a
85 written explanation if the director does not adopt a recommendation of the panel.

86 SECTION 3. (a) Section 1 of Chapter 130 is hereby further amended by inserting the
87 following definition:

88 "Recreational saltwater fishing," the non-commercial taking or attempted taking of
89 finfish for personal or family use, and which are not sold, traded or bartered.

90 (b) Section 17A of Chapter 130 is hereby amended by striking the following sentence:

91 "No such rule or regulation shall require a license for the taking of fish from coastal
92 waters for non-commercial purposes."

93 SECTION 4. Chapter 130 of the General Laws is hereby amended by inserting after
94 Section 17C the following section:-

95 "Section 17D. Fishing without a license; penalties.

96 Whoever violates Section 17C, or any rule or regulation made under authority thereof,
97 shall be punished by a fine per offense as promulgated by the director. All funds received by the
98 Commonwealth pursuant to this section shall be deposited in the marine recreational fisheries
99 development fund established by section 35LL of chapter 29 of the General Laws."

SECTION 5. This act shall take effect upon its passage.