

HOUSE No. 811

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the conservation of Atlantic striped bass.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|----------------------|-------------|
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | |

HOUSE No. 811

By Mr. Stanley of Waltham, a petition (accompanied by bill, House, No. 811) of Thomas M. Stanley relative to the Atlantic Striped Bass. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the conservation of Atlantic striped bass.

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

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

3 Section 1. Section 100A of chapter 130 of the General Laws, as appearing in the 2006
4 Official Edition, is hereby amended by striking the section in its entirety and inserting in place
5 thereof the following sentences: - (a) Commercial harvesting and sale of wild striped bass shall
6 be prohibited in the Commonwealth except as provided for in section 2. The director, with the
7 approval of the marine fisheries advisory commission, shall adopt rules and regulations relative
8 to the taking and possession of wild striped bass by recreational angling. (b) All aquaculture
9 raised striped bass for sale in the commonwealth shall bear the tag of the grower or distributor of
10 the fish. (c) Whoever violates any rules or regulations made pursuant to this section shall be
11 punished by a fine of not less than \$200 for each fish taken or possessed for the first violation,
12 five hundred dollars for each fish taken or possessed for the second violation and for each
13 subsequent violation shall be fined one thousand dollars for each fish taken or possessed or
14 imprisoned not more than sixty days or both. No part of any fine imposed for the taking or
15 possession of any striped bass in violation of any such regulation shall be remitted.

16 Section 2. (a) Commercial harvesting and sale of wild striped bass shall be permitted for
17 individuals owning commercial licenses on December 31, 2012 who can historically demonstrate
18 over the preceding 5 years that they have averaged an annual landing and sale of more than 1000
19 pounds of striped bass based on records made available to the Massachusetts Division of Marine
20 fisheries. Provided further, however, the Director of the Massachusetts Division of Marine
21 Fisheries may provide hardship relief from this limit if a license holder for the past five years can
22 demonstrate a legitimate hardship causing him or her to land less than an average of 1000

23 pounds. (b) The Director of the Massachusetts Division of Marine Fisheries shall calculate the
24 commercial catch limit based on the 5 year annual landings and sale of pounds of striped bass by
25 said commercial fishermen as so defined in Section 2 (a). (c) Should a commercial license
26 holder retire his license, the Massachusetts Division of Marine Fisheries shall reduce the total
27 commercial take allowed by the average landings of said individual operating under said license
28 for the previous five years. (d) In no case shall any new commercial licenses be granted or shall
29 licenses be transferred or sold. (e) If a commercial striped bass license holder fails to report no
30 catch or if they report not catching any striped bass for two consecutive years, their striped bass
31 commercial license shall not be renewed. (f) All Commercial Fishermen shall annually be
32 required to report their catch to the Massachusetts Division of Marine Fisheries within 90 days
33 after the close of the commercial striped bass season. Failure to comply with this requirement
34 shall cause said individual's license not to be renewed for the next season. Provided further,
35 however, the Director of the Massachusetts Division of Marine Fisheries may waive any
36 penalties associated with a late filing of said report if said commercial fisherman can
37 demonstrate a legitimate hardship. (g) Nothing in this act shall preclude the Director of Marine
38 Fisheries or the Marine Fisheries Advisory Board from limiting, curtailing or suspending the
39 recreational or commercial catching and landing of striped bass should the fishery conditions
40 worsen that the fishery is in jeopardy of sustaining itself. (h) Notwithstanding any special or
41 general law to the contrary, the issuing of commercial striped bass licenses shall cease as of
42 January 1, 2025.