

SENATE No. 492

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 striped bass.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 492

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 492) of James E. Timilty for legislation relative to the conservation of striped bass. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 476 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the conservation of 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 Section 100A of chapter 130 of the General Laws is hereby amended by striking the
2 section in its entirety and inserting in place thereof the following: -

3 Section 100A. (a) Commercial harvesting and sale of wild striped bass shall be prohibited
4 in the Commonwealth except as provided for in section 2. The director, with the approval of the
5 marine fisheries advisory commission, shall adopt rules and regulations relative to the taking and
6 possession of wild striped bass by recreational angling. (b) All aquaculture raised striped bass for
7 sale in the commonwealth shall bear the tag of the grower or distributor of the fish. (c) Whoever
8 violates any rules or regulations made pursuant to this section shall be punished by a fine of not
9 less than \$200 for each fish taken or possessed for the first violation, five hundred dollars for
10 each fish taken or possessed for the second violation and for each subsequent violation shall be

11 fined one thousand dollars for each fish taken or possessed or imprisoned not more than sixty
12 days or both. No part of any fine imposed for the taking or possession of any striped bass in
13 violation of any such regulation shall be remitted. SECTION 2. (a) Commercial harvesting and
14 sale of wild striped bass shall be permitted for individuals owning commercial licenses on
15 December 31, 2012 who can historically demonstrate over the preceding 5 years that they have
16 averaged an annual landing and sale of more than 1000 pounds of striped bass based on records
17 made available to the Massachusetts Division of Marine fisheries. Provided further, however, the
18 Director of the Massachusetts Division of Marine Fisheries may provide hardship relief from this
19 limit if a license holder for the past five years can demonstrate a legitimate hardship causing him
20 or her to land less than an average of 1000 pounds. (b) The Director of the Massachusetts
21 Division of Marine Fisheries shall calculate the commercial catch limit based on the 5 year
22 average annual landings and sale of pounds of striped bass by said commercial fishermen as so
23 defined in Section 2 (a). (c) Should a commercial license holder retire his license, the
24 Massachusetts Division of Marine Fisheries shall reduce the total commercial take allowed by
25 the average landings of said individual operating under said license for the previous five years.
26 (d) In no case shall any new commercial licenses be granted or shall licenses be transferred or
27 sold. (e) If a commercial striped bass license holder fails to report no catch or if they report not
28 catching any striped bass for two consecutive years, their striped bass commercial license shall
29 not be renewed. (f) All Commercial Fishermen shall annually be required to report their catch to
30 the Massachusetts Division of Marine Fisheries within 90 days after the close of the commercial
31 striped bass season. Failure to comply with this requirement shall cause said individuals license
32 not to be renewed for the next season. Provided further, however, the Director of the
33 Massachusetts Division of Marine Fisheries may waive any penalties associated with a late filing

34 of said report if said commercial fisherman can demonstrate a legitimate hardship. (g) Nothing in
35 this act shall preclude the Director of Marine Fisheries or the Marine Fisheries Advisory Board
36 from limiting, curtailing or suspending the recreational or commercial catching and landing of
37 striped bass should the fishery conditions worsen that the fishery is in jeopardy of sustaining
38 itself. (h) Notwithstanding any special or general law to the contrary, the issuing of commercial
39 striped bass licenses shall cease as of January 1, 2025.