

**SENATE . . . . . No. 445**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 prohibiting the use of mobile gear in certain waters off the coast of the town of Nantucket.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/29/2019</i>

**SENATE . . . . . No. 445**

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 445) of Julian Cyr and Dylan A. Fernandes (by vote of the town) for legislation to prohibit the use of mobile gear in certain waters off the coast of the town of Nantucket. Environment, Natural Resources and Agriculture. [Local Approval Received.]

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 411 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act prohibiting the use of mobile gear in certain waters off the coast of the town of Nantucket.

*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. (a) Notwithstanding any general or special law to the contrary, during the  
2 period from May 1 to October 31, inclusive, no person shall use mobile gear, as defined by the  
3 department of marine fisheries by regulation, to drag for fish in the coastal waters located within  
4 3 nautical miles of the town of Nantucket. For the purposes of this act, there shall be a rebuttable  
5 presumption that a vessel is using mobile gear if:-

6           (i) otter trawls, beam trawls, midwater or bottom pair trawls, seines or dredges are not out  
7 of the water and on board the vessel; or

8 (ii) the mouth of the net or dredge is not out of the water and secured to the vessel's sides  
9 or stern.

10 (b) This act shall not apply to any vessel fishing surf clam, ocean quahog, bay quahog  
11 dredge or scallop dredge or any vessel fishing within a shellfish fishery regulated by the town of  
12 Nantucket.

13 (c) A person or entity using mobile gear in violation of this section may be punished by:

14 (i) a fine of not less than \$500 nor more than \$1000; (ii) the suspension or revocation of any  
15 licenses, permits or certificates granted pursuant to chapter 130 of the General Laws; and (iii)  
16 seizure or forfeiture of fish unlawfully taken.