HOUSE . . . . No.

The Commonwealth of Massachusetts

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PRESENTED BY:

Patrick Joseph Kearney

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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 a marine special activity license program.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Patrick Joseph Kearney	*4th Plymouth*	*1/7/2025*

HOUSE . . . . No.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *841* OF 2023-2024.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

_____

An Act relative to a marine special activity license program.

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 adding the following section:-

2   Section 107. (a) For purposes of this section, unless the context clearly indicates

3   otherwise, the following terms shall have the following meanings:-

4   "Attract" or "attraction", any activity that lures or may lure any marine organism to a

5   person or vessel by using food, bait, chum, dyes, decoys, acoustics or any other means,

6   excluding the mere presence of persons on the water including those persons conducting

7   commercial or recreational fishing activity.

8   "Harvest", the catching, taking or molesting of a marine organism by any means

9   whatsoever, followed by a reduction of such organism or part thereof to possession. A marine

10   organism that is caught and immediately returned to the water free, alive and unharmed is not

11   harvested.

12   "Scientific research", an activity that uses marine organisms to conduct 1 or more of the

13   following:

14   (1) Research activity that involves the application of rigorous, systematic and objective

15   procedures of observation, measurement and experiment to obtain reliable and pertinent data

16   using an experimental design, controls and data analysis to test a stated hypothesis.

17   (2) Monitoring activity that involves making technical and scientific observations as a

18   means of gathering data according to a predetermined study plan.

19   (3) Restoration activity that facilitates mitigation or recovery of marine organisms and

20   includes subsequent monitoring to measure the success of the restoration effort

21   "Special activity license" or "license", a permit for oceanic scientific research described

22   in subsection (b).

23   (b) The division shall grant special activity licenses for oceanic scientific research,

24   including but not limited to aquaculture or mariculture; scientific, environmental and biological

25   collection and study, assessment or experimentation; collection and possession for education

26   purposes; provided, that if conducting research, study results shall be presented in sufficient

27   detail and clarity to allow for replication, or at a minimum, offer the opportunity to build

28   systematically on findings; provided further, that if conducting monitoring, collected data shall

29   be analyzed to detect physical or biological changes over time in marine organisms, their

30   populations or communities; provided further, that if conducting restoration or mitigation,

31   species such as oysters, corals, sponges, sea fans, sea whips and other marine organisms shall be

32   repaired in the event that the species are damaged and the effectiveness of the restoration or

33   mitigation activity shall be evaluated by subsequent monitoring.

34   (c) An application for a license shall be reviewed and approved by the director or a

35   designated representative. The director may allow individuals outside of the division to review

36   license applications; provided, that the individuals possess the biological, technical, regulatory

37   and enforcement expertise necessary to appropriately evaluate a requested activity.

38   (d) The director shall review an application and grant or deny a license based on the

39   following criteria:

40   (1) eligibility of the applicant;

41   (2) completeness of information submitted during the application process;

42   (3) consistency of the requested activities with the license type requested;

43   (4) degree of compliance with the terms and conditions set forth by a special activity

44   license previously issued to the applicant;

45   (5) potential impacts of the type, size and method of attraction or harvest gear requested

46   for use;

47   (6) biological status of the species requested, based on the best available information;

48   provided, that in the absence of stock assessments, the director shall take a risk-averse approach

49   and maintain minimal attraction or harvest levels until such time as the information is available

50   to further evaluate the status of the species;

51   (7) life history strategies, genetic structure and ecology of the targeted species;

52   (8) degree of variation from division regulations;

53   (9) the extent of the requested attraction or harvest beyond the known total annual

54   commercial and recreational attract or harvest of the stock;

55   (10) established attraction or harvest quotas for the species requested;

56   (11) locations of proposed attraction or harvest activities and facilities;

57   (12) intensity of localized attraction or harvest and attraction or harvest frequency;

58   (13) project specifications and methodologies;

59   (14) monitoring strategies;

60   (15) documented experience conducting successful restoration or mitigation activities;

61   and

62   (16) any additional evaluation criteria specific to the applicable permit.

63   (e) A special activity license may be issued to:

64   (1) A principal investigator of a proposed or ongoing scientific research project who is on

65   the faculty or is a student of a college, community college, university or secondary school.

66   (2) A principal investigator of a proposed or ongoing scientific research project who is

67   affiliated with a marine research institute, laboratory, corporation or organization.

68   (3) A member of the scientific or technical staff of a marine research institute, laboratory,

69   corporation or organization with demonstrated experience conducting successful restoration or

70   mitigation activities.

71   (4) A member of the scientific or technical staff of a city, county, state or federal agency.

72   (5) A member of the scientific or technical staff of a certified aquaculture facility.

73   (f) (1) There shall be a non-refundable processing fee for a special activity license to be

74   determined annually by the secretary of administration and finance pursuant to section 3B of

75   chapter 7.

76   (2) An applicant for a license shall complete and submit an application in the form

77   provided by the division.

78   (g) A special activity license holder shall submit the following to the division:

79   (1) An activity report detailing all license-related attraction, harvest or sampling activities

80   that resulted in the permanent retention of marine organisms. The activity report shall be a report

81   in addition to any required publications or technical, monitoring or final reports. The activity

82   report shall include: (i) common and scientific names of the marine organisms attracted or

83   harvested, both targeted and incidental; (ii) numbers and sizes attracted or harvested; (iii)

84   locations of attraction or harvest by county; and (iv) disposition of all marine organisms attracted

85   or harvested. The activity report for a license involving prohibited species shall also include the

86   specific attraction or harvesting gear used. If mortality of a prohibited species occurred during

87   attraction, harvest or subsequent possession, the report shall indicate the cause of death if known.

88   If license related activities did not result in the permanent retention or mortality of any marine

89   organism, the license holder shall submit a statement to that effect.

90   (2) A copy of any publications, technical, monitoring or final reports that were generated

91   as a result of work conducted pursuant to the license. These reports shall include the notation that

92   research was conducted pursuant to a specific license.