

**HOUSE . . . . . No. 4224**

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**The Commonwealth of Massachusetts**

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Mr. Straus of Mattapoisett, for the committee on Environment, Natural resources and  
Agriculture, on House, No. 797, a Bill instituting salt water fishing licenses. (House, No. 4224).  
August , 2009

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FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
William M. Straus	10th Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and 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 comply  
5 with the state exemption requirements of Section 401(g)(2) of the Magnuson-Stevens Fishery  
6 Conservation and Management Act, codified at 16 U.S.C. 1881, and may promulgate regulations  
7 implementing the state program in accordance with sections 17 and 17A of Chapter 130.

8 (b) No person shall engage in the recreational activity of finfishing, or take or land finfish for  
9 recreational purposes in or from the coastal waters of the commonwealth, as defined in section 1  
10 of Chapter 130, without first obtaining a saltwater recreational fishing permit from the director.  
11 The permit process shall require the applicant to submit, in addition to any other information  
12 required by the director, his name, address, telephone number, and date of birth. No such permit  
13 shall be required in the following circumstances:

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

19 (2) persons under sixteen years of age;

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

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

23

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

30 (d) The director may establish categories of recreational saltwater fishing permits, including, but  
31 not limited to, individual permits, age-related permits and for-hire permits, and may charge a  
32 separate annual fee for each category of permits. The amounts of such fees shall be established  
33 by the secretary of administration and finance pursuant to section 3B of chapter seven. However,  
34 the director or authorized agents may not charge a fee to individuals requesting a permit who at  
35 the time of permit application are more than sixty-four years of age or less than seventeen years  
36 of age. The director shall develop a fee schedule for all classes of permits and submit such  
37 schedule to the clerks of the House of Representatives and Senate not less than 30 days before  
38 such schedule is to take effect. The director may also authorize agents to sell recreational  
39 saltwater fishing permits issued pursuant to section 17C and authorize agents who are not  
40 employed by the commonwealth to charge and retain a reasonable service fee for such service.

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

48 (f) There shall be established within the division of marine fisheries a marine recreational  
49 fisheries development panel. The panel shall advise the director on the development and

50 administration of recreational saltwater fishing improvement programs, including but not limited  
51 to the improvement of public access to marine recreational fisheries. The panel shall consist of  
52 two members of the marine fisheries advisory commission and three members of the public at  
53 large, all of whom shall have specific expertise and background in the commonwealth's marine  
54 recreational fisheries. The panel members shall be appointed for terms not to exceed three years  
55 by the commissioner of the department of fish and game. The panel shall meet at least twice  
56 each year, and shall also meet at the request of the director or the commissioner. A quorum to  
57 conduct business shall consist of three members.

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

60 "Section 35LL. Marine recreational fisheries development fund.

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

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

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

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

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

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

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

94  
95 **SECTION 4.** Chapter 130 of the General Laws is hereby amended by inserting after Section  
96 17C the following section:-

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

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

104  
105 **SECTION 5.** This act shall take effect upon its passage.

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