

SENATE No. 413

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. 413

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 413) of James E. Timilty for legislation relative to the conservation of striped bass. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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, as appearing in the 2010 Official
2 Edition, is hereby amended by striking the section in its entirety and inserting in place thereof the
3 following: -

4 Commercial harvesting and sale of wild striped bass shall be prohibited in the
5 Commonwealth except as provided for in this section. The director, with the approval of the
6 marine fisheries advisory commission, shall adopt rules and regulations relative to the taking and
7 possession of wild striped bass by recreational angling. All aquaculture raised striped bass for
8 sale in the commonwealth shall bear the tag of the grower or distributor of the fish. Whoever
9 violates any rules or regulations made pursuant to this section shall be punished by a fine of not
10 less than \$200 for each fish taken or possessed for the first violation, \$500 for each fish taken or
11 possessed for the second violation and for each subsequent violation shall be fined \$1,000 for
12 each fish taken or possessed or imprisoned not more than 60 days or both. No part of any fine
13 imposed for the taking or possession of any striped bass in violation of any such regulation shall
14 be remitted.

15 Commercial harvesting and sale of wild striped bass shall be permitted for individuals
16 owning commercial licenses on December 31, 2012 who can historically demonstrate over the
17 preceding 5 years that they have averaged an annual landing and sale of more than 1,000 pounds
18 of striped bass based on records made available to the Massachusetts Division of Marine
19 fisheries. Provided further, however, the director of the Division of Marine Fisheries may
20 provide hardship relief from this limit if a license holder for the past five years can demonstrate a
21 legitimate hardship causing him or her to land less than an average of 1,000 pounds. The director

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