

be considered to be in compliance if constructed of wood lath to the extent that deterioration of wooden component(s) will result in an unobstructed opening as specified in 322 CMR 6.02(2)(a).

(2) **Egg-bearing lobsters.**

- (a) It is unlawful to remove eggs from any berried lobster.
- (b) It is unlawful to land or possess any lobster:
 1. from which eggs have been removed.
 2. that has come in contact with any substance capable of removing lobster eggs.

6.03: Cod, Haddock, Pollock and Yellowtail Flounder

(1) **Definitions.** For the purpose of 322 CMR 6.00 only, the following words shall have the following meanings:

- (a) **Cod** means that species of fish known as *Gadus morhua*.
- (b) **Fish for** means to harvest, catch, take, have on board, possess or land or attempt to harvest, catch, take, have on board, possess or land any cod, haddock, pollock or yellowtail flounder.
- (c) **Haddock** means that species of fish known as *Melanogrammus aeglefinus*.
- (d) **Land** means to transfer or offload any cod, haddock, pollock or yellowtail flounder onto any vessel, boat, watercraft, land, dock, pier, wharf or other artificial structure used for the purpose of receiving fish.
- (e) **Recreational fishing** means fishing for cod, haddock, pollock or yellowtail flounder with hand-held gear other than nets for a purpose or use other than sale, exchange or barter.
- (f) **Pollock** means that species of fish known as *Pollachius virens*.
- (g) **Yellowtail flounder** means that species of fish known as *Limanda ferruginea*.

(2) **Minimum size.** It is unlawful to fish for cod, haddock, pollock or yellowtail flounder of a size less than the following:

- (a) **Commercial fishing.**
 1. Cod and haddock and Pollock: 19 inches.
 2. Yellowtail flounder: 13 inches.
- (b) **Recreational fishing.**
 1. Cod and haddock: 20 inches during the period July 26, 1996 through December 31, 1996 and 21 inches effective January 1, 1997.
 2. Yellowtail flounder: 13 inches.

(3) **Method of Measurement.** The minimum sizes established by 322 CMR 6.03(2) shall be determined by a straight line measurement from the tip of the snout to the farthest extremity of the tail.

(4) **Recreational Fishery Limit.** It is unlawful for recreational fishermen fishing from shore or on private vessels to possess more than ten cod and haddock in any combination.

(5) **Commercial Fishery Cod Limit.** It is unlawful for vessels, without federal permits allowing the landing or possession of cod, to land or possess at any time more than 1,000 lbs. of cod caught in waters under the jurisdiction of the Commonwealth north of 42° 00'N. latitude including all waters of Cape Cod Bay.

6.04: Atlantic Bluefin Tuna

(1) **Preamble.** In 1974, the Massachusetts Division of Marine Fisheries promulgated regulations governing the taking, landing and sale of Atlantic bluefin tuna. 322 CMR 6.00 imposed reporting requirements on tuna fishermen, limited the size of the total catch permitted in Massachusetts, and limited the number of vessels in the purse seine fishery for Atlantic bluefin tuna to those vessels which operated in that fishery prior to 1964.

and

3. the frames (or racks) from which the fillets were removed must be retained aboard the boat to check for minimum size, and the number of frames must not exceed the number of customers. Frames may be disposed of the following day, or just prior to subsequent trips that occur the same day.
4. the total number of striped bass onboard the fishing vessel does not exceed the number of fishermen.

(g) Commercial fishermen shall accurately report to the Director on forms supplied by the Division the catch by month, location and size of all striped bass harvested during the open season. Said catch report shall be filed no later than November 30 of each year, shall be held strictly confidential by the Director and shall be signed under the pains and penalties of perjury. Failure to complete and submit an accurate form prior to November 30 or falsification of any such form may result in a non-renewal of the striped bass special permit.

(h) Commercial fishermen shall sell striped bass only to dealers duly authorized by the Director to purchase striped bass.

(i) Non-resident commercial fishermen shall sell striped bass only to duly authorized dealers.

(j) Commercial fishermen shall sell striped bass only during the commercial season and only during the open fishing periods within the commercial season.

(k) Commercial fishermen may harvest, catch, or take striped bass by rod-and-reel or handline only.

(l) Commercial fishermen engaged in commercial fishing for striped bass may not fish aboard the same vessel at the same time as recreational fishermen.

(5) **Recreational Management Measures.** For purposes of conservation and management of the resource the following measures shall apply to recreational fishermen who harvest, catch, take or possess or attempt to harvest, catch, take or possess any striped bass:

(a) All striped bass shall be no less than 28 inches in total length. Striped bass less 28 inches in total length shall be released immediately to the waters from which taken.

(b) Recreational fishermen may retain no more than:

1. one striped bass per day; and
2. may possess no more than one striped bass at any one time.

(c) Recreational fishermen may not sell, barter or exchange any striped bass.

(d) Recreational fishermen may not discard dead striped bass that are 28 inches or greater in total length.

(6) **Dealer Management Measures.** For purposes of conservation and management of the resource the following measures shall apply to any dealer who possesses, sells or offers to sell any striped bass:

Seasonal Allocation, and Commercial Fishery Limit Adjustments

(a) The Director may adjust:

1. the annual quota to correspond to each year's Massachusetts share of the Atlantic States Marine Fisheries Commission annual commercial quota for fluke and to account for other states' transfers of portions of their shares of the annual commercial quota to Massachusetts;
2. seasonal allocations downwards to account for quota overages of the previous year or upwards to account for state quota transfers to Massachusetts; and
3. commercial fishery limits to prevent overages of seasonal allocations, to prevent limits from exceeding limits implemented by other states at any time during the year, and to allow increased landings in response to state quota transfers and/or to ensure that the annual quota is reached before December 31.

(b) An adjustment to either the quota or commercial fishery limit shall not be effective until a notice of the adjustment has been filed with the *Massachusetts Register* and has been mailed to all commercial summer flounder permit holders and dealers authorized to purchase summer flounder.

(c) The Director shall consider any written comments on the quota or limit adjustments which may be submitted to the Director by the public or a state or federal agency, and based on these comments the Director may alter, amend, or rescind the adjustments pursuant to the procedural requirements of 322 CMR 6.22(5)(b).

(6) Recreational Fishery Limits. It is unlawful for recreational fishermen to possess more than eight summer flounder at any one time.

(7) Permits and Reporting Requirements.

- (a)** Dealers may not purchase summer flounder from commercial fishermen without written authorization from the Director.
- (b)** Dealers shall report all purchases of summer flounder by phone and in writing based on schedules established and on forms to be provided, by the Division.
- (c)** Commercial fishermen selling on consignment shall be considered dealers subject to the permit and reporting requirements of 322 CMR 6.22(7)(a) and (b).
- (d)** Dealers accepting summer flounder shall weigh and record all summer flounder purchases at the time of landing with pounds landed, date, time, and fishermen's name and permit number for inspection by the Division of Environmental Law Enforcement.
- (e)** It is unlawful for dealers to purchase summer flounder in excess of possession limits defined in 322 CMR 6.22(3).
- (f)** A special permit issued by the Director shall be required of all commercial fishermen taking or landing summer flounder in the Commonwealth and shall be carried by the holder at all times when catching, taking, possessing, or selling summer flounder, and shall be displayed forthwith on demand by any Environmental Police officer or other official authorized to enforce 322 CMR 6.22.
- (g)** Commercial fishermen shall accurately report their catch of summer flounder to the Director on forms supplied by the Division. Said catch reports shall be filed no later than January 31 of each year, shall be held strictly confidential by the Director, and shall be signed under the pains and penalties of perjury. Failure to complete and submit an accurate reporting form prior to January 31 or falsification of any such reporting form shall result in suspension, revocation, or a non-renewal of the summer flounder special permit.

6.23: Winter Flounder Restrictions(1) Definitions.

Commercial fisherman means fishermen fishing for purposes of sale, barter or exchange.

Recreational fisherman means fishermen fishing for purposes of personal or family use by angling.

Winter flounder means that species of flounder known as *Pleuronectes americanus*.

(2) Recreational Fishery Limits.

- (a) It is unlawful for recreational fishermen to possess more than ten winter flounder at any one time.
- (b) It is unlawful for recreational fishermen to possess winter flounder during the period March 1 through April 30.

(3) Commercial Fishing Prohibition. No commercial fisherman shall take or possess winter flounder from waters described in 322 CMR 4.02(2)(c)8. through 13., (d), (e) and (f) from February 1 to May 31, inclusive.

(4) Restrictions Specific to Mount Hope Bay and its Tributaries.

- (a) It is unlawful for any person to fish for or possess winter flounder in Mount Hope Bay and its tributaries, as defined in 322 CMR 4.02(2)(e)4., during the periods May 20 through September 27, inclusive, and October 29 through April 12, inclusive.
- (b) It is unlawful for recreational fishermen to possess, during a 24 hour day, more than four winter flounder during the periods April 13 through May 19, inclusive, and September 28 through October 28, inclusive.
- (c) It is unlawful for commercial fishermen to take winter flounder from Mount Hope Bay and its tributaries.

6.24: Sea Urchin Management(1) Definitions.

- (a) Batch means all sea urchins in each separate container.
- (b) Container means any bag, box, cage or other receptacle containing loose urchins which may be separated from the entire load or shipment.
- (c) Effective fishing width means the width of the sea bottom from which a dredge collects sea urchins including the inside width of the opening or frame or other structures which affect the overall width of the path from which sea urchins are taken.
- (d) Sea urchin means that species of echinoderm known as *Strongylocentrotus droebachiensis*.

(2) Minimum size.

- (a) No person shall take or possess sea urchins measuring less than two inches in the longest diameter, exclusive of the spines, to the amount of more than 5% of any batch.
- (b) Sublegal sea urchins shall be culled immediately after capture, and returned immediately to the sea.

(3) Closed season. No person shall take or possess for commercial purposes sea urchins from waters under the jurisdiction of the Commonwealth during the period May 1 - August 31, both dates inclusive.

(4) Gear Restrictions.

- (a) No person shall dredge for sea urchins in any area closed to mobile gear fishing unless a single dredge with an effective fishing width of 48 inches or less is used.
- (b) On vessels dredging for sea urchins in areas closed to mobile gear fishing a single spare dredge not rigged for fishing may be stowed aboard, but may not be used unless the main dredge has been rendered incapable of fishing, and is disconnected and stowed away.
- (c) No person may dredge for sea urchins in areas open to mobile gear fishing with a dredge or combination of dredges in excess of ten feet, effective fishing width.