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5. Non-commercial Fishermen Fishing in the Southern New England Recreational Lobster Area. It is unlawful for any non-commercial fisherman fishing in the Southern New England Recreational Lobster Area as defined in 322 CMR 6.33 to possess any female lobster bearing a notch or indentation in the base of the flipper that is at least as deep as $\frac{1}{8}$ inch, with or without setal hairs.

(4) Non-commercial Lobster Daily Possession and Landing Limit. It shall be unlawful for any person to harvest more than 15 lobsters per calendar day for personal use, or possess more than 15 lobsters while lobster fishing in waters under the jurisdiction of the Commonwealth.

(5) Seasonal Closures. Fishing for lobster with pots is prohibited in the Outer Cape LCMA from January 15th through March 15th. Fishermen are required to remove all lobster traps from waters of the Outer Cape LCMA as defined in 322 CMR 6.33 during this closed period. It is unlawful for any fisherman authorized to fish traps in the Outer Cape LCMA to fish, set, or abandon any lobster traps in the OCC LCMA during this seasonal closure.

6.03: Cod, Haddock, Pollock, Yellowtail Flounder, Halibut and Monkfish

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

Cape Cod South and East Cod Management Area means those waters under the jurisdiction of the Commonwealth south of 42° 00' excluding waters of Cape Cod Bay.

Cod means that species of fish known as *Gadus morhua*.

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.

Gonads means sex glands commonly known as ovaries or testes or any portions thereof removed from fish and retained for purposes of sale.

Gulf of Maine Cod Management Area means those waters under the jurisdiction of the Commonwealth north of 42° 00' and in all waters of Cape Cod Bay.

Haddock means that species of fish known as *Melanogrammus aeglefinus*.

Halibut means that species of fish known as *Hippoglossus hippoglossus*.

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.

Monkfish Whole Weight means tail weight multiplied by 3.32 conversion factor.

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.

Pollock means that species of fish known as *Pollachius virens*.

Total Length means that length of a fish as measured from the tip of the snout to the farthest end of the tail.

Yellowtail Flounder means that species of fish known as *Limanda ferruginea*.

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

(a) Commercial Fishing.

1. Cod: 22 inches
2. Haddock and Pollock: 19 inches.
3. Yellowtail flounder: 13 inches.
4. Halibut: 36 inches.
5. Monkfish: 17 inches in total length or monkfish tails less than 11 inches in total length.

(b) Recreational Fishing.

1. Cod:
 - i. Gulf of Maine Cod Management Area: 24 inches.
 - ii. Cape Cod South and East Cod Management Area: 22 inches.
2. Haddock: 19 inches.
3. Yellowtail flounder: 13 inches.
4. Halibut: 36 inches.

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(3) Method of Measurement.

- (a) Minimum Size. The minimum sizes established in 322 CMR 6.03(2) shall be determined by the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.
- (b) Exceptions for Possession of Cod Parts. For purposes of determining weights for trip limits as established by 322 CMR 6.03(b), the weight of fillets will be multiplied by three, and the weight of headless whole-gutted cod will be multiplied by 1.25. The weights of cheeks removed from cod heads and cod gonads consistent with 322 CMR 6.03(b) shall be exempt from the possession limits.
- (c) Prohibition. It shall be unlawful for a commercial fisherman to mutilate any cod in such a way as to interfere with or affect a proper or adequate measurement of the fish.

(4) Recreational Fishery Limit. (Effective 10/31/06)

(a) Gulf of Maine Cod Management Area:

- 1. April through October: It is unlawful for any recreational fisherman to possess more than ten cod per person, per day during April through October;
- 2. November through March:
 - i. For-hire: It is unlawful for customers aboard for-hire vessels to land or possess cod harvested from the Gulf of Maine Cod Management Area during November through March.
 - ii. Private Anglers: It is unlawful for anglers aboard private vessels or fishing from shore to possess more than two cod per person per day, not to exceed 75 lbs. per vessel during November through March.

(b) Cape Cod South and East Cod Management Area: It is unlawful for recreational fishermen to possess more than ten cod per person, per day.

(c) Exceptions: Customers aboard head boats which are permitted pursuant to 322 CMR 7.01(4)(e) and fishing in federal waters may possess cod in compliance with federal regulations.

(5) Commercial Fishery Cod Limit. The trip limits established in 322 CMR 6.03(5) shall be determined by the weight of whole, whole-gutted, or gilled fish.

(a) North of Cape Cod. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth north of 42° 00' and in all waters of Cape Cod Bay to land or possess more than 800 lbs. of cod during a 24-hour day, except that vessels with federal permits allowing the taking of cod from federal waters may possess and land more than 800 lbs. provided said cod were lawfully taken from federal waters.

(b) East and South of Cape Cod. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth south of 42° 00' excluding waters of Cape Cod Bay to land or possess more than 1,000 lbs. of cod during a 24-hour day except that vessels with federal permits allowing the taking of cod from federal waters may possess and land more than 1,000 lbs. provided said cod were lawfully taken from federal waters.

(6) Gonad Restrictions.

- (a) Possession Limit. It is unlawful for fishermen to possess any quantity of gonads that in aggregate weighs in excess of 10% of the weight of Atlantic cod aboard the vessel.
- (b) Prohibition. It is unlawful for fishermen to remove gonads from any fish that measures below the minimum size or from any legal-sized fish released due to state or federal possession limits.

(7) Seasonal Commercial Fishery Limits for Yellowtail Flounder. It is unlawful for any vessel fishing within waters under the jurisdiction of the Commonwealth to land or possess more than 250 lbs. of yellowtail flounder during a 24-hour day.

Exception: Vessels with federal permits allowing the taking of yellowtail flounder from federal waters may possess and land more than the seasonal trip limits provided said yellowtail flounder were lawfully taken from federal waters.

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- (a) NOAA Fisheries has announced that the federal incidental trip limit is in effect;
 - (b) the Director has filed a notice with the *Massachusetts Register*; and
 - (c) the Director has posted a notice on the *MarineFisheries* listserv and website.
- (3) Commercial Fishery Limit Adjustments. The director may adjust *Loligo* squid commercial fishery landing/possession limits to correspond to limits established by NOAA Fisheries.

6.40: Commercial Tautog (*Tautoga onitis*) Fishery Limits

- (1) Definitions.
 - (a) Commercial Fishermen means fishermen fishing for purposes of sale, barter, or exchange.
 - (b) Fall Open Season means that period when commercial fishing is allowed beginning on September 1st and ending when the quota is reached or November 30th, whichever comes first.
 - (c) Quota means the Commonwealth's annual total allowable commercial catch of tautog.
 - (d) Spring Open Season means that period when commercial fishing is allowed beginning on April 16th and ending when 28% of the quota is reached or May 15th, whichever comes first.
 - (e) Tautog means that species of fish known as *Tautoga onitis*.
- (2) Commercial Fishery Limits.
 - (a) Minimum Size. It is unlawful for commercial fishermen to possess tautog less than 16 inches in total length.
 - (b) Possession Limit.
 - 1. It is unlawful for commercial fishermen to possess more than 40 tautog per 24-hour day during the open commercial seasons defined in 322 CMR 6.40;
 - 2. It is unlawful for commercial fishermen to land or possess tautog when the quota has been reached for any open season or during the closed periods from December 1st through April 15th and May 16th through August 31st.

6.41: Smooth Dogfish (*Mustelus canis*) Management

- (1) Definitions For the purposes of 322 CMR 6.41:
 - (a) Smooth Dogfish means that species known as *Mustelus canis*.
 - (b) Finning means the act of taking a smooth dogfish, removing the fins, and returning the remainder of the smooth dogfish to the sea.
- (2) Possession Limit. It is unlawful for any person to land or possess more than 100-lbs. of smooth dogfish per trip or per day whichever is the longer period of time.
- (3) Prohibitions. It is unlawful for any fisherman to fin smooth dogfish. Fins removed at sea must be retained, landed at the same time and in the same location with carcasses, and not exceed a maximum 5% fin to carcass ratio, by weight.

REGULATORY AUTHORITY

322 CMR 6.00: M G L c. 130, §§ 2, 17A, 80, 100A and 104.