

- (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.

#### 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.  
In 1975, Congress enacted the Atlantic Tunas Convention Act, 16 U.S.C. 971, *et seq.*, (ATCA). Regulations promulgated pursuant to ATCA established federal reporting requirements, annual catch limits and an inspection and certification scheme for tuna purse seine vessels (50 CFR Part 285).  
Pursuant to 50 CFR 285.8 federal regulations were made applicable within Massachusetts territorial waters. In 1976 Massachusetts deleted all provisions of its 1974 regulations with the exception of the limit on the number of fishing vessels in the purse seine fishery for Atlantic bluefin tuna, and extended the grandfather provision to cover those purse seine vessels operating in the fishery prior to 1974.

- (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:

... 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 ten 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.

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(b) more than 1,000 pounds of scup when the Director determines that 85% of the Atlantic States Marine Fisheries Commission commercial fishery January through April 30 quota has been reached. This determination shall be based on reports of scup landings provided the Director by the National Marine Fisheries Service. The January 1 through April 30, 1998 commercial quota is 2,062,429 pounds; 85% is 1,753,065 pounds.

**6.29: Black Sea Bass Fishery Limits**

It is unlawful for commercial fishermen to land or possess during the period January 1 through March 31, inclusive, during a 24-hour day, more than 11,000 pounds of black sea bass.

**REGULATORY AUTHORITY**

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

## 6.27. Scup Permitting and Reporting Requirements

- (1) Permits. A scup special permit issued by the Director shall be:
  - (a) required of all commercial fishermen taking or landing scup in the Commonwealth;
  - (b) carried by the holder at all times when catching, taking, or landing scup in the Commonwealth;
  - (c) displayed forthwith on demand by any Environmental Police officer or other official authorized to enforce 322 CMR 6.27.
- (2) Dealers. It is unlawful for dealers to purchase scup from commercial fishermen without written authorization from the Director.
- (3) Consignment. Commercial fishermen selling on consignment shall be considered dealers subject to the permit and reporting requirements of 322 CMR 6.27(2) and (4).
- (4) Reporting Requirements.
  - (a) Commercial fishermen shall accurately report their catch of scup to the Director on forms supplied by the Division. Said catch reports shall be filed no later than January 31 of each year. Pursuant to M.G.L. c. 130, § 21, catch reports 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 scup special permit;
  - (b) Dealers shall report all purchases of scup by phone and in writing based on schedules established and on forms provided by the Division; and
  - (c) Dealers accepting scup shall weigh and record all scup 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.

## 6.28. Scup Fishery Limits

It is unlawful for commercial fishermen to land or possess:

- (1) more than 20,000 pounds of scup during the period January 1 through April 30, inclusive, during a 24-hour day; or