SENATE DOCKET, NO. 1123 FILED ON: 1/18/2013

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 passage of the accompanying:

An Act relative to the conservation of striped bass.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	*Bristol and Norfolk*

SENATE DOCKET, NO. 1123 FILED ON: 1/18/2013

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

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:

Section 100A of chapter 130 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking the section in its entirety and inserting in place thereof the following: -

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

Commercial harvesting and sale of wild striped bass shall be permitted for individuals owning commercial licenses on December 31, 2012 who can historically demonstrate over the preceding 5 years that they have averaged an annual landing and sale of more than 1,000 pounds of striped bass based on records made available to the Massachusetts Division of Marine fisheries. Provided further, however, the director of the Division of Marine Fisheries may provide hardship relief from this limit if a license holder for the past five years can demonstrate a legitimate hardship causing him or her to land less than an average of 1,000 pounds. The director of the Division of Marine Fisheries shall calculate the commercial catch limit based on the 5 year annual landings and sale of pounds of striped bass by said commercial fishermen as so defined in Section 2 (a). Should a commercial license holder retire his license, the Division of Marine

Fisheries shall reduce the total commercial take allowed by the average landings of said individual operating under said license for the previous 5years. In no case shall any new commercial licenses be granted or shall licenses be transferred or sold. If a commercial striped bass license holder fails to report no catch or if they report not catching any striped bass for 2 consecutive years, their striped bass commercial license shall not be renewed. All commercial fishermen shall annually be required to report their catch to the Division of Marine Fisheries within 90 days after the close of the commercial striped bass season. Failure to comply with this requirement shall cause said individual's license not to be renewed for the next season. Provided further, however, the director of the Division of Marine Fisheries may waive any penalties associated with a late filing of said report if said commercial fisherman can demonstrate a legitimate hardship. Nothing in this act shall preclude the director of Marine Fisheries or the Marine Fisheries Advisory Board from limiting, curtailing or suspending the recreational or commercial catching and landing of striped bass should the fishery conditions worsen that the fishery is in jeopardy of sustaining itself. Notwithstanding any special or general law to the contrary, the issuing of commercial striped bass licenses shall cease as of January 1, 2025.