

7.01: Form Use and Content of Permits

- (1) Definitions. For the purposes of 322 CMR 7.01, unless the context requires otherwise, the following words shall have the following meanings:
 - (b) Commercial fishing means to **take or harvest any fish or shellfish for purposes of sale, barter or exchange, or to keep for personal or family use any fish or shellfish taken under the authority of a commercial permit issued by the Director.**

7.10: Recreational Saltwater Fishing Permits

- (1) Authority and Purpose.
 - (a) **The Director is authorized, pursuant to St. 2009, c. 161, §8, to establish the Commonwealth’s recreational saltwater fishing permit program in compliance with the state exemption requirements of section 401(g)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1881 (the “Federal Act”). The Director, pursuant to his authority under the Federal Act and M.G.L. c. 130, §§17 and 17A, has promulgated 322 CMR 7.10 for the purposes of implementing the state recreational saltwater fishing permit program in regulation.**
 - (b) **322 CMR 7.10 identifies the persons who must apply for or are exempt from a recreational saltwater fishing permit, sets forth the application and permit requirements applicable to individual and for-hire permits, and gives notice of the penalties that may be assessed against persons who violate M.G.L. c. 130, §17C or 322 CMR 7.10.**
- (2) Definitions. **As used in 322 CMR 7.10, the definitions herein have the meaning set forth below. Unless the context otherwise requires, other words used in 322 CMR 7.10 have the meaning set forth in 322 CMR 7.01(1).**
 - (a) Recreational fishing means the non-commercial taking or attempted taking of finfish for personal or family use, sport, or pleasure, and which are not sold, traded or bartered.
- (3) Persons Required to Obtain a Permit. **Unless exempted pursuant to 322 CMR 7.10(4), all persons engaged in the recreational fishing, or who take or land finfish for recreational purposes in or from the coastal waters of the Commonwealth shall obtain a recreational saltwater fishing permit from the Director in accordance with 322 CMR 7.10.**
- (4) Persons Exempt from Obtaining a Permit. **A recreational saltwater fishing permit is not required in the following circumstances:**

- (a) persons under 16 years of age;
 - (b) persons, who regardless of their age, otherwise meet the definition of a disabled person in M.G.L. c. 19C;
 - (c) persons fishing as a passenger from a for-hire vessel; provided that the owner of the vessel has obtained a for-hire permit from the Director in accordance with 322 CMR 7.10;
 - (d) persons who hold a commercial fishing permit from the Director and keep for personal use any fish taken under the authority of that permit; or
 - (e) non-resident persons holding a valid recreational saltwater fishing permit of any coastal state, provided, however, that the Director has determined in writing that the requirements of such other state permit is substantially the same as the permit issued by the Director pursuant to 322 CMR 7.10 and that the other state provides similar privileges granted under its law to residents as permitted by the Director.
- (5) **Permit Requirements Applicable to For-Hire Vessels.** As provided in 322 CMR 7.10(4)(c), persons who engage in recreational fishing as a passenger from a for-hire vessel are exempt from the requirement to obtain an individual recreational saltwater permit; provided that the owner of the for-hire vessel has obtained a permit from the Director. The owner of the for-hire vessel shall obtain the applicable recreational saltwater fishing permit in accordance with permit categories for the following for-hire permit categories:
- (a) **Permit categories:**
 - i. **Charter Boat.** The for-hire vessel has a capacity to carry up to six (6) persons fishing as passengers from the for-hire vessel.
 - ii. **Head Boat.** The for-hire vessel has a capacity to carry seven (7) or more persons fishing as passengers from the for-hire vessel.
 - (b) **Requirement to Post and Give Notice of Rules.** The owner or operator, if different from the owner, of a for-hire vessel shall:
 - i. post written rules on the minimum catch sizes and possession limits applicable to the target fish species in a conspicuous and accessible location on the vessel; and

ii. give verbal notice to all persons fishing as passengers from the vessel about their compliance with the catch sizes and possession limits, and direct their attention to the posted rules.

(c) **Requirement to Carry Measuring Devices.** For the purposes of ensuring compliance with the minimum catch size rules:

i. all charter boats shall be equipped with at least one (1) ruler or other appropriate measuring device that is visible and accessible to the passengers; and

ii. all head boats shall be equipped with at least five (5) rulers or other appropriate measuring devices that is visible and accessible to the passengers.

(6) **Application for a Permit.** All applicants for a recreational saltwater fishing permit shall comply with the following requirements:

(a) **Application Forms.** Application for a recreational saltwater fishing permit shall be made by completing the applicable application form provided by the Director, and by paying the application fee, if applicable, established in 801 CMR 4.00.

(b) **Information required to be provided by the Applicant.** In order for an application for a recreational saltwater fishing permit to be considered complete, the applicant shall provide the following information to the Director:

i. An applicant seeking an individual permit shall provide their full name, address, date of birth, and telephone number;

ii. An applicant seeking a for-hire vessel permit shall provide the following information about the vessel and the owner, and if applicable, the operator:

a. the name of the vessel, the vessel's registration or documentation number and the vessel's home port;

b. the full name, address, date of birth and telephone number of the owner of the vessel; if there is more than one owner, this identification information shall be provided by each person holding an ownership interest in the vessel;

c. the full name, address and telephone number of the operator; if the owner or operator is different from the vessel owner;

d. if the owner or operator of the vessel is a corporation or other legal entity, the name, address and any other identification information specified in the application form; and

e. any other information deemed necessary or appropriate by the Director to complete the Division's review and action on the application.

(c) **Completeness of the Application.** The Director shall not issue a recreational saltwater fishing permit before receiving a complete application and payment of the application fee, if applicable, as required under 322 CMR 7.10(6).

(7) **Permit Conditions.** The Director may include general or special conditions in recreational saltwater fishing permits to provide for and ensure compliance with the requirements of M.G.L. c. 130, §17C or 322 CMR 7.10.

(8) **Penalties for Violations of M.G.L. c. 130, §17C or 322 CMR 7.10.** Any person who violates M.G.L. c. 130, §17C or 322 CMR 7.10 may be subject to one or more of the following penalties:

(a) the suspension or revocation of the recreational saltwater fishing permit, or the suspension or revocation of a non-resident's authorization to engage in recreational fishing in the coastal waters of the Commonwealth;

(b) the confiscation of all finfish caught, possessed or sold in violation of M.G.L. c. 130, §17C or 322 CMR 7.10;

(c) a non-criminal fine in the amount of \$50, as provided under M.G.L. c. 21A, §§10G and 10H;

(d) when the violator has failed to obtain an individual permit, a criminal fine of not less \$50 nor more than \$250;

(e) when the violator has failed to obtain an individual permit and has two or more such offenses in violation of M.G.L. c. 130, §17C or 322 CMR 7.10, a criminal fine of not less \$100 nor more than \$500;

(f) when the violator has failed to obtain, or is the holder of, a for-hire permit and the offense is a violation of 322 CMR 7.10, a criminal fine of not less \$250 nor more than \$1000;

(g) when the violator has failed to obtain, or is the holder of, a for-hire permit and has two or more offenses in violation of 322 CMR 7.10, a criminal fine of not less \$500 nor more than \$1000;

(h) when the violator has failed to obtain, or is the holder of, a for-hire permit and the offense is a violation of M.G.L. c. 130, §17C, a criminal fine of not less \$500 nor more than \$5000;

(i) when the violator has failed to obtain, or is the holder of, a for-hire permit and has two or more offenses in violation of M.G.L. c. 130, §17C, a criminal fine of not less \$1000 nor more than \$5000;

(j) any other sanction or penalty authorized under M.G.L. c. 130.

(9) **Permit Fees**

(a) The Director may charge a separate annual fee for each category of permits established by the Director pursuant to 322 CMR 7.10, provided that the amount of such permit fees shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, §3B.

(b) The Director or agents authorized by the Director to sell permits may not charge a permit fee to those persons applying for an individual recreational saltwater fishing permit who at the time of the permit application are 60 years of age or older.

(10) **Requirements Applicable to Agents Authorized to Sell Permits.**

(a) The Director may authorize agents who are not employed by the Commonwealth to sell recreational saltwater fishing permits at point of sale locations.

(b) Authorized agents at point of sale locations may charge and retain a fee not to exceed \$1.50 for their service of selling the permit.

The Director may further specify the eligibility, operational and sale of permit conditions applicable to authorized agents.

8.01 CMR 4.00 Rates

322 Division of Marine Fisheries

(20) Recreational Saltwater Fishing Permit	10	annual
(21) Recreational Charter Permit		
(a) Resident	125	annual
(b) Non-Resident	625	annual
(22) Recreational Head Boat Permit		
(a) Resident	175	annual
(b) Non-Resident	875	annual