

The Whale Safe Fishing Act B

Section One: This Act may be referred to and cited as the "Whale Safe Fishing Act."

Section Two: Non-Discretionary Mandate for Whale Safe Commercial Fishing

1. Chapter 130 of the Massachusetts General Laws is amended and revised with the addition of the following text:
2. "Section 17B: Non-Discretionary Mandate for Whale Safe Marine Fisheries"
 - (a). "The Secretary of the Executive Office of Energy and Environmental Affairs shall annually make a scientific determination in writing on whether or not any type of pot/trap fishing gear to be licensed by the Director of the Division of Marine Fisheries is "whale safe." The Director shall only license fishing gear for the coming year — regardless of any other provision of law — that has been so scientifically determined to be whale-safe by the Secretary."
 - (b). "It is prohibited to use pot gear employing a vertical buoy rope — a rope suspended vertically for any continuing length of time from a surface buoy to any trap/pot gear placed below the sea surface. Whale-safe gear can include trap/pot gear that does not use a vertical buoy rope except during the act of active gear retrieval. Vertical buoy ropes are known to entangle, kill, and cause serious injury to critically endangered whales, sea turtles, and other protected marine mammals."
 - (c). "**Citizen Suits:** (i) Any member of the Public may commence a civil action in a Massachusetts superior court to enforce any provision of the Act. (ii). A court shall award the plaintiff its costs of litigation if it prevails in any substantive manner."

Section Three. This Act shall become effective on January 1, 2024.