

322 CMR 6.00: REGULATION OF CATCHES

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(6.01: Future Regulation of Lobsters or Finfish: (Reserved))

6.02: Lobster Conservation and Management

(1) Definitions. For the purpose of 322 CMR 6.02, the following terms have the following meanings:

Commercial Fisher means any person permitted in accordance with M.G.L. c. 130, §§ 37, 38 and 80 and 322 CMR 7.01(2)(a): *Coastal Lobster* and (b): *Offshore Lobster*, to catch, possess and land lobster for the purpose of sale, barter or exchange or who keeps for personal or family use any lobster taken under the authority of said permit.

Escape Vent means one or more unobstructed rectangular vent or opening or two or more unobstructed round openings in the parlor of the pot.

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Ghost Panel means a panel or other mechanism which is designed to create an opening in a pot to allow the escapement of lobsters within 12 months after a trap has been abandoned or lost.

Lobster means that species known as *Homarus americanus*.

Parlor means that section of the pot designed or intended to hold lobsters until they are removed by a fisher.

Recreational Fisher means any person permitted in accordance with M.G.L. c. 130, § 38 and 322 CMR 7.01(4)(b) to catch, possess and land lobster for family use, sport or pleasure, which are not to be sold, traded or bartered.

Trap means any lobster trap, modified lobster trap or any other contrivance, other than nets, that is placed on the ocean bottom and designed to catch lobsters or crabs.

(2) Maximum and Minimum Sizes.

(a) Method of Measurement.

1. The carapace length of all lobsters shall be measured immediately. Any person diving for lobster shall measure all lobsters in possession prior to surfacing.
2. The carapace length of a lobster shall be measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell.

(b) Commercial Fishery.

1. LCMA 1. It shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 1, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3¼ inches or larger than five inches.
2. LCMA 2, 4, and 5. It shall be unlawful for commercial fishers fishing or authorized to fish in LCMA 2, 4 and 5, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3⅜ inches and larger than 5¼ inches.
3. LCMA 3. It shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA 3, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3¹⁷/₃₂ inches or larger than 6¾ inches.
4. LCMA Outer Cape Cod.
 - a. Minimum Carapace Size. It shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA Outer Cape Cod, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3⅜ inches.
 - b. Maximum Carapace Size. It shall be unlawful for commercial fishers fishing in or authorized to fish in LCMA Outer Cape Cod who hold a federal lobster permit to retain, possess, land, sell, or offer for sale any lobster with a carapace length larger than 6¾ inches.

5. LCMA 6. It shall be unlawful for commercial fishers fishing or authorized to fish in LCMA Area 6, as defined in 322 CMR 6.33, to retain, possess, land, sell, or offer for sale any lobster with a carapace length smaller than 3⁹/₃₂ inches and larger than 5¼ inches.
6. Seafood Dealers. It shall be unlawful for a seafood dealer, permitted in accordance with 322 CMR 7.01(3), to obtain or attempt to obtain any lobster from any commercial fisher that does not conform to the minimum and maximum size standards set forth in this section or to possess, or sell or offer for sale any lobster with a carapace length smaller than 3¼ inches.

(c) Recreational Fishery.

1. Gulf of Maine Recreational Area. It shall be unlawful for recreational fishers fishing in the Gulf of Maine Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3¼ inches or larger than five inches.
2. Outer Cape Cod Recreational Area. It shall be unlawful for recreational fishers fishing in the Outer Cape Recreational Area, as defined at 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than 3⅜ inches.

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3. Southern New England Recreational Area. It shall be unlawful for recreational fishers fishing in the Southern New England Recreational Area, as defined in 322 CMR 6.33, to retain, possess, or land any lobster with a carapace length smaller than $3 \frac{3}{8}$ inches or larger than $5 \frac{1}{4}$ inches.

(3) Gear Restrictions. It shall be unlawful for any person to take or attempt to take lobsters from the waters under the jurisdiction of the Commonwealth by the use of traps without said traps having the following features:

(a) Escape Vent. All lobster traps must have escape vents that conform to the following specifications:

1. General Requirements. On each trap, separate parlors shall each have an escape vent, while only the outer of connected parlors must have an escape vent.

2. LCMA1. Commercial fishers fishing in or authorized to fish in LCMA 1, as defined at 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least $1 \frac{15}{16}$ inches by $5 \frac{3}{4}$ inches or two circular escape vents that measure at least $2 \frac{7}{16}$ inches in diameter.

3. LCMA 2, 3, 4, 5 and 6 or Outer Cape Cod. Commercial fishers fishing or authorized to fish in LCMA 2, 3, 4, 5 and 6 or Outer Cape Cod, as defined in 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least two inches by $5 \frac{3}{4}$ inches or two circular escape vents that measure at least $2 \frac{5}{8}$ inches in diameter.

4. Gulf of Maine Recreational Lobster Area. Recreational fishers fishing in the Gulf of Maine Recreational Lobster Area, as defined at 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least $1 \frac{15}{16}$ inches by $5 \frac{3}{4}$ inches or two circular escape vents that measure at least $2 \frac{7}{16}$ inches in diameter.

5. Outer Cape Cod or Southern New England Recreational Lobster Areas. Recreational fishers fishing in the Outer Cape Cod or Southern New England Recreational Lobster Areas, as defined in 322 CMR 6.33, shall rig their traps with either a rectangular escape vent that measures at least two inches by $5 \frac{3}{4}$ inches or two circular escape vents that measure at least $2 \frac{5}{8}$ inches in diameter.

(b) Ghost Panel. All lobster traps must have an unobstructed ghost panel located in the parlor sections on the sides or at the end, or on the top if the escape vent is placed directly over the head and meets the following specifications:

1. The opening covered by the ghost panel or created by other approved mechanism shall be rectangular and measure at least $3 \frac{3}{4}$ by $3 \frac{3}{4}$ inches, shall be located in the outer parlor section(s) of the trap, and in a position which allows an unobstructed exit of lobsters from the trap.

2. The ghost panel shall be constructed of, or fastened to the trap with, one of the following materials: wood lath; cotton, hemp, sisal or jute twine not greater than $\frac{3}{16}$ inch in diameter; or non-stainless, uncoated ferrous metal not greater than $\frac{3}{32}$ inch in diameter.

3. The door of the trap may serve as the ghost panel if fastened to the trap with a material specified in 322 CMR 6.02(3)(b).