

6.03: continued

Commercial Fisher means any person permitted in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(2) to retain, possess, or land multi-species groundfish for purpose of sale, barter, or exchange or who keeps for personal or family use any regulated multi-species groundfish taken under the authority of said permit.

For-hire Vessel means a vessel permitted in accordance with 322 CMR 7.10(5)(a): *Permit Categories* to carry paying customers for the purpose of recreational fishing.

Gonads means sex glands commonly known as ovaries or testes or any portions thereof removed from fish and retained for purposes of sale.

Gulf of Maine Groundfish Management Area means those waters under the jurisdiction of the Commonwealth north of 42° 00' including waters of Cape Cod Bay and the Cape Cod Canal that is bounded to the west by a line drawn from the Massachusetts Maritime Academy to the Bell's Neck Road Tidal Flats Recreation Area. This area also includes all estuaries and salt ponds that drain to these waters.

Haddock means that species of fish known as *Melanogrammus aegleinus*.

Halibut means that species of fish known as *Hippoglossus hippoglossus*.

Land means to transfer or offload any regulated multi-species groundfish onto any vessel, boat, watercraft, land, dock, pier, wharf or other artificial structure used for the purpose of receiving fish.

Maximum Retention Electronic Monitoring Program means the federal program established pursuant to Amendment 23 to the New England Fishery Management Council's Northeast Multi-Species Fishery Management Plan and authorized pursuant to 50 CFR Part 648, for vessels permitted by NOAA Fisheries to participate in the federal sector program for the regulated multi-species groundfish fishery and whereby all eligible trips are electronically monitored; fish must be handled in view of cameras; allowed discarding must occur at controlled points in view of cameras; all allocated regulated multi-species groundfish must be retained; electronic monitoring is used to verify compliance; and offloads are subject to observation by dockside monitors.

Monkfish means the species of fish known as *Lophius americanus*.

Monkfish Tail means the section between the first, short, slender spine of the dorsal fin (fourth cephalic spine) and the end of the tail (caudal fin).

Monkfish Whole Weight means tail weight multiplied by 2.91 conversion factor.

Ocean Pout means the species of fish known as *Macrozoarces americanus*.

Pollock means that species of fish known as *Pollachius virens*.

Recreational Fisher means any person who harvests or attempts to harvest fish for personal or family use, sport or pleasure, and which are not sold, bartered, or exchanged.

Recreational Fishing means fishing with hand-held gear other than nets for a purpose or use other than sale, exchange or barter.

Redfish means that species of fish known as *Sebastes fasciatus*.

Regulated Multi-species Groundfish means inclusively, American plaice, cod, haddock, halibut, monkfish, ocean pout, pollock, redfish, windowpane flounder, winter flounder, witch flounder, wolfish and yellowtail flounder.

6.03: continued

Southern New England Cod Stock Area means those waters under the jurisdiction of the Commonwealth that are south and west of Cape Cod and west of the 70th meridian.

Southern New England Groundfish Management Area means those waters under the jurisdiction of the Commonwealth south of 42° 00' excluding waters of Cape Cod Bay, but including Pleasant Bay and Nauset Harbor and all connecting embayments in the County of Barnstable as well as all estuaries and salt ponds that drain to these waters.

Total Length means the greatest straight line length as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest end of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.

Trip means the time period that begins when a fishing vessel departs from a dock, berth, beach, seawall, ramp or port to carry out commercial fishing operations and that terminates with a return to a dock, berth, seawall, ramp or port.

Western Gulf of Maine Cod Stock Area means those waters under the jurisdiction of the Commonwealth that are north and east Cape Cod, inclusive of the Cape Cod Canal bounded to the west by a line drawn from the Massachusetts Maritime Academy to the Bell's Neck Road Tidal Flats Recreation Area, east of Cape Cod, and south of Cape Cod east of the 70th meridian.

Windowpane Flounder means that species of fish *Scophthalmus aquosus*.

Winter Flounder means that species of fish known commonly as blackback *Pseudopleuronectes americanus*.

Witch Flounder means gray sole or that species of fish known as *Glyptocephalus cynoglossus*.

Wolffish means that species of fish known as *Anarhichas lupus*.

Yellowtail Flounder means that species of fish known as *Limanda ferruginea*.

(2) Size Limits. Except as authorized at 322 CMR 6.03(13)(a), it shall be unlawful to retain, possess or land multispecies groundfish of a total length as set forth below::

(a) Commercial Fishing. For commercial fishers and dealers:

1. Cod: less than 19 inches;
2. Dabs: less than 12 inches;
3. Haddock: less than 16 inches;
4. Pollock: less than 19 inches;
5. Yellowtail Flounder: less than 12 inches;
6. Halibut: less than 41 inches;
7. Monkfish: less than 17 inches in total length or monkfish tails less than 11 inches in total length;
8. Windowpane Flounder: less than 12 inches;
9. Winter Flounder: less than 12 inches;
10. Witch Flounder: less than 13 inches; and
11. Redfish: less than seven inches.

(b) Recreational Fishing. For recreational fishers:

1. Cod: less than 23 inches in the Western Gulf of Maine Cod Stock Area
2. Dabs: less than 14 inches;
3. Haddock:
 - a. less than 17 inches in the Gulf of Maine Groundfish Management Area;
 - b. less than 18 inches in the Southern New England Groundfish Management Area.
4. Yellowtail Flounder: less than 13 inches;
5. Halibut: less than 41 inches;
6. Windowpane Flounder: less than 12 inches; and
7. Winter Flounder: less than 12 inches.

(3) Method of Measurement.

(a) Minimum Size. The minimum sizes established in 322 CMR 6.03(2) shall be determined by the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity.

6.28: continued

(c) Possession and Landing Limits. It shall be unlawful for any commercial fisherman to retain, possess, land or sell, barter, or exchange black sea bass, except as authorized at 322 CMR 6.28(2)(c)1. through 5.:

1. Winter Catch Allowance. From January 1st through March 31st, it shall be unlawful for a commercial fisherman to possess or land more than 100 pounds of black sea bass.
2. Weirs. From April 1st through December 31st, commercial fisherman permitted in accordance with 322 CMR 7.01(4)(a): *Regulated Fishery Permit Endorsement* to operate a fish weir, shall not be subject to daily possession limits or closed commercial fishing days for black sea bass caught in fish weirs. The weir fishery shall close when all permitted weir fishermen have combined to land 24,000 pounds of black sea bass or the commercial black sea bass quota is taken and the fishery is closed in accordance with 322 CMR 6.28(2)(c)6.
3. Black Sea Bass Bycatch Allowance for Trawlers. Beginning on April 23rd commercial fishermen using trawl gear may retain, possess, or land up to 100 pounds of black sea bass during any calendar day or trip, whichever period of time is longer.
4. Summertime Black Sea Bass Pot Fishery.
 - a. Beginning on July 1st, it shall be unlawful for commercial fishermen permitted to fish black sea bass pots to retain, possess, and land more than 500 pounds of black sea bass taken by black sea bass pots during any calendar day or trip, whichever period of time is longer.
 - b. Provided DMF projects more than 15% of the quota remains available on September 15th, during the period of September 15th through December 31st, it shall be unlawful for commercial fishermen to permitted to fish black sea bass pots to retain, possess, or land more than 600 pounds of black sea bass taken by black sea bass pot during any calendar day or trip, whichever period of time is longer. If DMF projects 15% of the quota or less remains on September 15th, the limits provided at 322 CMR 6.28(2)(c)4.a. shall apply.
 - c. During the period of July 1st through September 14th, it shall be unlawful for commercial fishermen using black sea bass pots to retain, possess, or land black sea bass on Fridays and Saturdays.
 - d. Beginning on September 15th, commercial fishermen using black sea bass pots may retain, possess, and land black sea bass seven days per week.
5. Other Gear Types.
 - a. Beginning on July 1st, it shall be unlawful for commercial fishermen using all other authorized gear types, including but not limited to hook and line, to retain, possess, and land more than 250 pounds of black sea bass caught during any calendar day or trip, whichever period of time is longer.
 - b. Provided DMF projects more than 15% of the quota remains on September 15th, during the period of September 15th through December 31st, it shall be unlawful for commercial fishermen using all other authorized gear types, including but not limited to hook and line, to retain, possess, or land more than 300 pounds of black sea bass caught during any calendar day or trip, whichever period of time is longer. If DMF projects 15% of the quota or less remains on September 15th, the limits provided at 322 CMR 6.28(2)(c)5.a. shall apply.
 - c. During the period of July 1st through September 14th, it shall be unlawful for commercial fishermen using all other authorized gear types, including but not limited to hook and line, to retain, possess, or land black sea bass on Fridays and Saturdays.
 - d. Beginning September 15th, commercial fishermen using all other authorized gear types, including but not limited to hook and line, may retain, possess, and land black sea bass seven days per week.
 - e. The regulations set for that 322 CMR 6.28(2)(c)5. shall not apply to commercial fishermen fishing with weirs, trawls, and black sea bass pots regulated pursuant to 322 CMR 6.28(2)(c)2. through 4.
6. Quota Closure. It shall be unlawful for commercial fishermen to possess or land black sea bass once the Director has determined that 100% of the annual commercial black sea bass quota has been reached. The quota closure will be enacted and announced in accordance with the procedure set forth at 322 CMR 6.41(2)(c).

6.28: continued

(3) Recreational Fishery Regulations.

(a) Minimum Size. It shall be unlawful for any recreational fisher to retain, possess, or land black sea bass measuring less than 16 inches in total length not including the tail tendril.

(b) Open Season and Bag Limits.

1. During the period of May 16th through August 31st, it shall be unlawful for any recreational fisher to retain, possess, or land more than four black sea bass per day.

2. During the period of September 1st through October 14th, it shall be unlawful for any recreational fisher to retain, possess, or land more than two black sea bass per day.

(c) Closed Season. During the period of October 15th through May 15th, it shall be unlawful for any recreational fisher to retain, possess, or land any black sea bass.

6.29: Acushnet River Estuary Fisheries Closures

(1) Definitions. For purposes of 322 CMR 6.30, the following words shall have the following meanings:

Area 1 means all waters north of the Hurricane Dike in New Bedford, including all of New Bedford Harbor and the Acushnet River. This area corresponds to Area I described in 105 CMR 260.000: *Prohibition against Certain Fishing in New Bedford Harbor.*

Area 2 means all waters encompassed by an imaginary straight line beginning at the southernmost part of Ricketsons Point in Dartmouth; thence in an easterly direction to the southernmost part of Wilbur Point in Scotcut Neck, Fairhaven; thence along the western shoreline of Scotcut Neck in a northerly direction along the Fairhaven shoreline; thence along the Hurricane Dike to the New Bedford shoreline; thence in a southerly direction to Clarks Point and along the shoreline of Clarks Cove to the starting point. This area corresponds to Area II described in 105 CMR 260.000: *Prohibition against Certain Fishing in New Bedford Harbor.*

(2) Area 1 and 2 Prohibitions. It is unlawful to harvest, catch, or take lobster from Areas 1 and 2.

6.30: American Eels

(1) Definitions. The following words and terms shall have the following meanings:

American Eel means that species of eel known as *Anguilla rostrata*.

Commercial Fisher means any person fishing for American eels under the authority of a commercial fishing permit issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01(2) and (4).

6.43: continued

2. Pursuant to the authority at M.G.L. c. 130, § 80 and 322 CMR 7.01(7), the Director may establish permit conditions as necessary or appropriate for conservation and management. This may include adopting a trip limit in excess of 6,000 pounds of Atlantic menhaden for commercial fishers who have been issued a regulated Atlantic menhaden fishery permit endorsement, provided said trip limit does not exceed 120,000 pounds of Atlantic menhaden.

3. All commercial fishers participating in the Episodic Event Set Aside Fishery shall only harvest menhaden from the waters under the jurisdiction of the Commonwealth and shall only land in Massachusetts ports.

4. All commercial fishers participating in the Episodic Event Set Aside Fishery shall be subject to the daily catch reporting requirements set forth at 322 CMR 6.43(7).

5. It shall be unlawful for a commercial fisher to use a purse seine that exceeds 450 feet long by 48 feet deep.

6. Storage Requirement. All Atlantic menhaden shall be brought onboard the vessel, and upon retention, be immediately stored in level filled barrels or fish totes. A level filled fish tote shall be the equivalent of 117 pounds of Atlantic menhaden; a level filled barrel shall be the equivalent of 350 pounds of Atlantic menhaden; and 51-level filled fish totes or 17-level filled barrels of Atlantic menhaden shall be the equivalent of 6,000 pounds of Atlantic menhaden.

(7) Catch Reporting.

(a) Electronic Catch Reporting. Beginning in 2024, all commercial fishers who have been issued a regulated Atlantic menhaden fishery permit endorsement shall report their catch electronically daily prior to landing through an electronic reporting application approved by the Division.

(b) Bait Dealer Reporting for Quota Monitoring. All commercial fishers who hold a regulated Atlantic menhaden fishery permit endorsement and all commercial fishers participating in the Episodic Event Set Aside Fishery shall obtain a Bait Dealer permit, as defined at 322 CMR 7.01(3): *Bait Dealer*, and report to the Division of Marine Fisheries their commercial Atlantic menhaden landings in the Commonwealth on a daily basis on forms provided by the Director.

6.44: Atlantic Mackerel Management

(1) Definitions. For the purposes of 322 CMR 6.44, the following terms shall have the following meanings:

Atlantic Mackerel means that species known as *Scomber scombrus*.

Commercial Fisher means any person who retains, possess, or lands Atlantic mackerel for the purpose of sale, barter, or exchange or keeps for personal or family use Atlantic mackerel taken under the authority of a commercial fishing permit and regulated fishery permit for Atlantic mackerel issued in accordance with M.G.L. c. 130, § 80 and 322 CMR 7.01: *Form, Use and Contents of Permits*.

Director means the Director of the Division of Marine Fisheries

Division means the Division of Marine Fisheries

For-hire Vessel means any vessel that holds a for-hire permit, issued in accordance with M.G.L. c. 130, § 17C and 322 CMR 7.01(5) that is carrying paying customers for the purpose of recreational fishing.

Quota means the annual coastwide commercial quota for Atlantic mackerel set by the Mid-Atlantic Fishery Management Council and monitored by NOAA Fisheries.

Recreational Fisher means any person who harvests or attempts to harvest fish for personal or family use, sport or pleasure, and which are not sold, bartered, or exchanged.

Recreational Fishing means the non-commercial harvest or attempted harvest of fish for personal or family use, sport or pleasure, and which are not sold, traded, or bartered.

6.44: continued

(2) Recreational Fishing Limit.

(a) It shall be unlawful for any recreational fisher fishing from a private vessel or shore to harvest more than 25 Atlantic mackerel per calendar day or possess more than 25 Atlantic mackerel while recreationally fishing.

(b) It shall be unlawful for any recreational fisher fishing onboard a for-hire vessel during a for-hire trip to harvest more than 50 Atlantic mackerel per calendar day or possess more than 50 Atlantic mackerel while recreationally fishing.

(3) Commercial Fishing.

(a) Permit Requirement. To retain, possess, or land Atlantic mackerel in excess of the recreational fishing limit set forth at 322 CMR 6.44(2), a person shall obtain a commercial fishing permit and regulated fishery permit endorsement for Atlantic mackerel.

(b) Commercial fishers may retain, possess, and land Atlantic mackerel for use as bait in other commercial fisheries in quantities that exceed the recreational fishing limit set forth at 322 CMR 6.44(2).

(c) If a commercial fisher is recreationally fishing from shore, a private vessel, or charter vessel, it shall be unlawful to retain, possess, or land Atlantic mackerel in quantities exceeding the recreational fishing limit set forth at 322 CMR 6.44(2).

(d) State Waters Trip Limit. Within the waters under the jurisdiction of the Commonwealth, it shall be unlawful for any commercial fisher to retain, possess, or land more than 20,000 pounds of Atlantic mackerel during any trip or calendar day, whichever period of time is longer.

Once NOAA Fisheries determines 1,100 metric tons of the annual domestic harvest limit remains, it shall be unlawful for any commercial fisher fishing in the waters under the jurisdiction of the Commonwealth to retain, possess, or land more than 5,000 pounds of Atlantic mackerel.

Once NOAA Fisheries determines 220 metric tons of the annual domestic harvest limit remains, it shall be unlawful for any commercial fisher fishing in the waters under the jurisdiction of the Commonwealth to retain, possess, or land more than 2,500 pounds of Atlantic mackerel.

1. Exemptions to State Waters Trip Limit.

a. Federal Permit Holders. Vessels permitted by NOAA Fisheries to commercially harvest and land Atlantic mackerel may possess and land more than the state waters trip limit in Massachusetts provided the fish was lawfully caught outside of the waters under the jurisdiction of the Commonwealth; the vessel transits directly through the waters under the jurisdiction of the Commonwealth for the purposes of landing Atlantic mackerel; the vessel's gear is out of the water and stowed properly onboard while within the waters under the jurisdiction of the Commonwealth; and the vessel makes no stops upon entering the waters under the jurisdiction of the Commonwealth prior to landing unless so directed by law enforcement or authorized in writing by the Division.

b. Fish Weirs. Commercial fishers permitted in accordance with 322 CMR 7.01: *Form, Use and Contents of Permit* and M.G.L. c. 130, § 29 to operate a fish weir are exempt from this trip limit when retaining, possessing, or landing Atlantic mackerel caught in their permitted fish weirs.

REGULATORY AUTHORITY

322 CMR 6.00: M.G.L. c. 130, §§ 2, 17A, 80, 100A and 104.