

130/13 **FISH, THROW OVERBOARD UPON INSPECTION** c130 §13

on **[DATE OF OFFENSE:]**, being in a boat in the coastal waters, did throw or dump overboard the contents of a pail, bag, barrel or other receptacle, or did throw overboard fish, after having been requested or signalled by an officer authorized to enforce G.L. c.130, §13 to stand by for inspection, in violation of G.L. c.130, §13. (PENALTY: not less than \$100, not more than \$200. "The director, the deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement and all environmental police officers and deputy environmental police officers, or any member of the state police may request any person whom he has cause to believe is engaged in unlawfully fishing, or to be unlawfully in possession of fish, or to be in possession of fish unlawfully taken, to forthwith display for inspection all fish then in his possession, and may arrest without warrant a person refusing or failing to comply with such request." §2: Division of Marine Fisheries may suspend license, permit or certificate.)

REGS OF THE DIV OF MARINE FISHERIES (c130 §17—§17A) — see 322 CMR §3.00—§12.00

130/18 **FISH PROPAGATION AREA, INTERFERE WITH** c130 §18

on **[DATE OF OFFENSE:]**: without right (1) did enter in or upon a building or other structure or an area of land, flats or water, set apart and used by or under authority of the Director of the Division of Marine Fisheries of the Department of Fish and Game for conducting scientific experiments or investigations or for the propagation or protection of fish; or (2) did fish in waters so set apart and used after such Director had caused printed notices of such occupation and use and the purposes thereof to be placed in a conspicuous position upon such building or other structure or adjacent to such area of land, flats or water; or (3) did injure or deface such building or other structure or a notice so posted; or (4) did injure or destroy property used in such experiments or investigations or for such purposes; or (5) did otherwise interfere therewith, in violation of G.L. c. 130, §18. (PENALTY: imprisonment not more than 6 months; or not less than \$50, not more than \$200; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/19/A **FISH, OBSTRUCT SPAWNING** c130 §19

on **[DATE OF OFFENSE:]**: (1) did hinder the passage through a fishway of salt water fish coming into fresh water to spawn; or (2) did molest or disturb the fish therein; or (3) did violate an order of the Director of the Division of Marine Fisheries of the Department of Fish and Game concerning such a fishway, in violation of G.L. c.130, §19. (PENALTY: imprisonment not more than 30 days; or not more than \$50; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/19/B **FISHWAY, FAIL MAINTAIN MARINE** c130 §19

on **[DATE OF OFFENSE:]**, being a person who, on a brook, river or stream the waters of which flowed into the coastal waters, maintained a dam or other obstruction to the passage of salt water fish coming into fresh water to spawn, did refuse or neglect to keep open or maintain a fishway at the times prescribed by the Director of the Division of Marine Fisheries of the Department of Fish and Game, in violation of G.L. c.130, §19. (PENALTY: \$50 for each day or part thereof of such refusal or neglect; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/21 **FISHERY REPORT VIOLATION** c130 §21

(Effective 1/1/90)

on **[DATE OF OFFENSE:]**, being a fisherman, a wholesale or retail fish dealer, or a fish processor: (1) did refuse or fail to submit a statistical report required by the Director of the Division of Marine Fisheries of the Department of Fish and Game pursuant to G.L. c.130, §21; or (2) did knowingly file a false such report, in violation of G.L. c.130, §21. (PENALTY: not less than \$100, not more than \$1000; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/23 **POLLUTE/EXPLODE COASTAL WATERS** c130 §23

(Effective 10/17/72-8/3/04)

on **[DATE OF OFFENSE:]**: (1) did put, throw, discharge, or suffer or permit to be discharged or to escape, into the coastal waters oil, poisonous or other injurious substance or heated effluent which materially injures fish, fishspawn or seed therein; or (2) did take such fish by such means; or (3) did kill, destroy or take such fish in such waters by the use of dynamite or other explosives; or (4) did explode dynamite or other explosive in such waters, not being excepted by law, in violation of G.L. c.130, §23. (PENALTY: imprisonment not more than 1 year; or not less than \$150, not more than \$5000; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/23 **POLLUTE/EXPLODE COASTAL WATERS** c130 §23

(Effective 8/4/04)

on **[DATE OF OFFENSE:]**: (1) did put, throw, discharge, or suffer or permit to be discharged or to escape, into the coastal waters oil, poisonous or other injurious substance or heated effluent which materially injures fish, fishspawn or seed therein; or (2) did take such fish by such means; or (3) did kill, destroy or take such fish in such waters by the use of dynamite or other explosives; or (4) did explode dynamite or other explosive in such waters, not being excepted by law, in violation of G.L. c.130, §23. (PENALTY: imprisonment not more than 1 year; or not less than \$150, not more than \$25,000; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/27 **POLLUTE COASTAL WATERS** c130 §27

on **[DATE OF OFFENSE:]** did, himself or herself or by his or her agent or servant, permit the entrance or discharge into or on the coastal waters or their tributaries sewage, heated effluent or other substance injurious to public health or tending to contaminate a shellfish area or shellfish therein, or causing injury or damage to any fishing resource, not being excepted by law, in violation of G.L. c.130, §27. (PENALTY: imprisonment not more than 1 year; or not less than \$150, not more than \$5000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/29 **FISH WEIR/TRAP/POUND NET, UNAUTHORIZED** c130 §29

on **[DATE OF OFFENSE:]** did construct or maintain a weir, pound net or a fish trap in tidewater, without having been authorized to do so by the aldermen or city council of such city or the selectmen of such town, in violation of G.L. c.130, §29. (PENALTY: \$10 for each day or part thereof; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/30 **FISH WEIR/TRAP/POUND NET, UNNUMBERED** c130 §30

on **[DATE OF OFFENSE:]**, having constructed or maintained a weir, pound net or fish trap in tidewater after having received written authorization to do so from the aldermen or city council of such city or the selectmen of such town, did fail at all times while such structure was maintained to have it plainly marked with the number of such approval painted or printed on a sign or flag in figures at least 6 inches in height and conspicuously displayed on the inshore and offshore ends of such structure, in violation of G.L. c.130, §30. (PENALTY: not more than \$25; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/31 **LOBSTER/CRAB/FISH POT/CATCH, TAKE/INJURE** c130 §31

on **[DATE OF OFFENSE:]** did, without the consent of the owner, take, use, destroy, injure or molest a weir, pound net, fish trap, seine, set net or lobster or crab pot or other fishing gear, or a fish car or other contrivance used for the purpose of storing fish, or did take fish therefrom without the consent of the owner, in violation of G.L. c.130, §31. (PENALTY: imprisonment for 2 months; or not less than \$500, not more than \$1000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

Fisheries may suspend license, permit or certificate.)

130/33/B CATCHES REPORT VIOLATION c130 §33

on **[DATE OF OFFENSE:]** (1) being the owner of a boat, pound net, fish trap, weir, fyke net or similar contrivance, fishing pier, seine, drag or gill net, lobster or crab pot or trap or other fishing gear used for fishing purposes, knowingly and wilfully did fail prior to January 31 to make the annual written report required by G.L. c.130, §33 to the Director of the Division of Marine Fisheries of the Department of Fish and Game, or did make a false report; or (2) being the owner of a fish car or other contrivance used for keeping fish, lobsters or edible crabs, knowingly and wilfully did fail to have his or her name and residence legibly marked thereon, in violation of G.L. c.130, §33. (PENALTY: not less than \$10, not more than \$100; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/34/B SMELTS TAKEN OUT OF SEASON c130 §34

on **[DATE OF OFFENSE:]** (1) did between March 15th and the following June 15th catch or take a smelt from the waters of the Commonwealth; or (2) did buy, receive, sell, or offer or expose for sale, or have in his or her possession, a smelt so taken, in violation of G.L. c.130, §34. (PENALTY: imprisonment not more than 6 months; or \$1 for every such smelt; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/34/C SMELTS TAKEN OUT OF SEASON, SUBSQ. OFF. c130 §34

on **[DATE OF OFFENSE:]** (1) did between March 15th and the following June 15th catch or take a smelt from the waters of the Commonwealth; or (2) did buy, receive, sell, or offer or expose for sale, or have in his or her possession, a smelt so taken, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §34. (PENALTY: imprisonment not more than 6 months; and \$1 for every such smelt; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/35/B SMELTS TAKEN NOT BY ANGLING c130 §35

on **[DATE OF OFFENSE:]** did take a smelt in a manner other than by angling, not being excepted by law, in violation of G.L. c.130, §35. (PENALTY: not less than \$10, not more than \$50, plus \$1 for each smelt so taken; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/35/C SMELTS TAKEN NOT BY ANGLING, ATTEMPT c130 §35

on **[DATE OF OFFENSE:]** did attempt to take a smelt in a manner other than by angling, and in such attempt did **[DESCRIPTION OF OVERT ACT:]**, not being excepted by law, in violation of G.L. c.130, §35. (PENALTY: not less than \$10, not more than \$50, plus \$1 for each smelt so taken; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/36/B SMELTS TAKEN FROM CLOSED AREA c130 §36

on **[DATE OF OFFENSE:]** (1) did enter into a portion of a stream flowing into the coastal waters that had been closed by an order of the Director of the Division of Marine Fisheries of the Department of Fish and Game in order to protect smelt and their spawn during their spawning season, which order had been posted on or near such closed areas, giving the bounds thereof; or (2) did molest or disturb smelt or their spawn within such a closed area, in violation of G.L. c.130, §36. (PENALTY: imprisonment not more than 30 days; or not less than \$10, not more than \$50; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/37/B LOBSTER/CRAB WITHOUT LICENSE c130 §37 & §38

on **[DATE OF OFFENSE:]** (1) did fish for or catch lobsters or edible crabs in, or take them from, the coastal waters, or land them in the Commonwealth, or place, set, keep, maintain, supervise, lift, raise or draw in or from such waters, or cause to be placed, set, kept, maintained, supervised, lifted, raised or drawn in or from such waters, a pot, trap or other contrivance designed for, or adopted to, the taking of lobsters or edible crabs, without being licensed to do so pursuant to G.L. c.130, §38; or (2) did take lobsters from waters under the jurisdiction of the Commonwealth by spearing, dipping or dragging; or (3) in the waters of Gosnold in Dukes County did buoy such a pot, trap or other contrivance otherwise than separately and plainly, in violation of G.L. c.130, §37 and §38. (PENALTY: imprisonment not more than 3 months; or not less than \$200, not more than \$500; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/38/B LOBSTER/CRAB LICENSE, FAIL EXHIBIT c130 §38

on **[DATE OF OFFENSE:]**, while acting pursuant to a license issued pursuant to G.L. c.130, §38, did fail to exhibit such permit upon the demand of an officer qualified to serve criminal process, in violation of G.L. c.130, §38. (PENALTY: imprisonment for not more than 1 month; or not less than \$25, not more than \$100; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/38/C LOBSTER/CRAB VIOLATION c130 §38

on **[DATE OF OFFENSE:]**, being the holder of a license issued pursuant to G.L. c.130, §38: (1) while acting pursuant to such permit, did use a buoy, pot, trap or lobster car that was not marked with his or her licensee number assigned by the Director of the Division of Marine Fisheries of the Department of Fish and Game, burned or cut into the surface thereof; or (2) did use a wooden lobster buoy in the coastal waters after January 1, 1974, in violation of G.L. c.130, §38. (PENALTY from §2: not more than 1 year; or not less than \$10, not more than \$5000; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/38A/B LOBSTER/CRAB VIOLATION c130 §38A

on **[DATE OF OFFENSE:]** did take or attempt to take lobsters or edible crabs from the coastal waters: (1) by diving, without displaying his or her lobster license number upon his or her air tank, and upon a floating marker in the area and in such form as required by G.L. c.130, §38A; or (2) with the aid and use of a boat, by means of pots, traps or other contrivances designed or adapted to the taking of lobsters or edible crabs without having first displayed the buoy colors used by him or her in accordance with his or her license on such boat in such form as required by §38A, in violation of G.L. c.130, §38A. (PENALTY: not less than \$100, not more than \$200; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/38B LOBSTER CATCH, FAIL REPORT COMMERCIAL c130 §38B

(Effective 4/13/93)

on **[DATE OF OFFENSE:]** (1) being the holder of a commercial fishermen permit for the taking of lobsters in coastal waters, did fail to submit complete forms documenting his or her catch and sale of lobsters as required by the Director of the Division of Marine Fisheries of the Department of Fish and Game; or (2) did knowingly include false information in such a form; or (3) did knowingly include false information in an application for such a permit, in violation of G.L. c.130, §38B. (PENALTY: not less than \$500, not more than \$1000; and eligibility for permit suspended for up to 3 years.)

130/33/B CATCHES REPORT VIOLATION c130 §33

on **[DATE OF OFFENSE:]** (1) being the owner of a boat, pound net, fish trap, weir, fyke net or similar contrivance, fishing pier, seine, drag or gill net, lobster or crab pot or trap or other fishing gear used for fishing purposes, knowingly and wilfully did fail prior to January 31 to make the annual written report required

by G.L. c.130, §33 to the Director of the Division of Marine Fisheries of the Department of Fish and Game, or did make a false report; or (2) being the owner of a fish car or other contrivance used for keeping fish, lobsters or edible crabs, knowingly and wilfully did fail to have his or her name and residence legibly marked thereon, in violation of G.L. c.130, §33. (PENALTY: not less than \$10, not more than \$100; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/34/B SMELTS TAKEN OUT OF SEASON c130 §34

on **[DATE OF OFFENSE:]**: (1) did between March 15th and the following June 15th catch or take a smelt from the waters of the Commonwealth; or (2) did buy, receive, sell, or offer or expose for sale, or have in his or her possession, a smelt so taken, in violation of G.L. c.130, §34. (PENALTY: imprisonment not more than 6 months; or \$1 for every such smelt; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/34/C SMELTS TAKEN OUT OF SEASON, SUBSQ. OFF. c130 §34

on **[DATE OF OFFENSE:]**: (1) did between March 15th and the following June 15th catch or take a smelt from the waters of the Commonwealth; or (2) did buy, receive, sell, or offer or expose for sale, or have in his or her possession, a smelt so taken, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §34. (PENALTY: imprisonment not more than 6 months; and \$1 for every such smelt; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/36/B SMELTS TAKEN FROM CLOSED AREA c130 §36

on **[DATE OF OFFENSE:]**: (1) did enter into a portion of a stream flowing into the coastal waters that had been closed by an order of the Director of the Division of Marine Fisheries of the Department of Fish and Game in order to protect smelt and their spawn during their spawning season, which order had been posted on or near such closed areas, giving the bounds thereof; or (2) did molest or disturb smelt or their spawn within such a closed area, in violation of G.L. c.130, §36. (PENALTY: imprisonment not more than 30 days; or not less than \$10, not more than \$50; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41/B LOBSTER, TAKE EGG-BEARING c130 §41

(thru 9/16/98)

on **[DATE OF OFFENSE:]**: (1) did take, sell or have in his or her possession a female lobster bearing eggs and did fail immediately to return such lobster alive to the waters from which it was taken; or (2) not being one who fishes for or takes lobsters as provided in G.L. c.130, §41A, did have in his or her possession a female lobster from which he or she knew eggs had been removed by means other than natural hatching, in violation of G.L. c.130, §41. (PENALTY: not less than \$50, not more than \$100 per lobster; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41/B LOBSTER, TAKE EGG-BEARING c130 §41

(Effective 9/17/98)

on **[DATE OF OFFENSE:]** did take, sell or have in his or her possession a female lobster bearing externally attached eggs, in violation of G.L. c.130, §41. (PENALTY: not less than \$150, not more than \$500 per lobster; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41/C LOBSTER, TAKE EGG-BEARING, SUBSQ. OFF. c130 §41

(thru 9/16/98)

on **[DATE OF OFFENSE:]**: (1) did take, sell or have in his or her possession a female lobster bearing eggs and did fail immediately to return such lobster alive to the waters from which it was taken; or (2) not being one who fishes for or takes lobsters as provided in G.L. c.130, §41A, did have in his or her possession a female lobster from which he or she knew eggs had been removed by means other than natural hatching, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §41. (PENALTY: imprisonment not less than 1 month, not more than 3 months; or not less than \$100, not more than \$200 per lobster; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41/C LOBSTER, TAKE EGG-BEARING, SUBSQ. OFF. c130 §41

(Effective 9/17/98)

on **[DATE OF OFFENSE:]** did take, sell or have in his or her possession a female lobster bearing externally attached eggs, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §41. (PENALTY: imprisonment not less than 60 days, not more than 6 months; or fine not less than \$500, not more than \$1000 per lobster; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41A/B LOBSTER, TAKE EGG-BEARING c130 §41A

(thru 9/16/98)

on **[DATE OF OFFENSE:]**, being one who fishes for or takes lobsters, did have in his or her possession while engaged in or returning from fishing or while preparing to land or landing lobsters or delivering such lobsters to a dealer, a female lobster from which eggs had been removed by means other than natural hatching, having failed immediately to return such lobster alive to the waters from which it was taken, in violation of G.L. c.130, §41A. (PENALTY: not less than \$50, not more than \$100 per lobster; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41A/B LOBSTER, TAKE EGG-REMOVED c130 §41A

(Effective 9/17/98)

on **[DATE OF OFFENSE:]** did take, sell or have in his or her possession a female lobster from which the eggs had been removed by means other than natural hatching, in violation of G.L. c.130, §41A. (PENALTY: not less than \$250, not more than \$1000 per lobster; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41A/C LOBSTER, TAKE EGG-BEARING, SUBSQ. OFF. c130 §41A

(thru 9/16/98)

on **[DATE OF OFFENSE:]**, being one who fishes for or takes lobsters, did have in his or her possession while engaged in or returning from fishing or while preparing to land or landing lobsters or delivering such lobsters to a dealer, a female lobster from which eggs had been removed by means other than natural hatching, having failed immediately to return such lobster alive to the waters from which it was taken, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §41A. (PENALTY: imprisonment not less than 1 month, not more than 3 months; or not less than \$100, not more than \$200 per lobster; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/41A/C LOBSTER, TAKE EGG-REMOVED, SUBSQ. OFF. c130 §41A

(Effective 9/17/98)

on **[DATE OF OFFENSE:]** did take, sell or have in his or her possession a female lobster from which the eggs had been removed by means other than natural hatching, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §41A. (PENALTY: imprisonment not less than 90 days, not more than 1 year; or fine not less than \$1000, not more than \$2000 per lobster; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/44/B LOBSTER, SHORT c130 §44

(Effective 1/1/89-10/30/96)

on **[DATE OF OFFENSE:]** did sell, offer for sale, or have in his or her possession for a period longer than was necessary for immediate measuring, or for a purpose other than legally disposing of the same, a lobster measuring less than three and eight-thirty-seconds inches in length, 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, or such greater length as had been set by regulation of the Director of the Division of Marine Fisheries of the Department of Fisheries, Wildlife and Environmental Law Enforcement, with the approval of the

Marine Fisheries Advisory Commission, in violation of G.L. c.130, §44. (PENALTY: not less than \$25, not more than \$50 per lobster; and lobsters shall be forfeited to the Division of Marine Fisheries; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/44/B **LOBSTER, SHORT** c130 §44 (Effective 10/31/96)
on [DATE OF OFFENSE:] did sell, offer for sale, or have in his or her possession for a period longer than was necessary for immediate measuring, or for a purpose other than legally disposing of the same, a lobster measuring less than three and eight-thirty-seconds inches in length, 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, or such greater length as had been set by regulation of the Director of the Division of Marine Fisheries of the Department of Fish and Game, with the approval of the Marine Fisheries Advisory Commission, in violation of G.L. c.130, §44. (PENALTY: not less than \$100, not more than \$500 per lobster; and lobsters shall be forfeited to the Division of Marine Fisheries; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/44/C **LOBSTER, SHORT, SUBSQ. OFF.** c130 §44 (Effective 1/1/89-10/30/96)
on [DATE OF OFFENSE:] did sell, offer for sale, or have in his or her possession for a period longer than was necessary for immediate measuring, or for a purpose other than legally disposing of the same, a lobster measuring less than three and eight-thirty-seconds inches in length, 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, or such greater length as had been set by regulation of the Director of the Division of Marine Fisheries of the Department of Fisheries, Wildlife and Environmental Law Enforcement, with the approval of the Marine Fisheries Advisory Commission, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §44. (PENALTY: imprisonment not less than 1 month, not more than 3 months; or not less than \$50, not more than \$100 per lobster; or both; and lobsters shall be forfeited to the Division of Marine Fisheries; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/44/C **LOBSTER, SHORT, SUBSQ. OFF.** c130 §44 (Effective 10/31/96)
on [DATE OF OFFENSE:] did sell, offer for sale, or have in his or her possession for a period longer than was necessary for immediate measuring, or for a purpose other than legally disposing of the same, a lobster measuring less than three and eight-thirty-seconds inches in length, 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, or such greater length as had been set by regulation of the Director of the Division of Marine Fisheries of the Department of Fish and Game, with the approval of the Marine Fisheries Advisory Commission, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §44. (PENALTY: imprisonment not less than 1 month, not more than 3 months; or not less than \$500, not more than \$1000 per lobster; or both; and lobsters shall be forfeited to the Division of Marine Fisheries; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/47/B **LOBSTER CONTAINER IMPROP MARKED** c130 §47
on [DATE OF OFFENSE:]: (1) did deliver to a carrier for shipping one or more containers containing lobsters, or lobster meat after it had been taken from the shell, that had not been marked in a plain and legible manner on the outside thereof "Lobsters" or "Lobster Meat", as the case may be, in capital letters at least 1 inch in length, together with the full name and address of the shipper, and, in the case of such lobster meat, also with the words "removed under permit No. . . .", followed by the number of the permit under which such lobster meat was taken from the shell; or (2) being a carrier, did transport one or more containers containing lobsters or lobster meat that had not been so marked, not being excepted by law, in violation of G.L. c.130, §47. (PENALTY: not less than \$500, not more than \$1000; and containers, lobsters and lobster meat to be forfeited; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/51/B **LOBSTER, FALSE SALE OF** c130 §51
on [DATE OF OFFENSE:] did sell, or represent for the purpose of sale: (1) as a native lobster a lobster that had not been originally caught or taken in the coastal waters; or (2) as a lobster a crustacean that was not of the species known as *Homarus americanus*; or (3) as lobster meat meat that was not wholly from crustaceans of such species, in violation of G.L. c.130, §51. (PENALTY: not less than \$50, not more than \$500; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/66 **SHELLFISH MARK, MISUSE** c130 §66
on [DATE OF OFFENSE:]: (1) did wilfully injure, deface, destroy or remove a mark or bound used to define the extent of a shellfish license or grant; or (2) did place an unauthorized mark thereon; or (3) did tie or fasten a boat or vessel thereto, in violation of G.L. c.130, §66. (PENALTY: not less than \$3, not more than \$20; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/67/B **SHELLFISH LICENSED GROUNDS VIOL** c130 §67
on [DATE OF OFFENSE:]: (1) did work a dredge, oyster tongs or rakes, or other implement for the taking of shellfish upon shellfish grounds or beds covered by a license granted by G.L. c.130, §57 or corresponding provision of earlier laws; or (2) did disturb the growth of the shellfish thereon; or (3) did discharge a substance which might injure the shellfish upon such grounds or beds, without the consent of the licensee or transferee; or (4) while upon or sailing over such grounds or beds, did cast, haul, or have overboard a dredge, oyster tongs or rakes, or other implement for the taking of shellfish, without the consent of the licensee or transferee, in violation of G.L. c.130, §67. (PENALTY: imprisonment not more than 1 month; or not more than \$20; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/67/C **SHELLFISH LICENSED GROUNDS VIOL, SUBSQ.** c130 §67
on [DATE OF OFFENSE:]: (1) did work a dredge, oyster tongs or rakes, or other implement for the taking of shellfish upon shellfish grounds or beds covered by a license granted by G.L. c.130, §57 or corresponding provision of earlier laws; or (2) did disturb the growth of the shellfish thereon; or (3) did discharge a substance which might injure the shellfish upon such grounds or beds, without the consent of the licensee or transferee; or (4) while upon or sailing over such grounds or beds, did cast, haul, or have overboard a dredge, oyster tongs or rakes, or other implement for the taking of shellfish, without the consent of the licensee or transferee, the defendant having previously been convicted of such an offense, in violation of G.L. c.130, §67. (PENALTY: imprisonment not more than 6 months; or not more than \$50; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/68/B **SHELLFISH LICENSED GROUNDS VIOL** c130 §68
on [DATE OF OFFENSE:]: (1) did dig, take or carry away shellfish or shells between one half hour after sunset and one half hour before sunrise, from waters, flats or creeks as to which a license under G.L. c.130, §57 or corresponding provisions of earlier laws is outstanding; or (2) without the consent of the licensee or transferee did dig or take shellfish or shells from waters, flats or creeks described in a current license granted under G.L. c.130, §57 or corresponding provisions of earlier laws, in violation of G.L. c.130, §68. (PENALTY: imprisonment not less than 1 month, not more than 6 months; or not more than \$100; or both; and licensee shall forfeit license and shellfish remaining on licensed premises; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/69/B **QUAHAUGS/CLAMS, SHORT** c130 §69 (Effective 10/01/91)
on **[DATE OF OFFENSE:]** did take or have in his or her possession quahaugs less than one inch shell thickness (hinge width), or soft-shelled clams less than two inches in longest diameter, or oysters less than three inches in longest diameter, to the amount of more than five percent of any batch, not having a permit to do so, contrary to 322 Code Mass. Regs. §6.20 and in violation of G.L. c.130, §69. (PENALTY from §2: imprisonment not more than 1 year; or not less than \$10, not more than \$5000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/70/B **SCALLOPS, IMMATURE** c130 §70
on **[DATE OF OFFENSE:]**: (1) did take from the flats or coastal waters of the Commonwealth scallops other than adult scallops, as defined in G.L. c.130, §70; or (2) did sell or offer for sale or has in possession such scallops, in violation of G.L. c.130, §70. (PENALTY: imprisonment for 30 days; or not less than \$10, not more than \$50 fine; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/71/B **SCALLOPS IN CLOSED SEASON** c130 §71
on **[DATE OF OFFENSE:]**: (1) did take scallops between April 1 and the following October 1 from the flats or coastal waters of the Commonwealth, other than as provided in G.L. c.130, §70 or §73; or (2) did buy or sell or have in possession scallops so taken, in violation of G.L. c.130, §71. (PENALTY: imprisonment for 30 days; or not less than \$10, not more than \$50; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/72/B **SCALLOPS, EXCESS CATCH OF** c130 §72
on **[DATE OF OFFENSE:]** did take more than a total of 10 bushels of scallops, including shells, in one day, not having been authorized to do so by the Director of the Division of Marine Fisheries of the Department of Fish and Game under G.L. c.130, §70 and §73, in violation of G.L. c.130, §72. (PENALTY: imprisonment for 30 days; or not less than \$10, not more than \$50; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/75/B **SHELLFISH IN CONTAMINATED AREA** c130 §75
on **[DATE OF OFFENSE:]**: (1) did dig or take shellfish from an area determined under provisions of G.L. c.130, §74 or §74A or corresponding provisions of earlier laws to be contaminated while such determination was in force; or (2) did knowingly transport or cause to be transported or have in his or her possession shellfish so dug or taken, without a permit or contrary to the provisions of such permit, during the period between one-half hour before sunrise and one-half hour after the following sunset, in violation of G.L. c.130, §75. (PENALTY: jail or house of correction not more than 2 years; or not less than \$500, not more than \$2000 or three times the value of such shellfish, whichever is greater; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/75/C **SHELLFISH IN CONTAMINATED AREA AT NIGHT** c130 §75
on **[DATE OF OFFENSE:]**: (1) did dig or take shellfish from an area determined under provisions of G.L. c.130, §74 or §74A or corresponding provisions of earlier laws to be contaminated while such determination was in force; or (2) did knowingly transport or cause to be transported or have in his or her possession shellfish so dug or taken, without a permit or contrary to the provisions of such permit, during the period between one-half hour after sunset and one-half hour before the following sunrise, in violation of G.L. c.130, §75. (PENALTY: state prison not more than 3 years; or not less than \$500, not more than \$2000 or three times the value of such shellfish, whichever is greater; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/75/D **SHELLFISH IN CONTAMINATED AREA BY DEALER** c130 §75
on **[DATE OF OFFENSE:]**: (1) did dig or take shellfish from an area determined under provisions of G.L. c.130, §74 or §74A or corresponding provisions of earlier laws to be contaminated while such determination was in force; or (2) did knowingly transport or cause to be transported or have in his or her possession shellfish so dug or taken, without a permit or contrary to the provisions of such permit, the defendant being a licensed wholesaler or retailer, in violation of G.L. c.130, §75. (PENALTY: imprisonment not more than 3 years; or not less than \$100, not more than \$10,000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/80/B **FISHING, COMMERCIAL LICENSE VIOL** c130 §80 (Effective 1/1/90)
on **[DATE OF OFFENSE:]**: (1) did fish for or take fish for commercial purposes in the coastal waters, or land raw fish in the Commonwealth, for the purpose of sale without being the holder of a commercial fisherman permit; or (2) did dig or take shellfish or marine worms for commercial purposes without being the holder of a commercial fisherman permit (shellfish) or a commercial fisherman permit that has been specially endorsed for the taking of such shellfish or marine worms; or (3) did for commercial purposes acquire, handle, store, distribute, process, fillet, ship or sell raw fish, in bulk or for resale, without having first obtained a wholesale dealer permit; or (4) being the holder of a wholesale dealer permit, did procure raw fish from a person who did not hold a valid commercial fisherman permit; or (5) did sell raw fish at retail without first obtaining a retail dealer permit issued jointly by the Division of Marine Fisheries of the Department of Fish and Game and by the Department of Public Health; or (6) did for commercial purposes shuck shellfish, or pack or repack shucked shellfish, or dig, take, pack or buy shellfish within the Commonwealth for shipment outside the Commonwealth, without the approval of the Director of such Division; or (7) did take or sell fish from a fishery regulated by the Director of such Division without a regulated marine fishery permit, not being excepted by law, in violation of G.L. c.130, §80. (PENALTY: imprisonment for not more than 3 years; or not less than \$10, not more than \$10,000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/81/B **SHELLFISH SALES VIOLATION** c130 §81
on **[DATE OF OFFENSE:]**: (1) did transport, or cause to be transported, into the Commonwealth for consumption as food shellfish taken or dug from areas outside the Commonwealth, not having been certified by the regulatory authority in the United States or foreign country under the uniform sanitation requirements of the cooperative program for the certification of interstate shellfish shippers; or (2) did sell, cause to be sold, or keep, offer or expose for sale for consumption, such shellfish, without having been so certified; or (3) did transport or cause to be transported within the Commonwealth shellfish for consumption as food in a container that did not bear a label or tag legibly marked with the name and address of the producer and of the shipper thereof and the numbers of such certificates, and the name of the place where and the date when taken; or (4) did counterfeit, alter, deface or tamper with such a label or tag, not being excepted by law, in violation of G.L. c.130, §81. (PENALTY: imprisonment not more than 3 years; or not less than \$100, not more than \$10,000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/82/B **SHELLFISH LABELING VIOLATION** c130 §82
on **[DATE OF OFFENSE:]**: (1) being a whole or retailer dealer in shellfish, or a person holding a victualler's license, did receive shellfish not bearing a label or tag legibly marked with the source of supply, the date when taken, either the certificate or permit number or the name and address of the producer or shipper, and any other information required by the Director of the Division of Marine Fisheries of the Department of Fish and Game; or (2) being a wholesale or retailer dealer in shellfish, or a person holding a victualler's license, did fail to keep in his or her place of business a record of the markings on such tag or label for sixty days after receipt of such shellfish, and to make such record open at all reasonable times to inspection by any representative of such Division or of the Department of Public Health; or (3) did fail to furnish such required label or tag; or (4) did furnish such a label or tag bearing false or

misleading information; or (5) did counterfeit, alter, deface or tamper with any such label or tag, in violation of G.L. c.130, §82. (PENALTY: imprisonment not more than 3 years; or not less than \$100, not more than \$10,000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/92/B **SCALLOPS SALES VIOLATION** c130 §92

on **[DATE OF OFFENSE:]** (1) did sell, exchange, transport or deliver, or offer or expose for sale, exchange or delivery, or have in his or her custody or possession with intent to sell, exchange, transport or deliver, scallops which had been soaked, or scallops not in the shell and not in a box, carton, tray or other container marked as required by G.L. c.130, §92; or (2) did falsely stamp, label or mark such a container; or (3) did falsely advertise such shellfish, in violation of G.L. c.130, §92. (PENALTY: imprisonment for 30 days; or not less than \$50, not more than \$500; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/95/B **FISHERY, DISTURB** c130 §95

on **[DATE OF OFFENSE:]** did take, kill or haul onshore, or disturb, injure, hinder or obstruct, the passage of herring, alewives or other swimming marine food fish in a fishery created by a city or town, without its permission or that of its lessees, or in a fishery legally created by a corporation, without the permission of such corporation, or in a public fishery regulated and controlled by a city or town, contrary to its regulations, in violation of G.L. c.130, §95. (PENALTY: not less than \$5, not more than \$50; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/99 **FISH, EXPORT IN OUT-OF-STATE VESSEL** c130 §99

on **[DATE OF OFFENSE:]** (1) did carry out of the Commonwealth in a vessel or smack owned outside the Commonwealth, fish other than oysters taken within the coastal waters, not being a common carrier; or (2) did in such a vessel or smack take fish within the coastal waters for the purpose of carrying them out of the Commonwealth, in violation of G.L. c.130, §99. (PENALTY: \$50; and fish to be forfeited to the Director of the Division of Marine Fisheries of the Department of Fish and Game.)

DIV OF MARINE FISHERIES REGULATIONS FOR STRIPPED BASS (c130 §100A) — see 322 CMR §6.07

130/100B/A **STRIPED BASS TAKEN NOT BY ANGLING** c130 §100B

on **[DATE OF OFFENSE:]** did take striped bass, with or by the use of a net, seine or other contrivance other than hook and line, within the jurisdiction of the Commonwealth, not being excepted by law, in violation of G.L. c.130, §100B. (PENALTY: imprisonment for 60 days; or not less than \$500, not more than \$1000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100B/B **STRIPED BASS TAKEN NOT BY ANGLING, ATT** c130 §100B

on **[DATE OF OFFENSE:]** did attempt to take striped bass, with or by the use of a net, seine or other contrivance other than hook and line, within the jurisdiction of the Commonwealth, not being excepted by law, and in such attempt did **[DESCRIPTION OF OVERT ACT:]**, in violation of G.L. c.130, §100B. (PENALTY: imprisonment for 60 days; or not less than \$500, not more than \$1000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100C/B **SHAD TAKEN NOT BY ANGLING** c130 §100C

on **[DATE OF OFFENSE:]** did take shad, with or by the use of a net, seine or other contrivance other than hook and line, within the jurisdiction of the Commonwealth, not being excepted by law, in violation of G.L. c.130, §100C. (PENALTY: not less than \$25, not more than \$50; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100C/C **SHAD TAKEN NOT BY ANGLING, ATTEMPT** c130 §100C

on **[DATE OF OFFENSE:]** did attempt to take shad, with or by the use of a net, seine or other contrivance other than hook and line, within the jurisdiction of the Commonwealth, not being excepted by law, and in such attempt did **[DESCRIPTION OF OVERT ACT:]**, in violation of G.L. c.130, §100C. (PENALTY: not less than \$25, not more than \$50; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100D/A **EELING VIOLATION** c130 §100D

on **[DATE OF OFFENSE:]** (1) did take eels, *Anguilla rostrata*, by a contrivance other than by nets, pots, spears, or angling; or (2) did take or possess elvers or eels of a size less than 4 inches total length, in violation of G.L. c.130, §100D. (PENALTY: imprisonment not more than 30 days; or not less than \$100; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100D/B **EELING VIOLATION, ATTEMPTED** c130 §100D

on **[DATE OF OFFENSE:]** did attempt to take eels, *Anguilla rostrata*, by a contrivance other than by nets, pots, spears, or angling, and in such attempt did **[DESCRIPTION OF OVERT ACT:]**, in violation of G.L. c.130, §100D. (PENALTY: imprisonment not more than 30 days; or not less than \$100; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100D/A **EELING VIOLATION** c130 §100D

(Effective 10/29/14)

on **[DATE OF OFFENSE:]** did take eels, *Anguilla rostrata*, by a contrivance other than by nets, pots, spears, or angling, in violation of G.L. c.130, §100D. (PENALTY: imprisonment not more than 30 days; or not less than \$100; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/100D/C **EELING VIOLATION, POSSESS < 9 INCHES** c130 §100D

(Effective 10/29/14)

on **[DATE OF OFFENSE:]** did take or possess elvers or eels of a size less than 9 inches total length in inland waters of the Commonwealth, in violation of G.L. c.130, §100D. (PENALTY: imprisonment not more than 30 days; or not less than \$10000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/101A **GRAY SEAL, INJURE** c130 §101A

on **[DATE OF OFFENSE:]** did wilfully detain, hunt, kill or injure a gray seal (*halichoerus gryphus*, also called a Nantucket horsehead), in violation of G.L. c.130, §101A. (PENALTY: not more than \$500; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

130/102 **MARINE PLANTS, TAKE IMPROP** c130 §102

on **[DATE OF OFFENSE:]** did take by mechanical means Irish moss or kelp, marine plants or the species *chondrus crispus*, without the written approval of, and in accordance with the rules and regulations of, the Director of the Division of Marine Fisheries of the Department of Fish and Game, in violation of G.L. c.130, §102. (PENALTY from §2: imprisonment not more than 1 year; or not less than \$10, not more than \$5000; or both; §2: Division of Marine Fisheries may suspend license, permit or certificate.)

or notification with respect to such work; or (6) at a site where work was being done which was subject to §40, did fail to post a sign displaying the Department of Conservation and Recreation file number in such manner as required by §40, in violation of G.L. c.131, §40. (PENALTY: imprisonment not more than 2 years; or not more than \$25,000; or both; or civil penalty of not more than \$25,000; and may be ordered to restore property to its original condition and take other actions deemed necessary to remedy such violations; each day of violation constitutes a separate offense.)

131/40A WETLANDS VIOLATION, INLAND c131 §40A

on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF VIOLATION:]**, contrary to an order of the Commissioner of the Department of Environmental Protection regulating, restricting or prohibiting dredging, filling, removing or otherwise altering or polluting inland wetlands, or forbidding the placement of any obstruction or encroachment along a waterway or flood-prone area without authorization by such Commissioner, which order had been adopted, recorded and mailed pursuant to G.L. c.131, §40A, in violation of G.L. c.131, §40A. (PENALTY: imprisonment not more than 1 year; or not less than \$100, not more than \$25,000; or both; or civil penalty of not more than \$25,000; each day of violation constitutes a separate offense.)

131/42 TRASH DEPOSITED IN INLAND WATERS c131 §42

on **[DATE OF OFFENSE:]**: (1) did put, throw, discharge or permit to be discharged or to escape into inland waters of the Commonwealth waste or other material, in violation of G.L. c.131, §40 or of some provision of the Massachusetts Clean Water Act, G.L. c.21, §26 et seq., which might directly or indirectly have injured or killed the fish or fish spawn therein; or (2) did alter or manipulate, or permit to be altered or manipulated, the flows or water levels in inland waters of the Commonwealth to an extent that directly or indirectly injured or killed the fish or fish spawn therein, not being excepted by G.L. c.131, §42, in violation of G.L. c.131, §48. (PENALTY from §90: imprisonment not more than 2 years; or not less than \$100, not more than \$5000; or both; and may be ordered to pay restitution in amount set in §90.)

131/43 POISON MAMMAL/BIRD c131 §43

on **[DATE OF OFFENSE:]** did place poison for the purpose of killing a mammal or bird without having a permit therefor, not being excepted by law, in violation of G.L. c.131, §43. (PENALTY from §90: imprisonment not more than 2 years; or not less than \$100, not more than \$5000; or both; and may be ordered to pay restitution in amount set in §90.)

131/44/B TRASH DEPOSITED BY HUNTER/FISHER c131 §44

on **[DATE OF OFFENSE:]**, while engaged in hunting, fishing or trapping, did deposit or cause to be deposited garbage, paper, refuse, bottles, cans, rubbish or trash on public or private property without permission of the owner, tenant or lessee of such property, in violation of G.L. c.131, §44. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$20, not more than \$50; or both.)

131/45 GREAT POND, MUNICIPAL REGUL FOR c131 §45

on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF VIOLATION:]**, in violation of a rule or regulation of the city or town of **[NAME OF MUNICIPALITY:]** relative to hunting, fishing and boating on a great pond, adopted pursuant to G.L. c.131, §45. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$20, not more than \$50; or both; and may be ordered to pay restitution in amount set in §90.)

131/47/B POND, ENCLOSE/FISH IMPROP c131 §47

(Effective 1/4/90)

on **[DATE OF OFFENSE:]**: (1) being the riparian proprietor of a natural pond other than a great pond, or of an artificial pond, or of a nonnavigable stream, did enclose the waters thereof within the limits of his or her own premises without furnishing a suitable passage for all anadromous fish naturally frequenting such waters to spawn; or (2) being a riparian proprietor, did enclose the waters of such a pond or stream for the purpose of artificial propagation, cultivation and maintenance of fish, other than shiners as authorized in G.L. c.131, §52, without having procured a propagator's license under §23; or (3) did take, or did attempt to take, fish from a natural pond other than a great pond, or of an artificial pond, or of a nonnavigable stream, where fish were lawfully propagated or maintained under authority of a license under G.L. c.131, without the written consent of the proprietor or lessee thereof, in violation of G.L. c.131, §47. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; and not less than \$10, not more than \$50 for each fish; and may be ordered to pay restitution in amount set in §90.)

131/48 POND/RESERVOIR, DRAIN WITHOUT NOTICE c131 §48

on **[DATE OF OFFENSE:]**, there being then no emergency, did drain a pond, reservoir or other body of water, other than a body of water used for irrigation or insect control purposes or for flooding cranberry bogs or for public water supply, to an extent dangerous to fish life therein, without having at least 10 days prior to such draining notified in writing the Director of the Division of Fisheries and Wildlife of the Department of Fish and Game of such intention, and thereby enabled such Director to salvage the fish in such body of water prior to the draining thereof, in violation of G.L. c.131, §48. (PENALTY from §90: imprisonment not more than 60 days; or not less than \$50, not more than \$100; or both; and may be ordered to pay restitution in amount set in §90.)

DIV OF FISHERIES & WILDLIFE REGS FOR INTERSTATE PONDS (c131 §49) — see 321 CMR §4.04—§4.06

131/50/B FISH OTHER THAN BY ANGLING c131 §50

(Effective 1/4/90)

on **[DATE OF OFFENSE:]** did take or attempt to take fish in inland waters in a manner other than by angling, not being excepted by law, in violation of G.L. c.131, §50. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; and not less than \$10, not more than \$50 for each fish; and may be ordered to pay restitution in amount set in §90.)

131/51/B TROUT FISH OTHER THAN BY ANGLING c131 §51

(Effective 1/4/90)

on **[DATE OF OFFENSE:]** did take brook, brown or rainbow trout in coastal waters of the Commonwealth other than by angling, in violation of G.L. c.131, §51. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; and not less than \$10, not more than \$50 for each fish; and may be ordered to pay restitution in amount set in §90.)

131/52/B BAIT FISH VIOLATION c131 §52

on **[DATE OF OFFENSE:]** did take shiners, minnows, killifish, sculpin, sticklebacks or suckers in the inland waters of the Commonwealth for sale, or by a method not permitted by G.L. c.131, §52, in violation of G.L. c.131, §52. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$20, not more than \$50; or both; and may be ordered to pay restitution in amount set in §90.)

131/52A/A EELING VIOLATION, COMMERCIAL, W/OUT BEING LICENSED FISHERMAN c131 §52A

(Effective 10/29/14)

on **[DATE OF OFFENSE:]**: did take eels in inland waters, other than ponds having a diked opening to the sea, for commercial purposes without being a licensed fisherman and possessing a license to do so for the purpose of sale, in violation of G.L. c.131, §52A. (PENALTY: imprisonment not more than 30 days; or not less than \$100; or both; and may be ordered to pay restitution in amount set in §90.)

131/52A/B **EELING VIOLATION, COMMERCIAL** c131 §52A (Effective 10/29/14)
on **[DATE OF OFFENSE:]** did take for commercial purposes, or attempt to take, with or by the use of an artificial lure, a fish of the species *Anguilla rostrata*, the North American eel, in violation of G.L. c.131, §52A. (PENALTY: imprisonment not more than 30 days; or not less than \$100; or both; and may be ordered to pay restitution in amount set in §90.)

131/52A/C **EELING VIOLATION <9 INCHES, COMMERCIAL** c131 §52A (Effective 10/29/14)
on **[DATE OF OFFENSE:]** did take for commercial purposes elvers, or eels less than 9 inches in length, in the inland waters of the Commonwealth, in violation of G.L. c.131, §52A. (PENALTY imprisonment not more than 30 days; or not less than \$10,000; or both; and may be ordered to pay restitution in amount set in §90.)

DIV OF FISHERIES & WILDLIFE REGS FOR COMMERCIAL EELING (c131 §52A) — see 321 CMR §4.03

131/53/B **FISH INLAND WATER WITH FLOATS** c131 §53 (Effective 1/4/90)
on **[DATE OF OFFENSE:]** did fish with floats, that is, devices floating with a line and hook attached, baited with natural or artificial bait and not under the direct control of the hand of the person fishing, otherwise known as toggle fishing, in an inland water of the Commonwealth, in violation of G.L. c.131, §53. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; and not less than \$10, not more than \$50 for each fish; and may be ordered to pay restitution in amount set in §90.)

131/54/B **FISH INLAND WATER BY IMPROP METHOD** c131 §54 (Effective 1/4/90)
on **[DATE OF OFFENSE:]** did draw, set, stretch or use a fish trap, gill net, drag net, set net, purse net, seine or trawl, or set or use more than 2 hooks for fishing, or in the case of ice fishing 5 hooks, in an inland water, or aid in so doing, not being excepted by law, in violation of G.L. c.131, §54. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; and not less than \$10, not more than \$50 for each fish; and may be ordered to pay restitution in amount set in §90; and net to be forfeited to the Director of the Office of Environmental Law Enforcement of the Executive Office of Environmental Affairs; and any license, permit or certificate under c.131 revoked for 1 year.)

131/57/B **HUNT ON SUNDAY VIOLATION** c131 §57 (Effective 10/14/93)
on **[DATE OF OFFENSE:]** did on Sunday hunt a bird or mammal, or carry on his or her person a rifle, shotgun, bow and arrow, pistol or revolver, in a place where birds or mammals might be found, other than as provided in G.L. c.131, §4, §31 and §37, not being excepted by law, in violation of G.L. c.131, §57. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; plus not less than \$10, not more than \$50 for each bird or mammal unlawfully killed or possessed other than a deer, bear or turkey; and imprisonment not more than 6 months, or not less than \$300, not more than \$1000, or both, for each deer or turkey; and imprisonment not more than 6 months, or not less than \$1000, not more than \$5000, or both, for each bear; and may be ordered to pay restitution in amount set in §90; and bird, mammal or trap to be forfeited to the Director of the Office of Environmental Law Enforcement of the Executive Office of Environmental Affairs; §34: and any license, permit or certificate under c.131 revoked for 1 year.)

131/58/B **FIREARM, DISCHARGE NEAR HWAY** c131 §58 (Effective 1/4/90)
on **[DATE OF OFFENSE:]** did discharge a firearm or release an arrow upon or across, or within 150 feet of, a state or hard surfaced highway, in violation of G.L. c.131, §58. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; and any license, permit or certificate under c.131 revoked for 1 year.)

131/58/D **FIREARM WITHIN 500 FT OF DWELLING** c131 §58 (Effective 1/4/90)
on **[DATE OF OFFENSE:]** did possess a loaded firearm or hunt by any means on the land of another within 500 feet of a dwelling in use, not being so authorized by the owner or occupant thereof, in violation of G.L. c.131, §58. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both.)

131/59/B **HUNT ON PUBL LAND WITHOUT PERMIT** c131 §59 (Effective 10/14/93)
on **[DATE OF OFFENSE:]** did hunt, or in some manner molest or destroy, a bird or mammal within the boundaries of a reservation, park or common, or land owned or leased by the Commonwealth or a political subdivision thereof, or land held in trust for public use, without a permit to do so issued by the authorities or persons having the control and charge of such reservations, parks, commons or other lands, in violation of G.L. c.131, §59. (PENALTY from §90: imprisonment not more than 30 days; or not less than \$50, not more than \$100; or both; plus not less than \$10, not more than \$50 for each bird or mammal unlawfully killed or possessed other than a deer, bear or turkey; and imprisonment not more than 6 months, or not less than \$300, not more than \$1000, or both, for each deer or turkey; and imprisonment not more than 6 months, or not less than \$1000, not more than \$5000, or both, for each bear; and may be ordered to pay restitution in amount set in §90; and bird, mammal or trap to be forfeited to the Director of the Office of Environmental Law Enforcement of the Executive Office of Environmental Affairs.)

131/60/A **HUNTING INJURY, FAIL REPORT** c131 §60
on **[DATE OF OFFENSE:]** (1) while engaged in hunting or target shooting, did cause injury or death to another person by reason of the use of any firearm, bow and arrow, or other weapon or article, and did fail immediately to report the same to the state or local police; or (2) being a person who had knowledge of such injury or death, did fail immediately to report the same to the state or local police, in violation of G.L. c.131, §60. (PENALTY from §90: imprisonment not more than 6 months; or not less than \$100, not more than \$500; or both; and any hunting or sporting license to be forfeited for 5 years.)

131/60/B **HUNTING WEAPON, PERSONAL INJURY WITH** c131 §60
on **[DATE OF OFFENSE:]**, while engaged in hunting or target shooting, did use a firearm, bow and arrow, or other weapon or article in a careless or negligent manner so as to cause bodily injury or death to another, in violation of G.L. c.131, §60. (PENALTY from §90: imprisonment not more than 6 months; or not less than \$100, not more than \$500; or both; and any hunting or sporting license to be forfeited for 5 years.)

131/61 **HUNTING WEAPON, PROPERTY DAMAGE WITH** c131 §61
on **[DATE OF OFFENSE:]** did use a firearm, bow and arrow or other weapon or article in a careless or negligent manner so as to cause damage to property or livestock of another while engaged in hunting, fishing, trapping or target shooting, in violation of G.L. c.131, §61. (PENALTY from §90: imprisonment not more than 60 days; or not less than \$50, not more than \$100; or both; and liable in tort for damages; and any license, permit or certificate under c.131 revoked for 1 year.)

131/62/A **HUNT WHILE UNDER INFLUENCE OF DRUGS** c131 §62 (Effective 10/14/93)

being revoked for 1 year.)

131/86 EXPERIMENT/PROPAGATION, INTERFERE WITH c131 §86

on **[DATE OF OFFENSE:]** (1) did without right enter in or upon a building or other structure, or an area of land, flats or water, set apart and used by or under authority of the Director of the Division of Fisheries and Wildlife of the Department of Fish and Game for conducting scientific experiments or investigations or for propagation, after such Director had caused printed notices of such occupation and use and the purposes thereof to be placed in a conspicuous position upon such building or structure, or adjacent to any such area; or (2) did fish in waters so set apart and used; or (3) did injure or deface such building or structure or any such posted notice, or injure or destroy property used in such experiments or investigations or for such purposes, or otherwise interfere with, in violation of G.L. c.131, §86. (PENALTY from §90: imprisonment not more than 1 year; or not less than \$50, not more than \$1000; or both; and may be ordered to pay restitution in amount set in §90.)

131/90A HUNTING LICENSE, FAIL RETURN SUSPENDED c131 §90A

on **[DATE OF OFFENSE:]**, being a person whose privilege to hunt, trap or fish had been suspended or revoked in some jurisdiction of the United States or Canada because of an offense which was determined by the Director of the Division of Fisheries and Wildlife of the Department of Fish and Game to constitute a violation of G.L. c.131, §§ 10, 13, 22, 61, 62, 64, 65, 68, 69, 73, 74, 75, 75A, 79, 80, 80A or 82, did fail immediately to return his or her Massachusetts license to hunt, trap or fish to such Division, in violation of G.L. c.131, §90A. (PENALTY: not less than \$50, not more than \$200.)

DIV OF FORESTS & PARKS REGS FOR FORESTS/PARKS (c132A §7) — see 304 CMR §12.00—\$20.00

131A/2/A ENDANGERED SPECIES, POSSESS/SELL/BUY c131A §2

(Effective 7/1/92)

on **[DATE OF OFFENSE:]** did take, possess, transport, export, process, sell, offer for sale, buy, offer to buy, or as a common or contract carrier knowingly transport or receive for shipment, a plant or animal species listed as endangered, threatened or of special concern or listed under the Federal Endangered Species Act, not being excepted by other provisions of G.L. c.131A, in violation of G.L. c.131A, §2 or the rules and regulations promulgated thereunder. (PENALTY from §6(a): imprisonment not more than 90 days; or not less than \$500; or both.)

131A/2/B ENDANGERED SPECIES, POSSESS/SELL/BUY, SUBSQ. OFF. c131A §2

(Effective 7/1/92)

on **[DATE OF OFFENSE:]** did take, possess, transport, export, process, sell, offer for sale, buy, offer to buy, or as a common or contract carrier knowingly transport or receive for shipment, a plant or animal species listed as endangered, threatened or of special concern or listed under the Federal Endangered Species Act, not being excepted by other provisions of G.L. c.131A, the defendant having previously been convicted of such an offense, in violation of G.L. c.131A, §2 or the rules and regulations promulgated thereunder. (PENALTY from §6(a): imprisonment not more than 180 days; or not less than \$5000; or both.)

131A/2/C ENDANGERED SPECIES HABITAT, ALTER c131A §2

(Effective 7/1/92)

on **[DATE OF OFFENSE:]** did alter significant habitat, as such terms are defined in G.L. c.131A, §1, not being excepted by other provisions of G.L. c.131A, in violation of G.L. c.131A, §2 or the rules and regulations promulgated thereunder. (PENALTY from §6(b): imprisonment not more than 90 days; or not less than \$1000, not more than \$10,000; or both. "In addition or as an alternative to such penalties," the defendant "may be ordered to restore the significant habitat to its prior condition.")

131A/2/D ENDANGERED SPECIES HABITAT, ALTER, SUBSQ. OFF. c131A §2

(Effective 7/1/92)

on **[DATE OF OFFENSE:]** did alter significant habitat, as such terms are defined in G.L. c.131A, §1, not being excepted by other provisions of G.L. c.131A, the defendant having previously been convicted of such an offense, in violation of G.L. c.131A, §2 or the rules and regulations promulgated thereunder. (PENALTY from §6(b): imprisonment not more than 180 days; or not less than \$10,000, not more than \$20,000; or both. "In addition or as an alternative to such penalties," the defendant "may be ordered to restore the significant habitat to its prior condition.")

132/12/A PEST CONTROL, INTERFERE WITH c132 §12

(Effective thru 4/12/09)

on **[DATE OF OFFENSE:]** did wilfully resist or obstruct the Chief Superintendent of the Bureau of Shade Tree Management and Pest Control in the Department of Conservation and Recreation, a local superintendent of shade tree management and pest control, or an employee or authorized agent of either of them, while such person was engaged in suppressing a public nuisance referred to in G.L. c.132, §11, in violation of G.L. c.132, §12. (PENALTY: not more than \$25.)

132/12/B PEST CONTROL REGULATION VIOLATION c132 §12

(Effective 11/9/56-4/12/09)

on **[DATE OF OFFENSE:]** did knowingly **[DESCRIPTION OF OFFENSE:]**, in violation of a rule, regulation or quarantine issued by the Chief Superintendent of the Bureau of Shade Tree Management and Pest Control in the Department of Conservation and Recreation and approved in writing by the Commissioner of the Department of Conservation and Recreation, in violation of G.L. c.132, §12. (PENALTY: not more than \$25.)

132/34 STATE FOREST REGULATION VIOLATION c132 §34

on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF OFFENSE:]**, in violation of a rule or regulation of the Commissioner of Conservation and Recreation relative to hunting and fishing or other uses of acquired for state forests, adopted pursuant to G.L. c.132, §34. (PENALTY: not more than \$25.)

132/43 FOREST CUTTING PLAN, FAIL FILE/FOLLOW c132 §43

(Effective 3/31/83)

on **[DATE OF OFFENSE:]**, not being exempt from G.L. c.132, §42-§43 under the provisions of §44: (1) being an owner of land, did cut forest products on land devoted to forest purposes, or cause such products to be cut, without having given written notice of such intention and a proposed cutting plan to the Director of the Division of State Parks and Recreation of the Department of Conservation and Recreation or his or her agent as provided by G.L. c.132, §42; or (2) either as land or stumpage owner or independent contractor, did fail to follow the plan of operations approved or not disapproved by such Director or his or her agent, in violation of G.L. c.132, §43. (PENALTY: not more than \$100 "for each acre of land on which cutting occurred in violation of, or in the absence of, said plan and final work order except as provided by" §42.)

132/46 FOREST CUTTING, UNLICENSED COMMERCIAL c132 §46

(Effective 3/31/83)

on **[DATE OF OFFENSE:]**, being a person, firm or corporation engaged in the business of harvesting timber or other forest products for hire or profit, did cut such products on land devoted to forest purposes and for purposes not exempted by G.L. c.132, §44 without having in effect a license to do so from the Director of the Division of State Parks and Recreation of the Department of Conservation and Recreation, in violation of G.L. c.132, §46. (PENALTY: not more than \$500.)

132/48 FORESTER, UNLICENSED c132 §48

(Effective 4/4/94)

on [DATE OF OFFENSE:] did hold himself or herself out as a forester and engage in the practice of forestry, as defined in G.L. c.132, §47, without being licensed to do so in accordance with G.L. c.132, §49, in violation of G.L. c.132, §48. (PENALTY: not less than \$500, not more than \$1000.)

132A/7 STATE RECREATION AREA REGUL VIOLATION c132A §7

on [DATE OF OFFENSE:] did [DESCRIPTION OF OFFENSE:], in violation of a rule or regulation of the Commissioner of the Department of Conservation and Recreation for the government and use of property under the control of the Division of State Parks and Recreation, adopted pursuant to G.L. c.132A, §7. (PENALTY: not more than \$20.)

132B/6 PESTICIDE, IMPROP DISTRIBUTE c132B §6 (Effective 9/25/87)

beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:] knowingly: (1) did distribute a pesticide, as defined in G.L. c.132B, §2, that was not registered pursuant to the provisions of G.L. c.132B, §7; or (2) did distribute a pesticide classified by the Department of Agricultural Resources as being for restricted use to a person not appropriately certified to use that pesticide; or (3) did distribute a pesticide that was adulterated or misbranded or a device, as defined in G.L. c.132B, §2, that was misbranded; or (4) did distribute a pesticide that was not in the registrant's or the producer's unbroken, unopened, and sealed container; or (5) did distribute a pesticide that did not conform to some requirement of its registration or permit; or (6) did distribute a pesticide in containers that were unsafe due to damage or design; or (7) did detach, alter, deface, or destroy, a label or labeling provided for in G.L. c.132B or in regulations adopted thereunder; or (8) did add some substance to, or take some substance from, a pesticide in a manner that might defeat the purposes of G.L. c.132B or regulations adopted thereunder; or (9) did distribute, handle, dispose of, discard, or store some pesticide or pesticide container in such manner as to cause injury to humans, vegetation, crops, livestock, wildlife, beneficial insects, to cause damage to the environment, or to pollute or contaminate a water supply, waterway, groundwater or waterbody; or (10) did act in the capacity of, or advertise as, or assume to act as a licensed pesticide dealer without currently being so licensed; or (11) possessing a pesticide dealer license, did violate or allow to be violated some term, condition, restriction or provision of such license; or (12) did purchase or use a pesticide that was not registered by such department under the provisions of §7, not being exempted by law, in violation of G.L. c.132B, §6. (PENALTY from §14 for each day of violation: imprisonment not more than 1 year; or not more than \$25,000; or both.)

132B/6A PESTICIDE, IMPROP USE, SUBSQ. OFF. c132B §6A (Effective 9/25/87)

beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:] knowingly: (1) did use a registered pesticide in a manner that was inconsistent with its labeling or other restrictions imposed by the Department of Agricultural Resources; or (2) did use a pesticide which was the subject of an experimental use permit inconsistently with the terms and conditions of such permit; or (3) being certified or licensed as a pesticide applicator, did violate some provision, condition, term or restriction of his or her certification or license; or (4) not being an appropriately certified private applicator, an appropriately certified commercial applicator, or a competent individual acting under the direct supervision of an appropriately certified applicator, did use a pesticide that had been classified by such Department as being for restricted use, the defendant having previously knowingly committed such an offense, in violation of G.L. c.132B, §6A. (PENALTY from §14 for each day of violation: imprisonment not more than 6 months; or not more than \$1000; or both.)

132B/6B PESTICIDE USE, UTILITY FL NOTIFY OF, SUBSQ. OFF. c132B §6B (Effective 9/25/87)

beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:], being a gas, electric, telephone or other utility company licensed to do business in this Commonwealth, did knowingly spray, release, deposit, or apply a herbicide to land which it owned or as to which it held an easement or similar right and over which it maintained power, high tension or other lines, without first notifying, by registered mail, the mayor, city manager or chairman of the board of selectmen and the conservation commission in the city or town where such land lies twenty-one days prior to such spraying, the defendant having previously knowingly committed such an offense, in violation of G.L. c.132B, §6B. (PENALTY from §14 for each day of violation: imprisonment not more than 6 months; or not more than \$1000; or both.)

132B/14/A PESTICIDE ORDER VIOLATION, SUBSQ. OFF. c132B §14 (Effective 9/25/87)

beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:] did knowingly [DESCRIPTION OF OFFENSE:], in violation of an order issued under the provisions of G.L. c.132B, the defendant having previously knowingly committed such an offense. (PENALTY from §14 for each day of violation: imprisonment not more than 2 years; or not more than \$25,000; or both.)

132B/14/B PESTICIDE REGULATION VIOLATION, SUBSQ. OFF. c132B §14 (Effective 9/25/87)

beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:] did knowingly [DESCRIPTION OF OFFENSE:], in violation of a regulation adopted under the provisions of G.L. c.132B, the defendant having previously knowingly committed such an offense. (PENALTY from §14 for each day of violation: imprisonment not more than 6 months; or not more than \$1000; or both.)

135/8 POLICE CUSTODY, IMPROP USE PROPERTY IN c135 §8 (Effective 5/27/79)

on [DATE OF OFFENSE:] did use or dispose of property which had been stolen, lost, abandoned or taken from a person under arrest and which had come into the possession of a member of a police department of a city or town by virtue of his or her office, other than as provided in G.L. c.135, §7-§8, in violation of G.L. c.135, §8. (PENALTY: not less than \$50, not more than \$100; and forfeiture of such property.)

136/2 SUNDAY ENTERTAINMENT, PLAY/WATCH UNLIC c136 §2 (Effective 1/27/82)

on [DATE OF OFFENSE:], a Sunday, was present at or did engage in dancing other than folk or square dancing, or a game, sport, fair, exposition, play, entertainment or public diversion for which a charge in the form of the payment or collection of money or other valuable consideration was made for the privilege of being present thereat or engaging therein, and for which a license had not been granted under the provisions of G.L. c.128A, §2, not being exempted by G.L. c.136, §4, in violation of G.L. c.136, §2. (PENALTY: not more than \$50.)

136/3 SUNDAY ENTERTAINMENT, SPONSOR UNLIC c136 §3 (Effective 1/27/82)

on [DATE OF OFFENSE:], a Sunday, did offer to view, did set up, establish or maintain, or attempt to set up, establish or maintain, or promote or assist in such attempt, or promote, or aid, abet or participate in offering to view, in setting up, establishing or maintaining, or act as proprietor, manager or person in charge of, dancing or some game, sport, fair, exposition, play, entertainment or public diversion for which a charge in the form of the payment of money or other valuable consideration was made for the privilege of being present thereat or engaging therein, and for which a license had not been granted under the provisions of G.L. c.128A, §2, not being exempted by G.L. c.136, §4, in violation of G.L. c.136, §3. (PENALTY: not more than \$50.)

136/5/A SUNDAY BLUE LAWS VIOLATION c136 §5

on [DATE OF OFFENSE:], a Sunday, did keep open his or her shop, warehouse, factory or other place of business, or sell foodstuffs, goods, wares, merchandise or real estate, or did some manner of labor, business or work, other than works of necessity and charity, not being exempted by G.L. c.136, §6, in violation of G.L. c.136, §5. (PENALTY: not more than \$100 for each unlawful act or sale.)

136/5/B **SUNDAY BLUE LAWS VIOLATION, SUBSQ. OFF.** c136 §5

on [DATE OF OFFENSE:], a Sunday, did keep open his or her shop, warehouse, factory or other place of business, or sell foodstuffs, goods, wares, merchandise or real estate, or did some manner of labor, business or work, other than works of necessity and charity, not being exempted by G.L. c.136, §6, the defendant having previously been convicted of such an offense, in violation of G.L. c.136, §5. (PENALTY: not less than \$50, not more than \$200 for each unlawful act or sale.)

136/6 **EMPLOYER SUNDAY OVERTIME VIOLATION** c136 §6

on [DATE OF OFFENSE:]: (1) did fail to compensate one or more employees engaged in work performed on a Sunday pursuant to the provisions of G.L. c.136, §6, clause (25), (27) or (50) at a rate that was less than one and one-half times the employee's regular rate, not being excepted by law; or (2) did require an employee to perform such work on a Sunday; or (3) did discriminate, dismiss, discharge, reduce in hours or otherwise penalize an employee for refusing to work for a retail establishment on Sunday, in violation of G.L. c.136, §6. (PENALTY from G.L. c.149, §180A: not more than \$1000.)

136/13 **EMPLOYER HOLIDAY OVERTIME VIOLATION** c136 §6

on [DATE OF OFFENSE:]: (1) did fail to compensate one or more employees engaged in work performed on January 1, November 11, or the second Monday in October pursuant to the provisions of G.L. c.136, §13, second par., at a rate that was less than one and one-half times the employee's regular rate, or such larger sum as had been determined by contract, not being excepted by law; or (2) did require an employee to perform such work on such holiday; or (3) did discriminate, dismiss, discharge, reduce in hours or otherwise penalize an employee for refusing to work for a retail establishment on such holiday, in violation of G.L. c.136, §13. (PENALTY from G.L. c.149, §180A: not more than \$1000.)

138/2 **LIQUOR, SELL/MAKE/STORE/TRANSPORT UNLAW** c138 §2

on [DATE OF OFFENSE:] did manufacture with intent to sell, sell, expose or keep for sale, store, transport, import or export alcoholic beverages or alcohol, in a manner not authorized by G.L. c.138, to wit: [DESCRIPTION OF OFFENSE:], not being excepted by law, in violation of G.L. c.138, §2. (PENALTY: imprisonment not more than 1 year; or not less than \$100, not more than \$1000; or both.)

138/16 **LIQUOR, ADULTERATE** c138 §16

on [DATE OF OFFENSE:], being the holder of a license issued pursuant to G.L. c.138, §12-§15, did directly or through some agent, employee or other person, dilute or change or in some manner tamper with an alcoholic beverage authorized to be sold under such license so as to change its composition or alcoholic content, in violation of G.L. c.138, §16. (PENALTY: not less than \$200, not more than \$500; and suspension of liquor license by local licensing authority for not less than 6 months.)

138/18 **LIQUOR, IMPORT UNLAWFULLY** c138 §18

on [DATE OF OFFENSE:] did ship alcoholic beverages into this Commonwealth without being licensed to do so as a wholesaler and importer pursuant to G.L. c.138, §18, in violation of G.L. c.138, §18. (PENALTY from §62: imprisonment not less than 1 month, not more than 1 year; or not less than \$50, not more than \$500; or both.)

138/18A/A **LIQUOR AGENT/BROKER VIOLATION** c138 §18A

on [DATE OF OFFENSE:], being licensed pursuant to G.L. c.138, §18A to act as agent, broker, or solicitor for a specified individual, corporation or partnership in another state or foreign country engaged in the business of manufacturing, importing or selling alcoholic beverages, and on behalf of such principal, solicit orders for such beverages from holders of licenses under G.L. c.138, §18, did [DESCRIPTION OF OFFENSE:], in violation of G.L. c.138, §18A. (PENALTY from §2: imprisonment not more than 1 year; or not less than \$100, not more than \$1000; or both.)

138/18A/B **LIQUOR AGENT/BROKER, UNLICENSED** c138 §18A

on [DATE OF OFFENSE:] did act as agent, broker, or solicitor for an individual, corporation or partnership in another state or foreign country engaged in the business of manufacturing, importing or selling alcoholic beverages, and on behalf of such principal, to solicit orders for such beverages from holders of licenses under G.L. c.138, §18, without being licensed to do so pursuant to G.L. c.138, §18A, in violation of G.L. c.138, §18A. (PENALTY from §2: imprisonment not more than 1 year; or not less than \$100, not more than \$1000; or both.)

138/19A **LIQUOR SALESPERSON WITHOUT PERMIT** c138 §19A

(Effective 3/31/91)

on [DATE OF OFFENSE:], being employed as a salesperson for a licensee under G.L. c.138, §19A, §§ 18, 18A, 19B or 19C, or being employed as a salesperson for a licensee under G.L. c.138, §18 and also being an officer, shareholder or partner of such licensee, did solicit orders for alcoholic beverages from a licensee under G.L. c.138 to whom his or her employer was authorized to sell such beverages, without having in effect a permit to do so issued pursuant to G.L. c.138, §19A, in violation of G.L. c.138, §19A. (PENALTY from §2: imprisonment not more than 1 year; or not less than \$100, not more than \$1000; or both.)

138/20A **LIQUOR, STORE/WAREHOUSE WITHOUT PERMIT** c138 §20A

on [DATE OF OFFENSE:] did receive alcoholic beverages for the purpose of storing and warehousing them in a public warehouse, without having in effect a permit to do so issued pursuant to G.L. c.138, §19A, in violation of G.L. c.138, §20A. (PENALTY from §2: imprisonment not more than 1 year; or not less than \$100, not more than \$1000; or both.)

138/21 **LIQUOR, BUY/SELL/POSSESS UNTAXED** c138 §21

on [DATE OF OFFENSE:] did knowingly purchase, sell or possess alcoholic beverages or alcohol not manufactured in, produced in or imported into this Commonwealth by a licensed manufacturer, a winegrower, a holder of a wholesaler's and importer's license, a licensee under G.L. c.138, §76, a railroad or car corporation or the owner or operator of a vessel or shipping company licensed under G.L. c.138, §13, a person holding a permit for importation under G.L. c.138, §22A, or a person specifically exempted by G.L. c.138, §2, in violation of G.L. c.138, §21. (PENALTY: in addition to any other penalties provided for violation of any provisions of G.L. c.138, a fine equal to double the amount of the excise which would have been payable by a licensee subject to this section if such alcoholic beverages or alcohol had been imported or sold by such licensee.)

138/22 **LIQUOR, TRANSPORT UNLAWFULLY** c138 §22

(Effective 10/25/74)

on [DATE OF OFFENSE:] did knowingly transport within this Commonwealth an alcoholic beverage or alcohol other than as authorized by G.L. c.138, §22, in violation of G.L. c.138, §22. (PENALTY: imprisonment not more than 6 months; or not more than \$2500; or both.)

138/25 **LIQUOR BUSINESS PRACTICES, UNLAWFUL** c138 §25

(Effective 3/30/69)

on [DATE OF OFFENSE:]: (1) being a licensee under G.L. c.138, did lend or borrow money to or from some other licensee under G.L. c.138; or (2) being

such a licensee, did receive or extend credit for alcoholic beverages sold or delivered to a licensee engaged in the sale of alcoholic beverages other than in the usual course of business and for a period of not more than sixty days; or (3) being a manufacturer, wholesaler or importer of alcoholic beverages, or a winegrower not holding a license under G.L. c.138, §12, did acquire, retain or own some interest in the business of a licensee under §12; or (4) being a winegrower licensed under §12, did acquire, retain or own some interest in the business of some other licensee under §12; or (5) being a manufacturer of alcoholic beverages or a winegrower, did acquire, retain or own some interest in the business of a licensee under G.L. c.138, §15; or (6) being a licensee under G.L. c.138, did sell or deliver alcoholic beverages to a licensee whose name was posted on the delinquent list maintained by the Alcoholic Beverages Control Commission, other than for payment in cash on or before delivery; or (7) being such a licensee who was posted on such delinquent list, did purchase or accept delivery of an alcoholic beverage other than for payment in cash on or before delivery, in violation of G.L. c.138, §25. (PENALTY: not more than \$5000.)

138/25D LIQUOR PRICE, FALSE STATEMENT OF c138 §25D

on [DATE OF OFFENSE:] did make a false statement in an affirmation made and filed pursuant to G.L. c.138, §25D(a) or (b), in violation of G.L. c.138, §25D. (PENALTY: imprisonment not more than 6 months; or not more than \$10,000; or both.)

138/30G LIQUOR SALE BY PURPORTED DRUGGIST c138 §30G

on [DATE OF OFFENSE:], not being a registered pharmacist, having procured a license for the sale of alcoholic beverages pursuant to G.L. c.138, §30A in the name of a registered pharmacist who was dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of such pharmacist's certificate, and being himself or herself the owner or manager of such place, did personally or by his or her servants sell alcoholic beverages, in violation of G.L. c.138, §30G. (PENALTY: imprisonment not less than 1 month, not more than 6 months; and not less than \$50, not more than \$500; and G.L. c.279, §11 (permitting either fine or imprisonment of a first offender) is inapplicable.)

138/32 LIQUOR, PEDDLE FROM VEHICLE c138 §32

on [DATE OF OFFENSE:], being the holder of a license or permit under G.L. c.138, did personally or through an agent or employee go from town to town or from place to place in the same town selling, bartering, hawking or peddling, or exposing or carrying for sale, barter, hawking or peddling, alcoholic beverages from a vehicle, in violation of G.L. c.138, §32. (PENALTY: imprisonment not more than 6 months; or not more than \$200; or both.)

138/33/A LIQUOR SALE DURING POLLING HOURS c138 §33

on [DATE OF OFFENSE:], a day on which a state or municipal election, caucus or primary was held in such city or town, during polling hours: (1) being a licensee under G.L. c.138, §15, did sell or deliver an alcoholic beverage; or (2) being a registered pharmacist acting under §29 or a licensee under §30A, did sell an alcoholic beverage or alcohol without a physician's prescription, the local licensing authorities not having issued an order that such requirement was not in effect, in violation of G.L. c.138, §33. (PENALTY from §62: imprisonment not less than 1 month, not more than 1 year; or not less than \$50, not more than \$500; or both.)

138/33/B LIQUOR SALE ON SUNDAY/HOLIDAY c138 §33

on [DATE OF OFFENSE:], being a licensee under G.L. c.138 and not being excepted by G.L. c.138, §§ 33A or 33B, did sell an alcoholic beverage or alcohol on a day or at a time when such sales by such licensees were forbidden by G.L. c.138, §33, in violation of G.L. c.138, §33. (PENALTY from §62: imprisonment not less than 1 month, not more than 1 year; or not less than \$50, not more than \$500; or both.)

138/34 LIQUOR TO PERSON UNDER 21, SELL/DELIVER c138 §34

(Effective 10/14/88-8/3/2000)

on [DATE OF OFFENSE:]: (1) did make a sale or delivery of an alcoholic beverage or alcohol to a person under twenty-one years of age, either for his own use or for the use of his parent or some other person; or (2) being a patron of an establishment licensed under G.L. c.138, §12 or §15, did deliver or procure to be delivered in a public room or area of such establishment if licensed under §§ 12, 15, 19B, 19C or 19D, or in some area of such establishment if licensed under §§ 15, 19B, 19C or 19D, an alcoholic beverage or alcohol to or for use by a person who he or she knew or had reason to believe to be under twenty-one years of age; or (3) did procure an alcoholic beverage or alcohol for a person under twenty-one years of age in an establishment licensed under §12; or (4) did procure an alcoholic beverage or alcohol for a person under twenty-one years of age who was not his or her child, ward or spouse in an establishment licensed under §§ 15, 19B, 19C or 19D, in violation of G.L. c.138, §34. (PENALTY: imprisonment not more than 6 months; or not more than \$2000; or both.)

138/34 LIQUOR TO PERSON UNDER 21, SELL/DELIVER c138 §34

(Effective 8/4/2000)

on [DATE OF OFFENSE:]: (1) did make a sale or delivery of an alcoholic beverage or alcohol to a person under 21 years of age, either for his or her own use or for the use of his or her parent or some other person; or (2) being a patron of an establishment licensed under G.L. c.138, §§ 12 or 15, did deliver or procure to be delivered in a public room or area of such establishment if licensed under §§ 12, 15, 19B, 19C or 19D, or in some area of such establishment if licensed under §§ 15, 19B, 19C or 19D, an alcoholic beverage or alcohol to or for use by a person who he or she knew or had reason to believe to be under 21 years of age; or (3) did procure an alcoholic beverage or alcohol for a person under 21 years of age in an establishment licensed under §12; or (4) did procure an alcoholic beverage or alcohol for a person under 21 years of age who was not his or her child, ward or spouse in an establishment licensed under §§ 15, 19B, 19C or 19D; or (5) did furnish, as defined in G.L. c.138, §34, an alcoholic beverage or alcohol for a person under 21 years of age, by knowingly or intentionally supplying, giving or providing to, or allowing, a person under 21 years of age other than his or her child or grandchild to possess an alcoholic beverage on premises or property that he or she owned or controlled, in violation of G.L. c.138, §34. (PENALTY: imprisonment not more than 1 year; or not more than \$2000; or both.)

138/34/A LIQUOR, ASSIST PERSON UNDER 21 PURCHASE c138 §34A

(Effective 9/22/88-5/26/94)

on [DATE OF OFFENSE:]: (1) did knowingly make a false statement as to the age of a person who was under twenty-one years of age in order to procure a sale or delivery of an alcoholic beverage or alcohol to such person, either for the use of such person or some other person; or (2) did induce a person under twenty-one years of age to make a false statement as to his or her age in order to procure a sale or delivery of such an alcoholic beverage or alcohol to such person, in violation of G.L. c.138, §34A. (PENALTY: fine of \$300.)

138/34/A LIQUOR, ASSIST PERSON UNDER 21 PURCHASE c138 §34A

(Effective 5/27/94-11/3/98)

on [DATE OF OFFENSE:]: (1) did knowingly make a false statement as to the age of a person who was under twenty-one years of age in order to procure a sale or delivery of an alcoholic beverage or alcohol to such person, either for the use of such person or some other person; or (2) did induce a person under twenty-one years of age to make a false statement as to his or her age in order to procure a sale or delivery of such an alcoholic beverage or alcohol to such person, in violation of G.L. c.138, §34A. (PENALTY: fine of \$300; and RMV shall suspend drivers license for 90 days.)

138/34/A LIQUOR, ASSIST PERSON UNDER 21 PURCHASE c138 §34A

(Effective 11/4/98)

on [DATE OF OFFENSE:]: (1) did knowingly make a false statement as to the age of a person who was under twenty-one years of age in order to procure

a sale or delivery of an alcoholic beverage or alcohol to such person, either for the use of such person or some other person; or (2) did induce a person under twenty-one years of age to make a false statement as to his or her age in order to procure a sale or delivery of such an alcoholic beverage or alcohol to such person, in violation of G.L. c. 138, §34A. (PENALTY: fine of \$300. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall suspend drivers license for 180 days.)

138/34A/B **LIQUOR, PERSON UNDER 21 ATTEMPT PROCURE** c138 §34A (Effective 9/22/88-5/26/94)
on [DATE OF OFFENSE:], being a person under twenty-one years of age, did attempt to purchase an alcoholic beverage or alcohol, or did make arrangements with some person to purchase or in some way procure such beverages, or did willfully misrepresent his or her age, or in some way alter, deface or otherwise falsify his or her identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his or her own use or for the use of some other person, and in such attempt did [DESCRIPTION OF OVERT ACT:], in violation of G.L. c.138, §34A. (PENALTY: fine of \$300.)

138/34A/B **LIQUOR, PERSON UNDER 21 ATTEMPT PROCURE** c138 §34A (Effective 5/27/94-11/3/98)
on [DATE OF OFFENSE:], being a person under twenty-one years of age, did attempt to purchase an alcoholic beverage or alcohol, or did make arrangements with some person to purchase or in some way procure such beverages, or did willfully misrepresent his or her age, or in some way alter, deface or otherwise falsify his or her identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his or her own use or for the use of some other person, and in such attempt did [DESCRIPTION OF OVERT ACT:], in violation of G.L. c.138, §34A. (PENALTY: fine of \$300; and RMV shall suspend drivers license for 90 days.)

138/34A/B **LIQUOR, PERSON UNDER 21 ATTEMPT PROCURE** c138 §34A (Effective 11/4/98)
on [DATE OF OFFENSE:], being a person under twenty-one years of age, did attempt to purchase an alcoholic beverage or alcohol, or did make arrangements with some person to purchase or in some way procure such beverages, or did willfully misrepresent his or her age, or in some way alter, deface or otherwise falsify his or her identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his or her own use or for the use of some other person, and in such attempt did [DESCRIPTION OF OVERT ACT:], in violation of G.L. c.138, §34A. (PENALTY: fine of \$300. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall suspend drivers license for 180 days.)

138/34A/C **LIQUOR, PERSON UNDER 21 PROCURE** c138 §34A (Effective 9/22/88-5/26/94)
on [DATE OF OFFENSE:], being a person under twenty-one years of age, did purchase an alcoholic beverage or alcohol, or did make arrangements with some person to purchase or in some way procure such beverages, or did willfully misrepresent his or her age, or in some way alter, deface or otherwise falsify his or her identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his or her own use or for the use of some other person, in violation of G.L. c.138, §34A. (PENALTY: fine of \$300.)

138/34A/C **LIQUOR, PERSON UNDER 21 PROCURE** c138 §34A (Effective 5/27/94-11/3/98)
on [DATE OF OFFENSE:], being a person under twenty-one years of age, did purchase an alcoholic beverage or alcohol, or did make arrangements with some person to purchase or in some way procure such beverages, or did willfully misrepresent his or her age, or in some way alter, deface or otherwise falsify his or her identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his or her own use or for the use of some other person, in violation of G.L. c.138, §34A. (PENALTY: fine of \$300; and RMV shall suspend drivers license for 90 days.)

138/34A/C **LIQUOR, PERSON UNDER 21 PROCURE** c138 §34A (Effective 11/4/98)
on [DATE OF OFFENSE:], being a person under twenty-one years of age, did purchase an alcoholic beverage or alcohol, or did make arrangements with some person to purchase or in some way procure such beverages, or did willfully misrepresent his or her age, or in some way alter, deface or otherwise falsify his or her identification offered as proof of age, with the intent of purchasing alcoholic beverages, either for his or her own use or for the use of some other person, in violation of G.L. c.138, §34A. (PENALTY: fine of \$300. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall suspend drivers license for 180 days.)

138/34B **LIQUOR ID CARD/LICENSE, FALSE/MISUSE** c138 §34B (Effective 8/4/89)
on [DATE OF OFFENSE:]: (1) did transfer, alter or deface a liquor purchase identification card or motor vehicle license; or (2) did make, use, carry, sell or distribute a false liquor purchase identification card or motor vehicle license; or (3) did use the liquor purchase identification card or motor vehicle license of another; or (4) did furnish false information in obtaining such a liquor purchase identification card or motor vehicle license, in violation of G.L. c.138, §34B. (PENALTY: imprisonment not more than 3 months; or not more than \$200. G.L. c.90, §22[e]: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall revoke license, right to operate or registration for 1 year.)

138/34B/B **LIQUOR LICENSING AUTH, REFUSE ID SELF TO** c138 §34B (Effective 6/22/94)
on [DATE OF OFFENSE:], being present in a premises licensed under G.L. c.138, upon request of an agent of the Alcoholic Beverages Control Commission or the local licensing authorities, as defined in G.L. c.138, §1, to state his or her name, age and address: (1) did refuse to state his or her name, age or address; or (2) did state a false name, age or address, or a name or address which was not his or her name or address in ordinary use, in violation of G.L. c.138, §34B. (PENALTY: not more than \$500. G.L. c.90, §22[e]: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall revoke license, right to operate or registration for 1 year.)

138/34C/A **LIQUOR, PERSON UNDER 21 POSSESS** c138 §34C (Effective 10/9/92-5/26/94)
on [DATE OF OFFENSE:], being under twenty-one years of age and not accompanied by a parent or legal guardian, did knowingly possess, transport or carry on his or her person alcohol or an alcoholic beverage, not being between the ages of eighteen and twenty-one and doing so in the course of his or her employment, in violation of G.L. c.138, §34C. (PENALTY: not more than \$50; and Registry of Motor Vehicles may suspend drivers license for not more than 3 months if defendant operated on a public way or a way to which the public had a right of access as invitees or licensees.)

138/34C/A **LIQUOR, PERSON UNDER 21 POSSESS** c138 §34C (Effective 5/27/94)
on [DATE OF OFFENSE:], being under twenty-one years of age and not accompanied by a parent or legal guardian, did knowingly possess, transport or carry on his or her person alcohol or an alcoholic beverage, not doing so in the course of his or her employment while between the ages of eighteen and twenty-one, in violation of G.L. c.138, §34C. (PENALTY: not more than \$50. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall suspend drivers license for 90 days.)

138/34C/B **LIQUOR, PERSON UNDER 21 POSSESS, SUBSQ.** c138 §34C (Effective 10/9/92-5/26/94)
on [DATE OF OFFENSE:], being under twenty-one years of age and not accompanied by a parent or legal guardian, did knowingly possess, transport or carry on his or her person alcohol or an alcoholic beverage, not being between the ages of eighteen and twenty-one and doing so in the course of his or her employment, the defendant having previously been convicted of such an offense, in violation of G.L. c.138, §34C. (PENALTY: not more than \$150; and

Registry of Motor Vehicles may suspend drivers license for not more than 3 months if defendant operated on a public way or a way to which the public had a right of access as invitees or licensees.)

138/34C/B **LIQUOR, PERSON UNDER 21 POSSESS, SUBSQ.** c138 §34C (Effective 5/27/94)
on **[DATE OF OFFENSE:]**, being under twenty-one years of age and not accompanied by a parent or legal guardian, did knowingly possess, transport or carry on his or her person alcohol or an alcoholic beverage, not doing so in the course of his or her employment while between the ages of eighteen and twenty-one, the defendant having previously been convicted of such an offense, in violation of G.L. c. 138, §34C. (PENALTY: not more than \$150. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, who shall suspend drivers license for 90 days.)

138/34D/A **LIQUOR PENALTIES NOTICE, REMOVE** c138 §34D (Effective 9/1/82)
on **[DATE OF OFFENSE:]** did unlawfully remove a copy of the penalties set forth in G.L. c.90, §24(1) for driving under the influence or in G.L. c.90, §241 for operating a motor vehicle while drinking from an open container of alcohol, which copy had been prepared by the Alcoholic Beverages Control Commission and posted pursuant to G.L. c.138, §34D by the owner or person in charge of an establishment which sells alcoholic beverages, in violation of G.L. c.138, §34D. (PENALTY: fine of \$50.)

138/34D/B **LIQUOR PENALTIES, ESTABLISHMENT FL POST** c138 §34D (Effective 9/1/82)
on **[DATE OF OFFENSE:]**: (1) being the owner or person in charge of an establishment which sells alcoholic beverages to be drunk on the premises, did fail to post conspicuously a copy of the penalties set forth in G.L. c.90, §24(1) for driving under the influence; or (2) being the owner or person in charge of an establishment which sells alcoholic beverages not to be drunk on the premises, did fail to post conspicuously a copy of the penalties set forth in G.L. c.90, §241 for operating a motor vehicle while drinking from an open container of alcohol, which copy had been prepared by the Alcoholic Beverages Control Commission, in violation of G.L. c.138, §34D. (PENALTY: not more than \$50.)

138/46 **LIQUOR SEIZURE WITHOUT WARRANT** c138 §46
on **[DATE OF OFFENSE:]**, being a sheriff, deputy sheriff, city marshal, chief of police, deputy chief of police, deputy or assistant marshal, police officer or constable, did search for or seize alcoholic beverages in a dwelling without a search warrant duly committed to him or her, in violation of G.L. c.138, §46. (PENALTY: not less than \$5, not more than \$100.)

138/61 **LIQUOR CLUB, UNLICENSED** c138 §61
on **[DATE OF OFFENSE:]** did keep or maintain, or assist in keeping or maintaining, a building or place used by a club for the purpose of selling, distributing or dispensing alcoholic beverages to their members or others, without being licensed to do so, in violation of G.L. c.138, §61. (PENALTY: imprisonment not less than 3 months, not more than 1 year; or not less than \$50, not more than \$500; or both.)

138/62 **LIQUOR VIOLATION** c138 §62
on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF OFFENSE:]**, in violation of G.L. c.138, § **[SECTION OF CHAPTER 138 VIOLATED:]**. (PENALTY from §62: imprisonment not less than 1 month, not more than 1 year; or not less than \$50, not more than \$500; or both.)

138/63A **LIQUOR INSPECTOR, OBSTRUCT** c138 §63A
on **[DATE OF OFFENSE:]**: (1) did hinder or delay an authorized investigator of the Alcoholic Beverages Control Commission or an investigator, inspector or other authorized agent of a local licensing authority in the performance of his or her duties; or (2) did refuse to admit to or did lock out such an investigator, inspector or agent from a place which such investigator, inspector or agent is authorized to inspect; or (3) did refuse to give to such investigator, inspector or agent such information as was required for the proper enforcement of G.L. c.138, in violation of G.L. c.138, §63A. (PENALTY: imprisonment not more than 2 months; or not less than \$50, not more than \$200; or both.)

138/68 **LIQUOR SALE DURING RIOT** c138 §68
on **[DATE OF OFFENSE:]**, personally or by his or her agents or servants, did sell, give away or deliver alcoholic beverages on licensed premises in violation of an order of the mayor of such city or the selectmen of such town in the case of riot or great public excitement, in violation of G.L. c.138, §68. (PENALTY: fine of \$200; and liquor license shall be revoked by licensing authority.)

138/69 **LIQUOR SALE TO INTOXICATED PERSON** c138 §69
on **[DATE OF OFFENSE:]** did sell or deliver an alcoholic beverage to an intoxicated person on a premises licensed under G.L. c.138, in violation of G.L. c.138, §69. (PENALTY from §62: imprisonment not less than 1 month, not more than 1 year; or not less than \$50, not more than \$500; or both.)

139/4 **PROSTITUTION NUISANCE, MAINTAIN** c139 §4-§5
on **[DATE OF OFFENSE:]** did keep or maintain as a nuisance a building, part of a building, tenement or place used for prostitution, assignation or lewdness, or a place within or upon which acts of prostitution, assignation or lewdness were held or occurred, in violation of G.L. c.139, §4-§5. (PENALTY from §5: imprisonment not less than 3 months, not more than 3 years; or not less than \$100, not more than \$1000.)

139/14 **GAMBLING NUISANCE, MAINTAIN** c139 §14-§15
on **[DATE OF OFFENSE:]** did keep or maintain as a common nuisance a building, place or tenement which was resorted to for illegal gaming, or which was used for the illegal keeping or sale of alcoholic beverages, as defined G.L. c.138, §1, in violation of G.L. c.139, §§ 14-15. (PENALTY from §15: imprisonment not less than 3 months, not more than 1 year; or not less than \$50, not more than \$100.)

139/20 **NUISANCE, AID/PERMIT** c139 §20 (Effective 10/23/85)
on **[DATE OF OFFENSE:]**: (1) did knowingly let premises owned by him or her, or under his or her control, for the purposes of prostitution, assignation, lewdness, illegal gaming, or the illegal keeping or sale of alcoholic beverages, as defined G.L. c.138, §1, or the housing of a premises which was licensed under G.L. c.138, §12 and on or in such premises alcoholic beverages were habitually served to persons who were intoxicated or alcoholic beverages were served to persons whom the operators of such premises knew or had reason to know would operate a motor vehicle under the influence of intoxicating liquor in violation of G.L. c.90, §24(1) or the illegal keeping, sale or manufacture of controlled substances, as defined in G.L. c.90C, §1; or (2) did knowingly permit such premises, while under his or her control, to be used for such purposes; or (3) after due notice of any such use did omit to take all reasonable measures to eject therefrom the persons occupying the same as soon as it could lawfully be done, in violation of G.L. c.139, §20. (PENALTY: imprisonment not less than 3 months, not more than 1 year; or not less than \$100, not more than \$1000; or both.)

140/2/A **LICENSE IN VIOL C.140, ISSUE** c140 §2
on **[DATE OF OFFENSE:]**, being an alderman, member of a licensing board or selectman, did sign a license granted contrary to the provisions of G.L. c.140,

in violation of G.L. c.140, §2. (PENALTY: not more than \$50.)

140/2/B LICENSE IN VIOL C.140, ISSUE, 3RD OFF. c140 §2

on **[DATE OF OFFENSE:]**, being an alderman, member of a licensing board or selectman, did sign a license granted contrary to the provisions of G.L. c.140, the defendant having previously been twice convicted of such an offense, in violation of G.L. c.140, §2. (PENALTY from §21: imprisonment not more than 3 months; and not more than \$50.)

140/7 INNKEEPER REFUSE TO RECEIVE TRAVELER c140 §7

on **[DATE OF OFFENSE:]**, being an innholder, did refuse upon request to receive and make suitable provision for a stranger or traveler, in violation of G.L. c.140, §7. (PENALTY: not more than \$50.)

140/12/A RESTAURANT, DEFRAUD c140 §12

(Effective 9/28/72)

on **[DATE OF OFFENSE:]**, with intent to cheat or defraud, did procure food or beverage from a common victualler without paying therefor and without having an express agreement for credit, in violation of G.L. c.140, §7. (PENALTY: imprisonment not more than 3 months; or not more than \$500.)

140/12/B INNKEEPER, DEFRAUD, OVER \$100 c140 §12

(Effective 1/4/86)

on **[DATE OF OFFENSE:]**, with intent to cheat or defraud the owner or keeper thereof: (1) did put up at a hotel, motel, inn, lodging house or boarding house and, without having an express agreement for credit, procure food, entertainment or accommodation without paying therefor; or (2) did obtain credit at a hotel, motel, inn, lodging house or boarding house for such food, entertainment or accommodation by means of a false show of baggage or effects brought thereto; or (3) did remove or cause to be removed baggage or effects from a hotel, motel, or inn while a lien existed thereon for the proper charges due from the defendant for fare and board furnished therein, the value of such food, entertainment or accommodation having exceeded one hundred dollars, in violation of G.L. c. 140, §12. (PENALTY: jail or house of correction not more than 2 years; or not more than \$600.)

140/12/C INNKEEPER, DEFRAUD, UNDER \$100 c140 §12

(Effective 1/4/86)

on **[DATE OF OFFENSE:]**, with intent to cheat or defraud the owner or keeper thereof: (1) did put up at a hotel, motel, inn, lodging house or boarding house and, without having an express agreement for credit, procure food, entertainment or accommodation without paying therefor; or (2) did obtain credit at a hotel, motel, inn, lodging house or boarding house for such food, entertainment or accommodation by means of a false show of baggage or effects brought thereto; or (3) did remove or cause to be removed baggage or effects from a hotel, motel, or inn while a lien existed thereon for the proper charges due from the defendant for fare and board furnished therein, the value of such food, entertainment or accommodation not having exceeded one hundred dollars, in violation of G.L. c. 140, §12. (PENALTY: imprisonment not more than 1 year; or not more than \$1000.)

140/18/A INNKEEPER FAIL POST NAME c140 §18

on **[DATE OF OFFENSE:]**, being an innholder, did fail to have a board or sign affixed to his or her house, shop, cellar or store, or in a conspicuous place near the same, with his or her name legibly inscribed thereon in large letters and the business for which he or she was licensed inscribed thereon, in violation of G.L. c.140, §18. (PENALTY: forfeiture of \$20.)

140/18/B INNKEEPER FAIL POST NAME, 3RD OFF. c140 §18

on **[DATE OF OFFENSE:]**, being an innholder, did fail to have a board or sign affixed to his or her house, shop, cellar or store, or in a conspicuous place near the same, with his or her name legibly inscribed thereon in large letters and the business for which he or she was licensed inscribed thereon, the defendant having previously been twice convicted of such an offense, in violation of G.L. c.140, §18. (PENALTY from §21: imprisonment not more than 3 months; and forfeiture of \$20.)

140/18/C RESTAURANT OWNER NOT DISPLAY NAME c140 §18

on **[DATE OF OFFENSE:]**, being a common victualler, did fail to have a board or sign affixed to his or her house, shop, cellar or store, or in a conspicuous place near the same, with his or her name legibly inscribed thereon in large letters and the business for which he or she was licensed inscribed thereon, in violation of G.L. c.140, §18. (PENALTY: forfeiture of \$20.)

140/18/D RESTAURANT OWNER NOT DISPLAY NAME, 3RD OFF. c140 §18

on **[DATE OF OFFENSE:]**, being a common victualler, did fail to have a board or sign affixed to his or her house, shop, cellar or store, or in a conspicuous place near the same, with his or her name legibly inscribed thereon in large letters and the business for which he or she was licensed inscribed thereon, the defendant having previously been twice convicted of such an offense, in violation of G.L. c.140, §18. (PENALTY from §21: imprisonment not more than 3 months; and forfeiture of \$20.)

140/20/A INNKEEPER, UNLICENSED c140 §20

on **[DATE OF OFFENSE:]** did assume to be an innholder without being licensed as such under G.L. c.140, in violation of G.L. c.140, §20. (PENALTY: forfeiture of \$100.)

140/20/B INNKEEPER, UNLICENSED, 3RD OFF. c140 §20

on **[DATE OF OFFENSE:]** did assume to be an innholder without being licensed as such under G.L. c.140, the defendant having previously been twice convicted of such an offense, in violation of G.L. c.140, §20. (PENALTY from §21: imprisonment not more than 3 months; and forfeiture of \$100.)

140/20/C RESTAURANT, UNLICENSED c140 §20

on **[DATE OF OFFENSE:]** did assume to be a common victualler without being licensed as such under G.L. c.140, in violation of G.L. c.140, §20. (PENALTY: forfeiture of \$100.)

140/20/D RESTAURANT, UNLICENSED, 3RD OFF. c140 §20

on **[DATE OF OFFENSE:]** did assume to be a common victualler without being licensed as such under G.L. c.140, the defendant having previously been twice convicted of such an offense, in violation of G.L. c.140, §20. (PENALTY from §21: imprisonment not more than 3 months; and forfeiture of \$100.)

140/21C/A SOFT DRINKS, UNLIC SALE OF c140 §21C

beginning on **[FIRST DATE OF OFFENSE:]** and continuing through **[LAST DATE OF OFFENSE:]**, not being licensed to keep open a place of business for the retail sale of beverages derived wholly or in part from cereals or substitutes therefor and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages, natural fruit juices, and other so-called soft drinks, did keep open his or her place of business for the retail sale of such a beverage, in violation of G.L. c.140, §21C. (PENALTY for each

day of violation: \$50.)

140/21C/B **SOFT DRINKS, UNLIC SALE OF, 2ND OFF.** c140 §21C (Effective 4/3/79)
beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:], not being licensed to keep open a place of business for the retail sale of beverages derived wholly or in part from cereals or substitutes therefor and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages, natural fruit juices, and other so-called soft drinks, did keep open his or her place of business for the retail sale of such a beverage, the defendant having previously been convicted of such an offense, in violation of G.L. c.140, §21C. (PENALTY for each day of violation: \$100.)

140/21C/C **SOFT DRINKS, UNLIC SALE OF, 3RD OFF.** c140 §21C (Effective 4/3/79)
beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:], not being licensed to keep open a place of business for the retail sale of beverages derived wholly or in part from cereals or substitutes therefor and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages, natural fruit juices, and other so-called soft drinks, did keep open his or her place of business for the retail sale of such a beverage, the defendant having previously been twice convicted of such an offense, in violation of G.L. c.140, §21C. (PENALTY for each day of violation: \$1000.)

140/21C/D **SOFT DRINKS, UNLIC SALE OF, 4TH OFF.** c140 §21C (Effective 4/3/79)
beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:], not being licensed to keep open a place of business for the retail sale of beverages derived wholly or in part from cereals or substitutes therefor and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages, natural fruit juices, and other so-called soft drinks, did keep open his or her place of business for the retail sale of such a beverage, the defendant having previously been convicted of such an offense three or more times, in violation of G.L. c.140, §21C. (PENALTY for each day of violation: \$5000.)

140/21F/A **ORGANIZATION DISPENSE FOOD, UNLIC** c140 §21F
on [DATE OF OFFENSE:], being an officer or employee of a club, society, association or other organization, did dispense or cause to be dispensed food or beverage on its premises, such organization not then being licensed to do so under G.L. c.140, §21E, in violation of G.L. c.140, §21F. (PENALTY: not more than \$100.)

140/21F/B **ORGANIZATION DISPENSE FOOD, UNLIC, 3RD OFF.** c140 §21F
on [DATE OF OFFENSE:], being an officer or employee of a club, society, association or other organization, did dispense or cause to be dispensed food or beverage on its premises, such organization not then being licensed to do so under G.L. c.140, §21E, the defendant having twice previously been convicted of such an offense, in violation of G.L. c.140, §21F. (PENALTY: imprisonment not more than 3 months; and not more than \$100.)

140/24 **LODGING HOUSE, UNLICENSED** c140 §24
on [DATE OF OFFENSE:] did conduct a lodging house without a license, in violation of G.L. c.140, §24. (PENALTY: imprisonment not more than 3 months; or not less than \$100, not more than \$500; or both. §32: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE MUNICIPAL LICENSING AUTHORITIES.)

140/26 **INNHOLDER PERMIT IMMORAL CONDUCT** c140 §26
on [DATE OF OFFENSE:], being licensed as a lodging house keeper under G.L. c.140, §22-§31, or as an innholder, or under G.L. c.140, §32A-§32E, or being in actual charge, management or control of such lodging house, inn or premises for which such license was issued, did knowingly permits the property under his or her control to be used for the purpose of immoral solicitation, immoral bargaining or immoral conduct, in violation of G.L. c.140, §26. (PENALTY: imprisonment not less than 6 months, not more than 1 year; or not less than \$500, not more than \$1000; or both. §32: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE MUNICIPAL LICENSING AUTHORITIES.)

140/27 **HOTEL REGISTER, FAIL KEEP** c140 §27
on [DATE OF OFFENSE:], being an innholder, or a lodging house keeper required to do so under G.L. c.140, §28, or a person who was conducting, controlling, managing or operating a recreational camp, overnight camp or cabin, motel or manufactured housing community: (1) did fail to keep or cause to be kept, in permanent form, a register in which was recorded the true name or name in ordinary use and the residence of every person engaging or occupying a private room averaging less than 400 square feet floor area, excepting a private dining room not containing a bed or couch, or opening into a room containing a bed or couch, for any period of the day or night in any part of the premises controlled by such licensee, together with a true and accurate record of the room assigned to such person and of the day and hour when such room was assigned; or (2) did fail to retain such register for a period of at least one year after the date of the last entry therein; or (3) did fail to open such register to the inspection of the licensing authorities, their agents and the police, in violation of G.L. c.140, §27. (PENALTY: imprisonment not more than 3 months; or not less than \$100, not more than \$500; or both. §32: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE MUNICIPAL LICENSING AUTHORITIES.)

140/29 **HOTEL REGISTER, FALSE/NO ENTRY IN** c140 §29
on [DATE OF OFFENSE:]: (1) did write or cause to be written, or being in charge of a register did knowingly permit to be written, in a register in a lodging house or hotel, recreational camp, overnight camp, cabin, motel or trailer camp, some other or different name or designation than the true name or name in ordinary use of the person registering or causing himself or herself to be registered therein; or (2) did occupy such room without having so registered or caused himself or herself to be registered, in violation of G.L. c.140, §29. (PENALTY: not less than \$10, not more than \$25. §32: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE MUNICIPAL LICENSING AUTHORITIES.)

140/32E/A **MOTEL/CAMP, UNLICENSED** c140 §32E (Effective 3/30/92)
on [DATE OF OFFENSE:] did conduct, control, manage or operate a camp, motel or cabin subject to G.L. c.140, §32A-§32C which was not licensed under §32B, in violation of G.L. c.140, §32E. (PENALTY: not less than \$10, not more than \$100.)

140/32E/B **TRAILER PARK, UNLICENSED** c140 §32E (Effective 8/13/93)
beginning on [FIRST DATE OF OFFENSE:] and continuing through [LAST DATE OF OFFENSE:] did conduct, control, manage or operate a manufactured housing community subject to G.L. c.140, §32A-§32C, which was not licensed under §32A-§32B and was not managed or operated in compliance with §32A-§32S, in violation of G.L. c.140, §32E. (PENALTY per day in which such violation occurs or continues: \$100.)

140/32G **TRAILER PARK LICENSE FEES, FAIL PAY** c140 §32G (Effective 3/30/92)
on [DATE OF OFFENSE:] did willfully fail to deposit with the collector of taxes [NUMBER OF UNPAID LICENSE FEES:] license fees that had been collected

pursuant to G.L. c.140, §32B or §32G, in violation of G.L. c.140, §32G. (PENALTY: not less than \$10, not more than \$100 for each fee so collected and not deposited.)

140/32I TRAILER PARK REGISTER, FAIL KEEP c140 §32I (Effective 3/30/92)
on **[DATE OF OFFENSE:]**, being the holder of a license for a manufactured housing community, did willfully and knowingly: (1) fail to keep or cause to be kept, in permanent form, a register in which was recorded the true name or name in ordinary use, address and registration of each owner and occupant of a manufactured home or motor vehicle renting space at such park, the date of entering and the date of leaving such manufactured home or motor vehicle; or (2) fail to retain such register for a period of at least one year after the date of the last entry; or (3) fail to open such register to the inspection of the licensing authorities, their agents and the police, in violation of G.L. c.140, §32I. (PENALTY: not less than \$5, not more than \$100.)

140/37 LODGING HOUSE REGISTER, FAIL KEEP c140 §37
on **[DATE OF OFFENSE:]**, being the keeper of a public lodging house: (1) did fail to enter the name and address of each lodger, together with the time of his or her arrival and departure; or (2) did fail to open such register to the inspection of the police, in violation of G.L. c.140, §37. (PENALTY from §40: \$100.)

140/38 LODGING HOUSE, DENY POLICE ACCESS TO c140 §38
on **[DATE OF OFFENSE:]**, being the keeper of a public lodging house, did fail when so required by an officer of the building department, of the health department, or of the police department, to give such officer free access to such house and every part thereof, in violation of G.L. c.140, §38. (PENALTY from §40: \$100.)

140/39 LODGING HOUSE, UNLICENSED c140 §39
on **[DATE OF OFFENSE:]**: (1) did keep or hold himself or herself out as keeping a public lodging house without being duly licensed to do so; or (2) was concerned or financially interested in a public lodging house, the keeper of which was not so licensed, in violation of G.L. c.140, §39. (PENALTY: not more than \$100.)

140/46B EMPLOYMENT AGENCY, UNLICENSED c140 §46B (Effective 12/13/66)
on **[DATE OF OFFENSE:]**: (1) did open, keep, maintain, carry on, or advertise an employment agency, without having been issued a license therefor by the Commissioner of Labor and Industries pursuant to G.L. c.140, §46D, not being the holder of a license validly issued pursuant to §180C; or (2) did fail to post such license in a conspicuous place in each employment agency conducted by him or her, in violation of G.L. c.140, §46B. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46E EMPLOYMENT AGENCY LICENSE VIOLATION c140 §46E (Effective 12/13/66)
on **[DATE OF OFFENSE:]**: (1) did assign or transfer a license issued under G.L. c.140, §46D without the prior written approval of the Commissioner of the Department of Labor and Industries; or (2) did change the location of an employment agency without the prior written consent of such Commissioner and having endorsed such change of location upon the license; or (3) did establish or keep an employment agency at more than one location without having obtained a license for each such location, in violation of G.L. c.140, §46E. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46H EMPLOYMENT AGENCY RECORDKEEPING VIOL c140 §46H (Effective 12/13/66)
on **[DATE OF OFFENSE:]**, being a licensee under G.L. c.140, §46A-§46R: (1) did fail to keep information in the form required by G.L. c.140, §46H in a register or other record-keeping device approved by the Commissioner of Labor and Industries; or (2) did fail to retain such a register for three years following the date of the last entry therein; or (3) did fail to keep complete and accurate written records of all receipts and income received or derived directly from the operation of such employment agency; or (4) did fail to communicate with at least one of the persons given as reference by an applicant for domestic or household work and to keep on file the result of such communication for at least three years; or (5) being a recruiting domestic employment agency, did fail to furnish the Commissioner on the first Wednesday of one or more months, in writing, the information required by §46H with respect to each out-of-state resident engaged as a domestic or household employee and placed by that agency during the preceding month, in violation of G.L. c.140, §46H. (PENALTY from §46R: not more than \$25.)

140/46I EMPLOYMENT AGENCY RECORDKEEPING VIOL c140 §46I (Effective 12/13/66)
on **[DATE OF OFFENSE:]**, being an employment agency: (1) did fail to furnish in writing to each applicant for employment the information or material required by G.L. c.140, §46I; or (2) did fail to retain the original or duplicate original copy of each contract executed between it and each applicant and a duplicate receipt for any charges to the applicant for three years following the date on which such contract was executed or the payment was made; or (3) did fail to make such copies and duplicate receipts available for inspection by the Commissioner of Labor and Industries or his or her duly authorized agent or inspector, upon request, in violation of G.L. c.140, §46I. (PENALTY from §46R: not more than \$25.)

140/46J EMPLOYMENT AGENCY RECRUITMENT VIOL c140 §46J (Effective 12/13/66)
on **[DATE OF OFFENSE:]**, being a recruiting domestic agency: (1) did fail to furnish the Commissioner of Labor and Industries a list of the names and addresses of all emigrant agents from whom it accepts job applicants; or (2) did accept applicants from other than a duly licensed emigrant agent who was required to be licensed in the place in which such agent recruited such employees; or (3) did arrange for the transportation of an applicant for employment from within the United States and into this Commonwealth to the city or town where such agency is licensed to conduct business, other than by duly licensed common carriers of passengers; or (4) having brought from within the United States into this Commonwealth an applicant for employment who was not placed in employment the day he or she arrived at the office of such employment agency, did fail to provide at its own expense suitable lodging and meals for such applicant from the time he or she reported at such agency until he or she was placed, or was returned to the place from which recruited, or was given the option of returning to such place; or (5) did fail to provide the return fare and reasonable allowance for one day's meals to an applicant for employment which it had brought from within the United States into this Commonwealth, who was not placed in employment, or who was placed in employment that terminated within thirty days thereafter, and who was without employment and desired to return to the place from which he or she was recruited; or (6) having brought an applicant for employment from within the United States into this Commonwealth, did fail to give such applicant the written statement required by G.L. c.140, §46J, and to keep a copy of such statement on file endorsed with the date, and by whom, such statement was given to the applicant, in violation of G.L. c.140, §46J. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46K EMPLOYMENT AGENCY PROHIBITED PRACTICE c140 §46K (Effective 12/13/66)
on **[DATE OF OFFENSE:]**, being an employment agency: (1) did publish or cause to be published false, fraudulent or misleading information, representation, promise, notice or advertisement; or (2) did use advertising or written or printed matter that did not contain the name and address of such agency and language which clearly showed that the advertiser was a person who conducted an employment agency; or (3) did direct an applicant to an employer for the purpose of obtaining employment without having first obtained a recent bona fide order therefor; or (4) did send or cause to be sent a person for

prospective employment which the defendant knew or reasonably should have known would be in violation of state or federal laws governing minimum wages or child labor or compulsory education; or (5) did send or cause to be sent a person to a place which the defendant knew or reasonably should have known was maintained for immoral or illicit purposes, or send or cause to be sent a female to a place which the defendant knew or should have known permitted persons known to be prostitutes, gamblers or procurers or intoxicated persons to frequent such place; (6) did compel a person to enter such agency for any purpose by use of force or otherwise; or (7) did require applicants for employees or employment to subscribe to a publication or incidental service or contribute to the cost of advertising; or (8) did refuse to return on demand of an applicant baggage or personal property belonging to such applicant; or (9) did send or cause to be sent an applicant to a place which the defendant knew or should have known was on strike without telling the applicant of such strike; or (10) did solicit, persuade, induce or attempt to induce an employee to leave an employment for the purpose of securing a new fee from such employee; or (11) did divide or share or offer to divide or share service fees with employer clients; or (12) did solicit, persuade, induce or attempt to induce an employer to create a vacancy by discharge, in violation of G.L. c. 140, §46K. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46L EMPLOYMENT AGENCY FEE VIOLATION c140 §46L (Effective 12/13/66)
on **[DATE OF OFFENSE:]**, being an employment agency: (1) did charge to or accept from an applicant a fee or other consideration, other than in accordance with the terms of a written contract with a job applicant and where such agency had been responsible for referring such job applicant to an employer or such employer to a job applicant and where as a result thereof such job applicant had been employed by such employer; or (2) did charge or accept a fee for the registration of applicants for employees or employment; or (3) did charge a job applicant a total fee that exceeded the appropriate amount set forth in G.L. c. 140, §46L; or (4) did require an employee to pay a fee at a rate faster than four equal installments each of which was payable at the end of the first four pay periods following the employment or within a period of eight weeks, whichever was shorter, in violation of G.L. c. 140, §46L. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46M EMPLOYMENT AGENCY FAIL RETURN EXCESS FEE c140 §46M (Effective 9/12/66)
on **[DATE OF OFFENSE:]**, being an employment agency which had collected, received or retained a fee, deposit or other payment contrary to or in excess of the provisions of G.L. c. 140, §46L, did fail to return the excess portion thereof within seven days of the receipt of a demand therefor, in violation of G.L. c. 140, §46M. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46N EMPLOYMENT AGENCY CONTRACT VIOLATION c140 §46N (Effective 9/12/66)
on **[DATE OF OFFENSE:]**, being an employment agency other than one recruiting domestic employees: (1) did fail to contract in writing with an applicant (employee) for services in securing employment for the payment by the applicant of a service fee, in an amount mutually agreed upon between the applicant and such employment agency; or (2) did fail to file with the Commissioner of Labor and Industries for approval a sample copy of such agreement; or (3) did fail verbally to make clear to an applicant the terms and conditions of such contract, with particular emphasis upon the fee to be paid for services to be rendered; or (4) did fail to give an applicant a copy of the contract he or she had entered into or was to enter into with such employment agency in compliance with the requirements of G.L. c. 140, §46N; or (5) did fail to give an applicant a copy of the schedule of service charges in compliance with the requirements of §46N; or (6) did fail to retain a copy of such service charges signed by an applicant; or (7) did charge a fee that was in excess of that permitted by G.L. c. 140, §46N; or (8) did supply an applicant for employment knowing that such employee was to be paid at a rate less than the greater of the applicable minimum wage or the applicable collective bargain rate for that position, in violation of G.L. c. 140, §46N. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46O EMPLOYMENT AGENCY FEE REFUND VIOLATION c140 §46O (Effective 9/12/66)
on **[DATE OF OFFENSE:]**, being an employment agency, did fail to make a refund of all or some portion of the fee paid by an applicant for employment as required by G.L. c. 140, §46O, in violation of G.L. c. 140, §46O. (PENALTY from §46R: house of correction not more than 1 year; or not more than \$500; or both.)

140/46P EMPLOYMENT AGENCY FAIL POST STATUTE c140 §46P (Effective 12/13/66)
on **[DATE OF OFFENSE:]**, being an employment agency, did fail to post in a conspicuous place in such agency a copy of G.L. c. 140, §46A-§46O which was printed in large type in languages in which persons commonly doing business with such office can understand, and which contained the name and address of the commissioner charged with the enforcement of such sections, in violation of G.L. c. 140, §46P. (PENALTY from §46R: not more than \$25.)

140/46R EMPLOYMENT AGENCY INFORMATION, DISCLOSE c140 §46R (Effective 12/13/66)
on **[DATE OF OFFENSE:]** did disclose information that had been secured pursuant to G.L. c. 140, §46A-§46Q, without the authority of the Commissioner of Labor and Workforce Development or pursuant to his or her rules or regulations, or as otherwise required or authorized by law, in violation of G.L. c. 140, §46R. (PENALTY: imprisonment not more than 6 months; or not more than \$100; or both.)

140/47 COFFEE HOUSE, UNLICENSED c140 §47
on **[DATE OF OFFENSE:]**, in **[MUNICIPALITY WHERE OFFENSE OCCURRED:]**, a city or town which had accepted G.L. c. 140, §47, or corresponding provisions of earlier laws, by a vote of the city council or by vote of the town at a town meeting, did maintain a coffee house, so called, or tea house or place of resort for refreshment where the principal business was or purported to be the sale of coffee or tea as a beverage, without a license therefor granted by the licensing authorities being in effect, in violation of G.L. c. 140, §47. (PENALTY: not more than \$100.)

140/51 MESSAGE/BATHS, UNLICENSED c140 §51
on **[DATE OF OFFENSE:]** did practice massage, or conduct an establishment for the giving of vapor, pool, shower or other baths for hire or reward, or did advertise or hold himself or herself out as being engaged in the business of massage or the giving of such baths without having in effect a license therefor from the board of health of the municipality where such occupation was to be carried on, not being excepted by law, in violation of G.L. c. 140, §51. (PENALTY from §53: imprisonment not more than 6 months; or not more than \$100; or both.)

140/53/A MESSAGE/BATHS BOH REGULATION VIOLATION c140 §53
on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF OFFENSE:]**, in violation of a rule or regulation of the Board of Health of **[NAME OF MUNICIPALITY:]** made under authority of G.L. c. 140, §53, in violation of G.L. c. 140, §53. (PENALTY: imprisonment not more than 6 months; or not more than \$100; or both.)

140/53/B MESSAGE/BATHS INSPECTION, OBSTRUCT c140 §53
on **[DATE OF OFFENSE:]** did prevent or hinder a member of the police force of a municipality from entering and inspecting a premises in that municipality used for massage or the giving of vapor baths, in violation of G.L. c. 140, §53. (PENALTY: imprisonment not more than 6 months; or not more than \$100; or both.)

140/55 **JUNK DEALER, UNLICENSED** c140 §55
on **[DATE OF OFFENSE:]**: (1) did act as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles without a license, or in some other place or manner than that designated in the defendant's license or after notice to the defendant that such license had been revoked; or (2) did violate a rule, regulation or restriction adopted pursuant to G.L. c.140, §54, in violation of G.L. c.140, §55. (PENALTY: forfeiture of \$20.)

140/56A **SHOOTING GALLERY, UNLICENSED** c140 §56A (Effective 8/25/51)
on **[DATE OF OFFENSE:]** did conduct a shooting gallery, to wit: a public resort equipped with appliances for target shooting, without being licensed to do so pursuant to G.L. c.140, §56A, in violation of G.L. c.140, §56A. (PENALTY: not more than \$100.)

c140 §57 — see 140/68

140/58 **USED CAR DEALER REPAIR FACILITIES VIOL** c140 §58
on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF OFFENSE:]**, in violation of a rule or regulation of the Registrar of Motor Vehicles defining sufficient repair facilities for holders of a used car dealer's license, adopted pursuant to G.L. c.140, §58. (PENALTY from §69: imprisonment not more than 1 year; or not more than \$500; or both. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration.)

140/60 **USED CAR REGULATIONS VIOLATION** c140 §60
on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF OFFENSE:]**, in violation of a rule or regulation of the Registrar of Motor Vehicles relative to the purchase, sale or exchange of second hand motor vehicles or parts thereof, adopted pursuant to G.L. c.140, §60. (PENALTY from §69: imprisonment not more than 1 year; or not more than \$500; or both. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration.)

140/61 **USED CAR DEALER FAIL RETAIN VEH/PARTS** c140 §61 (Effective thru 3/4/97)
on **[DATE OF OFFENSE:]**, being a licensee under class 2 or 3 of G.L. c.140, §58, did fail to retain on the premises for 4 days one or more second hand motor vehicles or parts thereof purchased or taken in exchange or left on the premises for the purpose of sale, exchange or assembly, not having received the waiver notice provided for in G.L. c.140, §64, in violation of G.L. c.140, §61. (PENALTY from §69: imprisonment not more than 1 year; or not more than \$500; or both. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration.)

140/62 **USED CAR DEALER FAIL KEEP REGISTER** c140 §62
on **[DATE OF OFFENSE:]**, being a licensee pursuant to G.L. c.140, §58-§59, did fail to keep a book on the licensed premises, in such form as was approved by the Registrar of Motor Vehicles, and containing for each purchase, sale, exchange, or receipt for the purpose of sale of a second hand motor vehicle or parts thereof the information required by G.L. c.140, §62, in violation of G.L. c.140, §62. (PENALTY from §69: imprisonment not more than 1 year; or not more than \$500; or both. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration.)

140/67 **USED CAR DEALER OBSTRUCT POLICE** c140 §67
on **[DATE OF OFFENSE:]**: (1) being a licensee under G.L. c.140, §59, or a clerk, agent or other person in charge of the licensed premises, did refuse to admit thereto an officer authorized to enter the same; or (2) being a licensee under G.L. c.140, §59, or a clerk, agent or other person in charge of the licensed premises, did fail to exhibit to such officer on demand all such motor vehicles, parts thereof, and books, papers and inventories relating thereto; or (3) did wilfully hinder, obstruct or prevent such an officer from entering the premises or from making the examination authorized in G.L. c.140, §66, in violation of G.L. c.140, §67. (PENALTY: imprisonment not more than 1 year; or not more than \$200; or both. § 69: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration.)

140/67A **USED CAR DEALER FAIL REMOVE PLATES** c140 §67A (Effective 6/27/66)
on **[DATE OF OFFENSE:]**, being licensed under G.L. c.140, §54 or §59, did fail before junking or authorizing the junking of a motor vehicle, to remove therefrom the registration number plates and the vehicle identification plates, and forward them forthwith to the Registrar of Motor Vehicles, in violation of G.L. c.140, §67A. (PENALTY from §69: imprisonment not more than 1 year; or not more than \$500; or both. CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration; licensing authority shall suspend or revoke license until Registrar consents to reinstatement.)

140/68 **USED CAR SALES, UNLICENSED** c140 §68 (Effective 7/11/80)
on **[DATE OF OFFENSE:]**: (1) not being licensed, or after notice that such license had been revoked or suspended, did carry on or was concerned in a business for which a license was required by G.L. c.140, §57; or (2) being so licensed, did carry on or was concerned in such business in some other place or manner than that designated in such license, in violation of G.L. c.140, §68. (PENALTY: imprisonment not more than 1 year; or not less than \$200, not more than \$1000; or both. CLERK-MAGISTRATE MUST REPORT ANY SECOND OR SUBSEQUENT CONVICTION TO THE ATTORNEY GENERAL "for action under" G.L. c.93A, §6. §69: CLERK-MAGISTRATE MUST REPORT CONVICTION TO THE REGISTRAR OF MOTOR VEHICLES, and Registrar may suspend or revoke registration.)

140/71 **PAWNBROKER REDEMPTION VIOLATION** c140 §71
on **[DATE OF OFFENSE:]**, being a licensed pawnbroker: (1) did fail to retain an article which had been deposited in pawn within him or her on the premises of such business for at least 4 months after the date of deposit, if not of a perishable nature, or for at least 1 month, if perishable; or (2) did sell such an article that was not of a perishable nature after such applicable time without having sent a written notice of the intended sale by registered mail to the person entitled to the payment of any surplus from such sale, addressed to his or her residence, as appearing in the records of such pawnbroker, not less than 10 days prior to such sale; or (3) after selling such an article and having applied the proceeds of such sale in satisfaction of the debt or demand and the expense of such notice and sale, did fail to pay over any surplus to the person entitled thereto on demand, in violation of G.L. c.140, §71. (PENALTY from §72: not more than \$50.)

140/72 **PAWNBROKER USURY VIOLATION** c140 §72
on **[DATE OF OFFENSE:]**, being a licensed pawnbroker, did charge or receive a greater rate of interest on a loan than that fixed by the authority which had issued such license pursuant to G.L. c.140, §70, in violation of G.L. c.140, §72. (PENALTY: not more than \$50.)

149/168 **TOWN CLERK FAIL POST DOLI JOB BULLETIN** c149 §168
on **[DATE OF OFFENSE:]**, being a town clerk, did fail to post a list showing the demand for employment received from the Commissioner of Labor and Industries pursuant to G.L. c.149, §167, in violation of G.L. c.149, §168. (PENALTY: not more than \$10.)

149/179A **PUBLIC WORKS, FAIL PREFER CITIZENS ON** c149 §179A
on **[DATE OF OFFENSE:]** did knowingly and wilfully fail to give preference to persons who are citizens of the United States and to partnerships all of whose members are such citizens in the awarding of a contract for public work by the Commonwealth or by a county, city or town or by persons contracting therewith to do such work, in violation of G.L. c.149, §179A. (PENALTY: not more than \$200.)

149/179B **EMPLOYER FAIL NOTIFY DOLI** c149 §179B
on **[DATE OF OFFENSE:]**, being the owner of a factory, workshop, manufacturing, mechanical, mercantile or other establishment or industry in which 12 more persons were employed, did knowingly fail to give notice to the Commissioner of Labor and Industries upon the commencement, or a change of location, of its operations within this Commonwealth, in such form as the Commissioner had prescribed, in violation of G.L. c.149, §179B. (PENALTY: imprisonment not more than 2 months; or not more than \$100; or both.)

149/180 **LABOR VIOLATION, MISCELLANEOUS** c149 §180 (Effective 12/8/87)
on **[DATE OF OFFENSE:]** did **[DESCRIPTION OF OFFENSE:]**, contrary to G.L. c.149, § **[SECTION OF G.L. C.149 VIOLATED:]**, and in violation of G.L. c.149, §180. (PENALTY: not more than \$500.)

149/181 **EMPLOYER FAIL MAKE HEALTH/PENSION PAYMNT** c149 §181 (Effective 11/20/79)
on **[DATE OF OFFENSE:]**, being an employer who had entered into a collective bargaining agreement with a labor organization or association of employees providing for payments to a health or welfare fund or pension fund or other such plan for the benefit of employees, did wilfully fail to make a payment required by the terms of such agreement within sixty days after it became due and payable, in violation of G.L. c.149, §181. (PENALTY: not less than \$100, not more than \$500.)