



Massachusetts Division of Marine Fisheries

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Policies, Procedures, and Guidelines

Issuance and Use of Seasonal Lobster Permit

Introduction and Purpose:

G.L. c. 130, §38 establishes a seasonal commercial lobster permit. The statute sets forth that, “such a permit shall be issued to full-time students only, after such verification of student status as the director may determine and shall allow the holder to take and sell lobster during the period of June fifteen to September fifteen and shall limit the holder to the use of not more than twenty-five pots.” Moreover, the implementing regulation at 322 CMR 7.01(2)(f) further states the seasonal lobster permit, “authorizes only the named individual to harvest, possess and land lobsters for commercial purposes, to be issued only to full-time students 12 years of age or older and conditioned to authorize the harvest, possession and landing of lobsters for commercial purposes only from June 15th to September 15th of each year and further conditioned to the use of not more than 25 lobster traps. DMF may issue up to 150 seasonal lobster permits for use during any single calendar year.”

Unlike other commercial lobster permits (e.g., Commercial Coastal Lobster Permit), the statutory and regulatory language establishing the seasonal lobster permit does not explicitly authorize the commercial harvest of edible crabs (e.g., *Cancer* crabs). As such, the residency requirement at G.L. c. 130, §38 affecting DMF-issued lobster permits does not apply to the seasonal lobster permit. This is because the residency requirement applies only to permits for the taking of both lobsters and edible crabs. The residency requirement at G.L. c. 130, §38 states, “such licenses to catch or take both lobsters and edible crabs shall be granted only to individuals who are citizens of the commonwealth and who have resided therein for at least one year next preceding the date of such a license...”

This policy seeks to clarify to whom the student lobster permit may be issued and how it applies.

Policy: Consistent with the implementing statute at G.L. c. 130, §38 and regulation at 322 CMR 7.01(2)(f):

1. The student lobster permit allows for the retention, possession, landing, and sale of lobsters.
2. The student lobster permit does not authorize the retention, possession, landing, and sale of edible crabs. The term “edible crabs” is defined at 322 CMR 6.19 to mean, “blue crabs, *Cancer* crabs, and other native species of crabs that are suitable for human consumption. This shall not include species of non-native crabs, including but not limited to, the European green crab or the Asian shore crab.
3. The student lobster permit may be issued to non-residents of the Commonwealth of Massachusetts who are full-time students.
4. Full-time student means any person, age 12 or older, enrolled as a student in middle school, high school, or in a full-time college or post-graduate education program as defined by their academic institution.