



DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](https://www.mass.gov/masswildlife)

Commonwealth of Massachusetts
Division of Fisheries and Wildlife
Public Hearing Notice
321 CMR 4.01

In accordance with M.G.L., Ch. 131, Sec. 5 and Ch. 30A, Sec. 2, NOTICE is hereby given that the Mass. Division of Fisheries and Wildlife will hold a public hearing on proposed regulatory amendments to 321 CMR 4.01 Taking of Certain Fish in Massachusetts, on Monday, May 4, 2026, at 6:00 p.m., via a Zoom video webinar with the Hearing Officer and MassWildlife staff, with the public joining via computer or phone line. The proposed amendments will simplify trout fishing regulations, revise American Eel regulations, and refine the definition of possession.

[Click to register in advance to join the webinar](#)

The proposed regulatory amendments relative to 321 CMR 4.01 and the link to join the Zoom webinar are also posted at [Mass.gov/MassWildlife/Hearings](https://www.mass.gov/MassWildlife/Hearings), so that interested persons can review the proposed regulations and provide written comments prior to the hearing or oral comments during the virtual hearing.

Written public comments will be accepted before the hearing and after it closes, until Monday, May 18, 2026, 5:00 p.m., via an [online comment form](#); a link to the form can also be found in the notice on the public hearings page given above. Written comments may also be submitted by mail, to MassWildlife, Attn: Public Comments, 1 Rabbit Hill Road, Westborough, MA 01581.

Reasonable accommodation for people with disabilities is available upon request. To submit a request for an accommodation, please email eeadiversity@mass.gov or call [617-626-1282](tel:617-626-1282); an ADA Coordinator will receive your request. Please include a description of the request in as much detail as possible and a way we can contact you if we need more information. Please allow at least 2 weeks' (14 days) advance notice. Last-minute requests will be accepted but we may be unable to fulfill the request.

MassWildlife is committed to providing equitable access to its public meetings, hearings, and events, and is planning to provide real-time language interpretation, including in Español, Português, 中文, Kreyòl Ayisyen, and Tiếng Việt, for attendees who wish to use it. We will also make every effort to provide other languages as requested. Please contact Susan Sacco at susan.sacco@mass.gov to request another language by 5:00 p.m. on Wednesday, April 29, 2026.

Everose Schlüter, Ph.D.
Director

MASSWILDLIFE

321 CMR 4.00: FISHING

Section

4.01 : Taking of Certain Fish

4.01 : Taking of Certain Fish

In accordance with the authority vested in me by the provisions of M.G.L. c. 131, §§ 4, 5 and 51, I hereby declare an open season for the taking of fish throughout Massachusetts and promulgate the following rules and regulations relating to their taking as hereinafter provided:

(1) Definitions: For the purposes of 321 CMR 4.01, the following words or phrases shall have the following meanings:

~~Broodstock Salmon means an Atlantic salmon (*Salmo salar*) that has been reared in a hatchery for purposes of spawning and subsequently released into the wild.~~

Dealer means a person who commercially handles fish, birds, or mammals protected by M.G.L. c. 131 and who is licensed as a Class 6 dealer pursuant to M.G.L. c. 131, § 23.

Director means the Director of the Division of Fisheries and Wildlife or his authorized agent.

Float means any device, including a toggle, 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.

Hook means an angling device which is attached to a fishing line and which is designed to take one fish at a time, including, but not limited to, devices commonly called spinners, spoons, bait harnesses, lead head jigs, or plugs, the purpose of which is to capture the fish by enticing it to take the device into its mouth, thereby engaging the fish upon it.

Lead Jig means any lead-weighted hook which has a mass of less than one ounce.

Lead Sinker or Lead Weight means any sinker or weight made from lead and which has a mass of less than one ounce. The term lead sinker shall not include any other sinkers, weights, fishing lures or fishing tackle including, but not limited to, artificial lures, hooks, weighted flies, and lead-core or other weighted fishing lines.

Licensed Fisherman means an angler who possesses a current valid Massachusetts fishing or sporting license in any of the following classes: F1, F2, F3, F4, F6, F7, F8, F9, S1, S2, or S3.

Minimum Legal Length in Inches means the greatest length in inches measured from the anterior extremity of the snout with the mouth closed to the posterior extremity of the tail with the lobes compressed when the fish is flat and fully extended.

Resident Licensed Fisherman means an angler who possesses a current valid Massachusetts fishing or sporting license in any of the following classes: F1, F2, F3, F4, F8, S1, S2, or S3.

Sell, in all its moods and tenses, means purchasing, selling, bartering, exchanging, and taking, offering, or exposing for the purpose of purchase, sale, barter, or exchange.

Snagging means the taking of fish, not attracted by bait or artificial lures, with hooks, gangs or lures either baited or unbaited, in a manner so as to pierce and hook a fish in any part of the body other than the mouth.

4.01: continued

Tiger Muskellunge means a sterile cross between a northern pike and a muskellunge.

Tiger Trout means a cross between a female brown trout and a male brook trout.

Transgenic Fish means any fish that possesses a new or unique combination of genetic material obtained through the use of biotechnological means. This definition does not include diploid, triploid, or hybrid-crossed fish

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender may include the feminine and neuter.

(2) Catch and Release Areas.

(a) The following general requirements shall pertain to all catch-and-release fishing areas. All fish caught must be released. Fishing allowed with artificial lures only. The use of natural or artificial baits such as worms, shiners or other live bait, cheese, corn, or salmon or other fish eggs is prohibited. Fish in possession in any catch-and-release area is *prima facie* evidence of a violation of 321 CMR 4.01(2). Catch-and-release fishing areas are named in 321 CMR 4.01(2)(b) through (j).

(b) East Branch Westfield River: extending from the Chesterfield Gorge parking lot in the Town of Chesterfield downstream six miles to the gate north of the Corps of Engineers basin parking lot at Knightville in the Town of Huntington.

(c) Millers River: Bears Den Segment, extending from a railroad bridge in the Towns of Athol and Templeton downstream 6½ miles to the first dam in the Town of Athol. Wendell Segment, extending from the Wendell Road bridge in the Towns of Orange and Wendell downstream 1½ miles to a breached dam in the Towns of Erving and Wendell.

(d) Nissitissit River: in the Town of Pepperell, extending from the New Hampshire border downstream to the Prescott Street bridge. In addition to the provisions of 321 CMR 4.01(2)(a), fly fishing only is permitted on the Nissitissit River catch-and-release area. All anglers must use a conventional fly rod and fly line.

(e) Quashnet River: extending from Johns Pond in the Town of Mashpee downstream 4½ miles to the sign 0.1 miles south of Rte. 28 in the Town of Falmouth.

(f) Red Brook: from White Island Pond in the Town of Plymouth downstream 4½ miles to Buttermilk Bay in the Town of Wareham.

(g) Swift River: From the Winsor Dam to the Rte. 9 bridge crossing. In addition to the provisions of 321 CMR 4.01(2)(a), fly fishing only is permitted on the Swift River between Winsor Dam and the Rte. 9 crossing. All anglers must use a conventional fly rod and fly line.

(h) Swift River: From the Rte. 9 bridge crossing downstream to Cady Lane. Catch-and-release fishing is mandated during the period from July 1st through December 31st only.

(i) Upper Deerfield River: Segment 1, extending from Fife Brook Dam downstream 1½ miles to the Hoosac Tunnel railroad trestle. Segment 2, extending from the mouth of Pelham Brook downstream one mile to the Mohawk Campground.

(j) Housatonic River: from the Rte. 20 bridge in Lee downstream to the Willow Mill Dam in Lee, and, from the Glendale Dam in Great Barrington downstream to the Boston and Maine railroad bridge in Great Barrington.

(3) Reservoirs under the Control of the Department of Conservation and Recreation. Quabbin Reservoir and that portion of its tributary streams within the Quabbin Reservation, Wachusett Reservoir, and Sudbury Reservoir are hereby closed to all fishing except during the open season for access as established by the Department of Conservation and Recreation.

(4) Prohibitions: Except as otherwise provided for in M.G.L. c. 131 and 321 CMR, it shall be unlawful:

(a) to fish in the Merrimack River in the area downstream from the Essex Dam to the Boston and Maine Railroad Bridge;

(b) to fish in the canal systems in the Cities of Lawrence and Lowell during the month of April;

(c) to take fish in the inland waters of Massachusetts by snagging;

(d) to take fish in the inland waters of Massachusetts by poison, explosive, float or toggle;

4.01: continued

- (e) to take fish in the inland waters of Massachusetts by any means other than angling, except that carp and suckers may be taken by spears or archery;
- (f) to take fish in the inland waters of Massachusetts by net, seine, trawl, or similar device, except for the taking of bait fish pursuant to M.G.L. c. 131, § 52, and 321 CMR 4.01(8), or for the taking of herring and alewives pursuant to M.G.L. c. 131, § 56;
- (g) to set or use more than two hooks for fishing, or, in the case of ice fishing, five hooks.
- (h) to take or attempt to take fish other than at a time provided in 321 CMR 4.01 or to possess at any time a greater number of fish or of fish of a length less than provided in 321 CMR 4.01 or to possess a fish at a period or in an area other than so provided. Such taking or possession shall be *prima facie* evidence of a violation of 321 CMR 4.01, provided, that the taking or having in possession of any fish of a length less than as provided in 321 CMR 4.01 or in excess of the bag limit as provided in 321 CMR 4.01 if taken by a person lawfully fishing and immediately returned alive to the water from whence it was taken shall not constitute such a violation.
- (i) to use a lead sinker, lead weight, or lead jig in the inland waters of Massachusetts; provided that this prohibition shall be enforceable beginning January 1, 2012.

(5) Dukes and Nantucket Counties. The provisions of 321 CMR 4.01 shall not apply to the taking of white perch in Dukes and Nantucket Counties.

(6) Seasons, Dates, Creel and Size Limits, and Related Provisions. Open seasons, dates, provisions relative to certain waters, creel limits, minimum legal length in inches, and related provisions relative to the taking of certain fish in inland waters are set forth in Table 1.

(7) Jurisdictional Boundaries. For the purpose of determining inter-agency jurisdictional boundaries between the Division of Fisheries and Wildlife and the Division of Marine Fisheries, a marker is hereby established on the Merrimack River. The marker shall be the first upstream or easternmost (*i.e.*, northbound traffic) bridge of Rte. I-495 in the City of Haverhill. Waters of the Merrimack River downstream from said bridge shall be subject to the authority, rules and regulations, of the Division of Marine Fisheries. Waters upstream from said bridge shall be subject to the jurisdictional authority, rules and regulations, of the Division of Fisheries and Wildlife.

(8) Taking, Sale, Importation and Use of Baitfish.

(a) Definitions:

Baitfish means only live or dead fish of the following species. A person shall not use as bait any fish, alive or dead, including parts thereof, except the baitfish listed in 321 CMR 4.01(8)(a)1. through 10.

1. White sucker (*Catostomus commersoni*)
2. Banded killifish (*Fundulus diaphanus*)
3. Mummichog (*Fundulus heteroclitus*)
4. Pumpkinseed (*Lepomis gibbosus*)
5. Golden shiner (*Notemigonus crysoleucas*)
6. Rainbow smelt (*Osmerus mordax*), only as provided in 321 CMR 4.01: *Table 1*.
7. Yellow perch (*Perca flavescens*)
8. Fallfish (*Semotilus corporalis*)
9. Fathead minnow (*Pimephales promelas*)
10. Herring (*Clupea* spp.) may be used as bait in the Connecticut River, Merrimack River, and coastal rivers and streams only as provided in 321 CMR 4.01: *Table 1* and 322 CMR, but may not be possessed or used as bait in other rivers and streams, or in lakes, ponds, or reservoirs.

Commercial Baitfish means only live or dead fish of the following species lawfully imported into the Commonwealth, or propagated within the Commonwealth for purposes of sale as baitfish:

1. White sucker (*Catostomus commersoni*)
2. Mummichog (*Fundulus heteroclitus*)
3. Golden shiner (*Notemigonus crysoleucas*)
4. Fathead minnow (*Pimephales promelas*)

Baitfish taken from any inland waters of the Commonwealth shall not be considered commercial baitfish, and shall not be sold or offered for sale.

4.01: continued

- (b) Taking for Personal Use. Licensed fishermen may take baitfish defined as Baitfish in 321 CMR 4.01(8)(a) from the waters of the Commonwealth for personal use only.
- (c) Baitfish Harvest Zones. Except as prohibited by 321 CMR 4.01(7)(d), baitfish may be taken from the inland waters of the Commonwealth by licensed fishermen for personal use only.
- (d) Prohibited Areas. Baitfish may not be taken from great ponds, waters which are in whole or in part under lease or license as public fishing grounds, or other waterbodies designated as closed to the taking of baitfish by the Director.
- (e) Certain Fish Traps to Be Allowed. Licensed fishermen may take baitfish for personal use by all lawful methods, including by means of a single fish trap with openings of not over one inch, by a single circular net not exceeding six feet in diameter, or by means of a net, containing not more than 36 square feet of net surface. Nets designed to gill fish are prohibited. Any fish taken in such fish traps, other than those permitted by 321 CMR 4.01(8)(a) shall be immediately returned to the waters from where they were taken.
- (f) Importation of Baitfish. Only commercial baitfish defined in 321 CMR 4.01(8)(a) may be imported for use and sale as bait by a licensed dealer. Importation of any live fish, other than aquarium trade fish as defined in 321 CMR 9.01(2): *Definitions*, requires an importation permit from the Director, including commercial baitfish.
- (g) Sale of Commercial Baitfish. No person shall sell or offer for sale any commercial baitfish unless such person is licensed as a dealer and the commercial baitfish has been lawfully imported or propagated within the Commonwealth.
- (h) Sale of Preserved Baitfish. Notwithstanding the provisions of 321 CMR 4.01(8), baitfish or parts thereof which are canned, pickled or otherwise commercially preserved by a method other than by freezing, and lawfully imported or propagated may be used or sold as bait without a permit.

4.01: continued

TABLE 1

| SPECIES | | DAILY CREEL) | MINIMUM LENGTH (INCHES) | OPEN SEASON (ALL DATES INCLUSIVE |
|--|--|-----------------|-------------------------------|-------------------------------------|
| Brown Trout | Special Management Lakes/Ponds (as listed)¹ | 1 | 15 | Jan. 1 - Dec. 31 |
| | Total daily creel not to exceed one brown trout | | | |
| Brook, Brown, Tiger & Rainbow Trout <u>(All Waterbodies^{1,2,3})</u> | Other Lakes/Ponds | 36 | None | Jan. 1 - Dec. 31 |
| | Total daily creel not to exceed three <u>Brook, Brown, or Tiger Trout in any combination.</u> | | | |
| Brook, Brown, Tiger & Rainbow Trout | Major Rivers (as listed)² | 3 | None | Jan. 1 - Dec. 31 |
| | Total daily creel not to exceed three trout in any combination | | | |
| Brook, Brown, Tiger & Rainbow Trout | Other Rivers and Streams³ | 8 | None | Apr. 1 - Sep. 10 |
| | Total daily creel not to exceed eight trout in any combination | | | |
| Brook, Brown, Tiger & Rainbow Trout | Other Rivers and Streams³ | 3 | None | Sep. 11 - Mar. 31 |
| | Total daily creel not to exceed three trout in any combination | | | |
| Lake Trout (Wachusett Res.) | | 3 | None | Jan. 1 - Dec. 31 |
| Lake Trout (Quabbin Res.) | | 2 | 18 | Jan. 1 - Dec. 31 |
| Landlocked Salmon | | 2 | 15 | Jan. 1 - Dec. 31 |

¹ ~~Special Brown Trout Management Waters: South Pond (Quacumquasit), Brookfield, daily bag may have no more than 1 brown trout (minimum length of 15").~~

² ~~Major Trout Rivers: Childs River (Falmouth, Mashpee), Coonamesset River, Deerfield River, East Branch Swift River, East and West Branches Tully River, East Branch Ware River, Farmington River, Green River (Colrain), Green River (Great Barrington), Jones River (Kingston, Plympton), Ipswich River, Mashpee River, Millers River, Nissitissit River, North River (Colrain), Parker River, Quaboag River, Quinebaug River, Quinapoxit River, Santuit River, Seorton Creek, Seven Mile River, Shawsheen River, Squannacook River, Stillwater River, Swift River (Winsor Dam to Ware River, except as posted), Ware River, West Branch North River, Westfield River (all branches).~~

³ ~~Exclusive of the areas set forth in 321 CMR 4.01(2)(j), in the area from the confluence of the East and West Branches of the Housatonic River in Pittsfield to the Connecticut border in Sheffield, the total daily creel (January 1st through December 31st) shall not exceed one trout (minimum length of 20 inches).~~

³ ~~Exclusive of the areas set forth in 321 CMR 4.01(2).~~

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

4.01 : continued

TABLE 1 (continued)

| SPECIES | DAILY CREEL | MINIMUM LENGTH (INCHES) | OPEN SEASON (ALL DATES INCLUSIVE) |
|--|-------------------------------|-------------------------|---|
| Broodstock Salmon⁴ | 2 | 15 | See Note # 4 |
| Atlantic <u>Salmon⁴</u> | 2 <u>31</u> | 15 | <u>See Note # 4</u> <u>Jan 1 - Dec.</u> |
| Smelt ⁵ | - | None | <u>May 16 - last day of Feb.</u> |
| Sturgeon | - | - | No Open Season |
| Black Bass (Largemouth or Smallmouth) | 5 | 12 | Jan. 1 - Dec. 31 |
| Chain Pickerel | 5 | 15 | Jan. 1 - Dec. 31 |
| Northern Pike | 1 | 28 | Jan. 1 - Dec. 31 |
| Tiger Muskellunge | 1 | 28 | Jan. 1 - Dec. 31 |
| Walleye | 5 | 14 | Jan. 1 - Dec. 31 |
| American Shad (Connecticut River and tributaries and Merrimack Rivers and tributaries) | 3 | None | Jan. 1 - Dec. 31 |
| American Shad (All Other Waters) | 0 (Catch and Release Only) | None | Jan. 1 - Dec. 31 |
| <u>American Eel</u> | <u>25</u> | <u>9</u> | <u>Jan. 1 - Dec. 31</u> |
| Striped Bass ⁶ | <i>See 322 CMR</i> | | |
| Herring | <i>See 322 CMR</i> | | |
| All Other Species | - | None | Jan. 1 - Dec. 31 |

⁴ ~~Atlantic Salmon and Broodstock Salmon: The harvest of Atlantic salmon, including broodstock salmon, and broodstock is lawful prohibited in all inland waters of Massachusetts, except:~~

- ~~(a) Quabbin Reservoir and tributaries of the Quabbin Reservoir, Connecticut River and all its tributaries,
(b) the Swift River downstream of Quabbin Reservoir~~

~~the Merrimack River downstream of the Essex Dam in the City of Lawrence, and all tributaries of the Merrimack River downstream of the Essex Dam in the City of Lawrence, and~~

- ~~(c) Wachusett Reservoir and tributaries of the Wachusett Reservoir.~~

~~the harvest of any Atlantic Salmon or broodstock salmon in the Merrimack River upstream of the Essex dam in Lawrence MA and in all tributaries of the Merrimack River upstream of the Essex dam in Lawrence MA not marked with an external plastic Floy tag ("thread" or "spaghetti" tag) that is approximately C inch in diameter and that is 3 and 1/2 inches long and attached to the salmon at the base of the dorsal fin.~~

~~No person shall possess an Atlantic salmon (including broodstock salmon) while fishing in the Connecticut River and all its tributaries, or in the Merrimack River downstream of the Essex Dam in the City of Lawrence, or in any tributary of the Merrimack River downstream of the Essex Dam in the City of Lawrence.~~

⁵ Smelt may be taken in all inland waters by hook and line only from May 16th to the last day of February, excepting Quabbin Reservoir, where smelt may only be taken in open water where legal fishing is permitted from May 16th to the end of the Quabbin fishing season. There is no daily or seasonal limit for smelt on these waters. The possession of smelt or their use as bait in inland waters other than during the established open season on smelt is prohibited.

⁶ Sale of striped bass from inland waters is prohibited.

~~No person shall take more than eight brook, brown, tiger, or rainbow trout in any one day in the aggregate from all waters.~~

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

REGULATORY AUTHORITY

321 CMR 4.00: M.G.L. c. 131, §§ 4, 5, 23, 24, 26, 30, 49, 50, 51, and 52(a);

321 CMR 4.00: FISHING

Section

4.01 : Taking of Certain Fish

4.01 : Taking of Certain Fish

In accordance with the authority vested in me by the provisions of M.G.L. c. 131, §§ 4, 5 and 51, I hereby declare an open season for the taking of fish throughout Massachusetts and promulgate the following rules and regulations relating to their taking as hereinafter provided:

(1) Definitions: For the purposes of 321 CMR 4.01, the following words or phrases shall have the following meanings:

Dealer means a person who commercially handles fish, birds, or mammals protected by M.G.L. c. 131 and who is licensed as a Class 6 dealer pursuant to M.G.L. c. 131, § 23.

Director means the Director of the Division of Fisheries and Wildlife or his authorized agent.

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Hook means an angling device which is attached to a fishing line and which is designed to take one fish at a time, including, but not limited to, devices commonly called spinners, spoons, bait harnesses, lead head jigs, or plugs, the purpose of which is to capture the fish by enticing it to take the device into its mouth, thereby engaging the fish upon it.

Lead Jig means any lead-weighted hook which has a mass of less than one ounce.

Lead Sinker or Lead Weight means any sinker or weight made from lead and which has a mass of less than one ounce. The term lead sinker shall not include any other sinkers, weights, fishing lures or fishing tackle including, but not limited to, artificial lures, hooks, weighted flies, and lead-core or other weighted fishing lines.

Licensed Fisherman means an angler who possesses a current valid Massachusetts fishing or sporting license in any of the following classes: F1, F2, F3, F4, F6, F7, F8, F9, S1, S2, or S3.

Minimum Legal Length in Inches means the greatest length in inches measured from the anterior extremity of the snout with the mouth closed to the posterior extremity of the tail with the lobes compressed when the fish is flat and fully extended.

Resident Licensed Fisherman means an angler who possesses a current valid Massachusetts fishing or sporting license in any of the following classes: F1, F2, F3, F4, F8, S1, S2, or S3.

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4.01: continued

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Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender may include the feminine and neuter.

(2) Catch and Release Areas.

(a) The following general requirements shall pertain to all catch-and-release fishing areas. All fish caught must be released. Fishing allowed with artificial lures only. The use of natural or artificial baits such as worms, shiners or other live bait, cheese, corn, or salmon or other fish eggs is prohibited. Fish in possession in any catch-and-release area is *prima facie* evidence of a violation of 321 CMR 4.01(2). Catch-and-release fishing areas are named in 321 CMR 4.01(2)(b) through (j).

(b) East Branch Westfield River: extending from the Chesterfield Gorge parking lot in the Town of Chesterfield downstream six miles to the gate north of the Corps of Engineers basin parking lot at Knightville in the Town of Huntington.

(c) Millers River: Bears Den Segment, extending from a railroad bridge in the Towns of Athol and Templeton downstream 6½ miles to the first dam in the Town of Athol. Wendell Segment, extending from the Wendell Road bridge in the Towns of Orange and Wendell downstream 1½ miles to a breached dam in the Towns of Erving and Wendell.

(d) Nissitissit River: in the Town of Pepperell, extending from the New Hampshire border downstream to the Prescott Street bridge. In addition to the provisions of 321 CMR 4.01(2)(a), fly fishing only is permitted on the Nissitissit River catch-and-release area. All anglers must use a conventional fly rod and fly line.

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(h) Swift River: From the Rte. 9 bridge crossing downstream to Cady Lane. Catch-and-release fishing is mandated during the period from July 1st through December 31st only.

(i) Upper Deerfield River: Segment 1, extending from Fife Brook Dam downstream 1½ miles to the Hoosac Tunnel railroad trestle. Segment 2, extending from the mouth of Pelham Brook downstream one mile to the Mohawk Campground.

(j) Housatonic River: from the Rte. 20 bridge in Lee downstream to the Willow Mill Dam in Lee, and, from the Glendale Dam in Great Barrington downstream to the Boston and Maine railroad bridge in Great Barrington.

(3) Reservoirs under the Control of the Department of Conservation and Recreation. Quabbin Reservoir and that portion of its tributary streams within the Quabbin Reservation, Wachusett Reservoir, and Sudbury Reservoir are hereby closed to all fishing except during the open season for access as established by the Department of Conservation and Recreation.

(4) Prohibitions: Except as otherwise provided for in M.G.L. c. 131 and 321 CMR, it shall be unlawful:

(a) to fish in the Merrimack River in the area downstream from the Essex Dam to the Boston and Maine Railroad Bridge;

(b) to fish in the canal systems in the Cities of Lawrence and Lowell during the month of April;

(c) to take fish in the inland waters of Massachusetts by snagging;

(d) to take fish in the inland waters of Massachusetts by poison, explosive, float or toggle;

4.01: continued

- (e) to take fish in the inland waters of Massachusetts by any means other than angling, except that carp and suckers may be taken by spears or archery;
- (f) to take fish in the inland waters of Massachusetts by net, seine, trawl, or similar device, except for the taking of bait fish pursuant to M.G.L. c. 131, § 52, and 321 CMR 4.01(8), or for the taking of herring and alewives pursuant to M.G.L. c. 131, § 56;
- (g) to set or use more than two hooks for fishing, or, in the case of ice fishing, five hooks.
- (h) to take or attempt to take fish other than at a time provided in 321 CMR 4.01 or to possess at any time a greater number of fish or of fish of a length less than provided in 321 CMR 4.01 or to possess a fish at a period or in an area other than so provided. Such taking or possession shall be *prima facie* evidence of a violation of 321 CMR 4.01, provided, that the taking or having in possession of any fish of a length less than as provided in 321 CMR 4.01 or in excess of the bag limit as provided in 321 CMR 4.01 if taken by a person lawfully fishing and immediately returned alive to the water from whence it was taken shall not constitute such a violation.
- (i) to use a lead sinker, lead weight, or lead jig in the inland waters of Massachusetts; provided that this prohibition shall be enforceable beginning January 1, 2012.

(5) Dukes and Nantucket Counties. The provisions of 321 CMR 4.01 shall not apply to the taking of white perch in Dukes and Nantucket Counties.

(6) Seasons, Dates, Creel and Size Limits, and Related Provisions. Open seasons, dates, provisions relative to certain waters, creel limits, minimum legal length in inches, and related provisions relative to the taking of certain fish in inland waters are set forth in Table 1.

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(8) Taking, Sale, Importation and Use of Baitfish.

(a) Definitions:

Baitfish means only live or dead fish of the following species. A person shall not use as bait any fish, alive or dead, including parts thereof, except the baitfish listed in 321 CMR 4.01(8)(a)1. through 10.

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3. Mummichog (*Fundulus heteroclitus*)
4. Pumpkinseed (*Lepomis gibbosus*)
5. Golden shiner (*Notemigonus crysoleucas*)
6. Rainbow smelt (*Osmerus mordax*), only as provided in 321 CMR 4.01: *Table 1*.
7. Yellow perch (*Perca flavescens*)
8. Fallfish (*Semotilus corporalis*)
9. Fathead minnow (*Pimephales promelas*)
10. Herring (*Clupea* spp.) may be used as bait in the Connecticut River, Merrimack River, and coastal rivers and streams only as provided in 321 CMR 4.01: *Table 1* and 322 CMR, but may not be possessed or used as bait in other rivers and streams, or in lakes, ponds, or reservoirs.

Commercial Baitfish means only live or dead fish of the following species lawfully imported into the Commonwealth, or propagated within the Commonwealth for purposes of sale as baitfish:

1. White sucker (*Catostomus commersoni*)
2. Mummichog (*Fundulus heteroclitus*)
3. Golden shiner (*Notemigonus crysoleucas*)
4. Fathead minnow (*Pimephales promelas*)

Baitfish taken from any inland waters of the Commonwealth shall not be considered commercial baitfish, and shall not be sold or offered for sale.

4.01: continued

- (b) Taking for Personal Use. Licensed fishermen may take baitfish defined as Baitfish in 321 CMR 4.01(8)(a) from the waters of the Commonwealth for personal use only.
- (c) Baitfish Harvest Zones. Except as prohibited by 321 CMR 4.01(7)(d), baitfish may be taken from the inland waters of the Commonwealth by licensed fishermen for personal use only.
- (d) Prohibited Areas. Baitfish may not be taken from great ponds, waters which are in whole or in part under lease or license as public fishing grounds, or other waterbodies designated as closed to the taking of baitfish by the Director.
- (e) Certain Fish Traps to Be Allowed. Licensed fishermen may take baitfish for personal use by all lawful methods, including by means of a single fish trap with openings of not over one inch, by a single circular net not exceeding six feet in diameter, or by means of a net, containing not more than 36 square feet of net surface. Nets designed to gill fish are prohibited. Any fish taken in such fish traps, other than those permitted by 321 CMR 4.01(8)(a) shall be immediately returned to the waters from where they were taken.
- (f) Importation of Baitfish. Only commercial baitfish defined in 321 CMR 4.01(8)(a) may be imported for use and sale as bait by a licensed dealer. Importation of any live fish, other than aquarium trade fish as defined in 321 CMR 9.01(2): *Definitions*, requires an importation permit from the Director, including commercial baitfish.
- (g) Sale of Commercial Baitfish. No person shall sell or offer for sale any commercial baitfish unless such person is licensed as a dealer and the commercial baitfish has been lawfully imported or propagated within the Commonwealth.
- (h) Sale of Preserved Baitfish. Notwithstanding the provisions of 321 CMR 4.01(8), baitfish or parts thereof which are canned, pickled or otherwise commercially preserved by a method other than by freezing, and lawfully imported or propagated may be used or sold as bait without a permit.

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

4.01: continued

TABLE 1

| SPECIES | DAILY CREEL | MINIMUM LENGTH (INCHES) | OPEN SEASON (ALL DATES INCLUSIVE) |
|---|----------------|-------------------------------|--------------------------------------|
| Brook, Brown, Tiger & Rainbow Trout (All Waterbodies ^{1,2,3}) Total daily creel not to exceed three Brook, Brown, or Tiger Trout in any combination. | 6 | None | Jan. 1 - Dec. 31 |
| Lake Trout (Wachusett Res.) | 3 | None | Jan. 1 - Dec. 31 |
| Lake Trout (Quabbin Res.) | 2 | 18 | Jan. 1 - Dec. 31 |
| Landlocked Salmon | 2 | 15 | Jan. 1 - Dec. 31 |

¹ Special Brown Trout Management Waters: South Pond (Quacumquasit), Brookfield, daily bag may have no more than 1 Brown trout (minimum length of 15").

² Exclusive of the areas set forth in 321 CMR 4.01(2)(j), in the area from the confluence of the East and West Branches of the Housatonic River in Pittsfield to the Connecticut border in Sheffield, the total daily creel (January 1st through December 31st) shall not exceed one trout (minimum length of 20").

³ Exclusive of the areas set forth in 321 CMR 4.01(2).

4.01 : continued

TABLE 1 (continued)

| SPECIES | DAILY CREEL | MINIMUM LENGTH (INCHES) | OPEN SEASON (ALL DATES INCLUSIVE) |
|--|-------------------------------|-------------------------------|--------------------------------------|
| Atlantic Salmon ⁴ | 2 | 15 | Jan 1- Dec. 31 |
| Smelt ⁵ | - | None | May 16- last day of Feb. |
| Sturgeon | - | - | No Open Season |
| Black Bass (Largemouth or Smallmouth) | 5 | 12 | Jan. 1 - Dec. 31 |
| Chain Pickerel | 5 | 15 | Jan. 1 - Dec. 31 |
| Northern Pike | 1 | 28 | Jan. 1 - Dec. 31 |
| Tiger Muskellunge | 1 | 28 | Jan. 1 - Dec. 31 |
| Walleye | 5 | 14 | Jan. 1 - Dec. 31 |
| American Shad (Connecticut River and tributaries and Merrimack Rivers and tributaries) | 3 | None | Jan. 1 - Dec. 31 |
| American Shad (All Other Waters) | 0 (Catch and Release Only) | None | Jan. 1 - Dec. 31 |
| American Eel | 25 | 9 | Jan. 1 - Dec. 31 |
| Striped Bass ⁶ | <i>See 322 CMR</i> | | |
| Herring | <i>See 322 CMR</i> | | |
| All Other Species | - | None | Jan. 1 - Dec. 31 |

⁴ Atlantic Salmon: The harvest of Atlantic salmon is prohibited in all inland waters of Massachusetts, except:

- (a) Quabbin Reservoir and tributaries of the Quabbin Reservoir,
- (b) the Swift River downstream of Quabbin Reservoir, and
- (c) Wachusett Reservoir and tributaries of the Wachusett Reservoir.

⁵ Smelt may be taken in all inland waters by hook and line only from May 16th to the last day of February, excepting Quabbin Reservoir, where smelt may only be taken in open water where legal fishing is permitted from May 16th to the end of the Quabbin fishing season. There is no daily or seasonal limit for smelt on these waters. The possession of smelt or their use as bait in inland waters other than during the established open season on smelt is prohibited.

⁶ Sale of striped bass from inland waters is prohibited.

321 CMR: DIVISION OF FISHERIES AND WILDLIFE

REGULATORY AUTHORITY

321 CMR 4.00: M.G.L. c. 131, §§ 4, 5, 23, 24, 26, 30, 49, 50, 51, and 52(a);