

**Subject:** BU Legislative History Project: Saltwater Fishing Permit

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The Act providing for saltwater fishing licenses (H 4309)

Out of the list with new laws in Massachusetts I choose the Act providing for saltwater fishing licenses of November 23, 2009 (the Act). The Act has been established in order to comply with the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1881 (g)(2)<sup>1</sup>. It will add a new section to chapter 10 of the Massachusetts General Laws (M.G.L.): section 35NN and:

- create the Marine Recreational Fisheries Development Fund;
- create a recreational saltwater fishing program;
- requires a permit for recreational finfishing;
- requires a permit for recreational saltwater fishing and,
- creates a marine recreational fisheries development panel.

In 2010 people who engage in recreational saltwater fishing need to be registered and by 2011 a permit is required. The fee will be \$10 and the revenue of those fees will end up in the State's Marine Recreational Fisheries Development Fund. In States where there has not been established a recreational saltwater fishing program the fee will be \$25 and the revenue of those fee will end up in the federal treasury.

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<sup>1</sup> The language of 16 U.S.C. 1881 is enclosed in an attachment.

Research

House bill 4224 was filed on August 28, 2009 and the bill was substituted by House bill 4309 which was filed on November 4, 2009. The day on which the bill was discussed in the House. Both bills can be found on the website [www.mass.gov/legis/](http://www.mass.gov/legis/).

House bill 4309 was introduced by the House Committee on Ways and Means and voted on in the session the House on November 4, 2009. After three readings the House voted unanimously in favor of the bill as the voting chart showed. Both the Journal of the House and the Yea and Nay Supplement can be found on the website [www.mass.gov/legis/](http://www.mass.gov/legis/). A summary of what has been said during the House session can be found on the daily reports of the website [www.statehousenews.co](http://www.statehousenews.co).

The Senate Committee on Ways and Means introduced an amendment to House bill 4309 by Senate bill 2200 on November 10, 2009. The Senate bill can be found on the website [www.mass.gov/legis](http://www.mass.gov/legis). On the same day the Senate voted in favor of the bill and it was sent to the House for concurrence. The Journal of the Senate and a summary of what has been said during the Senate session can be found on the website [www.mass.gov/legis](http://www.mass.gov/legis) and the website [www.statehousenews.com](http://www.statehousenews.com).

Next, on November 17, 2009 the House concurred. The Journal of the House can be found on the website [www.mass.gov/legis/](http://www.mass.gov/legis/).

The Act was signed by Governor Deval Partick on November 23, 2009 and a copy of the signed Act can be found in the library of the State House in a map with the Acts of 2009 (chapter 161).

On November 24, 2009 there was a news announcement about the Act on the website

www.statehousenews.com and an article in the Boston Globe which can be found on the website www.boston.com.

The Department of Fish and Game has created a webpage to inform the people about the consequences of the Act which can be visited at [www.mass.gov/dfwele/dmf/recreationalfishin/rec\\_license.htm](http://www.mass.gov/dfwele/dmf/recreationalfishin/rec_license.htm).

The bill was introduced in late August 2009. It was treated in the House on November 4, 2009 and it was signed into law by the Governor on November 23, 2009. The bill moved very fast and as the documents show, there was hardly any controversy.

Unfortunately I was not able to talk to the House Committee on Ways and Means or the Senate Committee on Ways and Means. To me it seems that the 186th General Court of the Commonwealth of Massachusetts wanted to create a recreational saltwater fishing license program in order to qualify for the exemption in the Magnuson-Stevens Act. That way the fee charged by the state for the permit would be less (\$10) than the fee the federal government would charge (\$25). If a state qualifies for the exemption the revenue by the fees will go the state itself and not to the federal government.

## Attachment

### Language of 16 U.S.C. 1881(g):

#### (g) Recreational fisheries

##### (1) Federal program

The Secretary shall establish and implement a regionally based registry program for recreational fishermen in each of the 8 fishery management regions. The program, which shall not require a fee before January 1, 2011, shall provide for--

(A) the registration (including identification and contact information) of individuals who engage in recreational fishing--

(i) in the Exclusive Economic Zone;

(ii) for anadromous species; or

(iii) for Continental Shelf fishery resources beyond the Exclusive Economic Zone; and

(B) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing.

##### (2) State programs

The Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under the laws of a State if the Secretary determines that information from the State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries.

##### (3) Data collection

(A) Improvement of the marine recreational fishery statistics survey

Within 24 months after January 12, 2007, the Secretary, in consultation with representatives of the recreational fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by the Marine Recreational Fishery Statistics Survey, with a goal of achieving acceptable accuracy and utility for each individual fishery.

(B) NRC report recommendations

The program shall take into consideration and, to the extent feasible, implement the recommendations of the National Research Council in its report Review of Recreational Fisheries Survey Methods (2006), including--

(i) redesigning the Survey to improve the effectiveness and appropriateness of sampling and estimation procedures, its applicability to various kinds of management decisions, and its usefulness for social and economic analyses; and

(ii) providing for ongoing technical evaluation and modification as needed to meet emerging management needs.

(C) Methodology

Unless the Secretary determines that alternate methods will achieve this goal more efficiently and effectively, the program shall, to the extent possible, include--

(i) an adequate number of intercepts to accurately estimate recreational catch and effort;

(ii) use of surveys that target anglers registered or licensed at the State or Federal level to collect participation and effort data;

(iii) collection and analysis of vessel trip report data from charter fishing vessels;

(iv) development of a weather corrective factor that can be applied to recreational catch and effort estimates; and

(v) an independent committee composed of recreational fishermen, academics, persons with expertise in stock assessments and survey design, and appropriate personnel from the National Marine Fisheries Service to review the collection estimates, geographic, and other variables related to dockside intercepts and to identify deficiencies in recreational data collection, and possible correction measures.

(D) Deadline

The Secretary shall complete the program under this paragraph and implement the improved Marine Recreational Fishery Statistics Survey not later than January 1, 2009.

##### (4) Report

Within 24 months after establishment of the program, the Secretary shall submit a report to Congress that describes the progress made toward achieving the goals and objectives of the program.