

Summary of Massachusetts ANS Laws*

MA statutes: <http://www.mass.gov/legis/laws/mgl>

MA statutes: Introduction & Possession of Fish and Other Animals:

- 1) License to put Fish or Spawn into Inland Waters; Permit to Import Live Fish or Viable Eggs, Certification, Inspection for Disease, and Disposition: No one may put fish or spawn thereof into inland waters without a license issued under ch. 131, § 23, or with the director's written approval. No one may bring, or cause to be brought into Massachusetts any live fish or viable fish eggs without a permit issued by the director. Mass. Gen. Laws ch. 131, § 19 (2003).
- 2) Penalties: Anyone who violates ch. 131, § 19 shall be fined a minimum of \$100 or a maximum of \$500, or be imprisoned for a maximum of six months, or both fined and imprisoned. Mass. Gen. Laws ch. 131, § 90 (2003).
- 3) Propagation, Dealing, etc., in Fish, Birds, Mammals, Reptiles or Amphibians; Rules and Regulations; Licenses; Fees: No one may propagate, cultivate, or maintain, or deal in, mammals, birds, fish, reptiles, or amphibians, or parts thereof without a propagator's license or dealer's license which authorizes such conduct. Mass. Gen. Laws ch. 131, § 23 (2003).
- 4) Propagation, Dealing, etc., in Fish, Birds, Mammals, Reptiles or Amphibians; Rules and Regulations; Licenses; Fees: After a public hearing, the director of the Division of Marine Fisheries shall make rules regarding the propagation, possession, disposition, maintenance, purchase, sale, exchange, or offering for sale of mammals, birds, fish, reptiles, or amphibians, or parts thereof. She may issue licenses based on such rules. Mass. Gen. Laws ch. 131, § 23 (2003).
- 5) Propagation, Dealing, etc., in Fish, Birds, Mammals, Reptiles or Amphibians; Rules and Regulations; Licenses; Fees: The DMF director may issue a special propagator's license to propagate, possess, and maintain fish, in order to liberate them into public waters. The license may be issued to associations, clubs, or individuals. Mass. Gen. Laws ch. 131, § 23 (2003).
- 6) Penalties: Anyone who violates ch. 131, § 23 shall be fined a minimum of \$20 or a maximum of \$50, or imprisoned for a maximum of thirty days, or be both fined and imprisoned. Mass. Gen. Laws ch. 131, § 90 (2003).

Introduction & Possession of Plants:

- 1) Spread or growth of plants of water chestnut (*Trapa natans*): No one may knowingly transplant, transport, plant, or traffic in water chestnut, or its seeds or nuts, or cause the water chestnuts' growth or spread. Mass. Gen. Laws ch. 128, § 20A (2003).
- 1) Violations: Any one who knowingly transplants, transports, plants, or traffics in water chestnut, or its seeds or nuts, or causes the water chestnuts' growth or spread, shall be fined a minimum of \$10 and a maximum of \$100. Mass. Gen. Laws ch. 128, § 29 (2003).

Control of Invasive Plants:

- 1) Aquatic Nuisance Control Program: DCR (formerly DEM) shall establish and maintain an aquatic nuisance control program. Mass. Gen. Laws ch. 21, § 37B (2003).
- 2) Application of Chemicals to Control Aquatic Nuisances; Licenses; Rules and Regulations; Violations; Penalties; Applicability of Section: No one may use chemicals in a water body to control aquatic nuisances without obtaining a license from DEP. After a public hearing, DEP may establish rules for licenses and the application of chemicals to control aquatic nuisances. The regulations may include penalties not exceeding \$500 per offense. Any unlicensed person who applies chemicals to a water body to control aquatic nuisances shall be fined a minimum of \$25 and a maximum of \$500. This section shall not apply to applying chemicals in privately owned ponds which have no flowing outlets. Mass. Gen. Laws ch. 111, § 5E (2003).

Fish Propagation & Aquaculture:

- 1) Shellfish Aquaculture Licenses: Cities or towns may grant aquaculture licenses after public notice and hearing, and upon certification by the director of the Division of Marine Fisheries. After inspecting the intended project area, the director shall certify that issuing the shellfish aquaculture license, and the resulting aquaculture, will not substantially harm the municipality's shellfish or other natural resources. Mass. Gen. Laws ch. 130, § 57 (2003).

Spending & Spending Priorities:

- 1) State Assistance to Municipalities or Agencies for Aquatic Nuisance Control: Massachusetts municipalities, groups of municipalities, or state agencies with proposed programs to control aquatic nuisances may apply to DCR for a grant. DCR may give the grant if it finds that

the proposed program will control or minimize the aquatic nuisance's effect on water use and water quality. Mass. Gen. Laws ch. 21, § 37C (2003).

- 2) Priority of Projects: To the extent that funds are available, DCR shall use statutorily determined priorities when giving grants. The first priority shall be projects that will manage aquatic nuisance incipient infestations; the second shall be programs to control or prevent aquatic nuisances from spreading; and the third shall be for recurring maintenance programs. Mass. Gen. Laws ch. 21, § 37D (2003).
- 3) Aquatic Nuisances; Control; Cost Sharing Programs: DEP shall undertake to control aquatic nuisances. DEP shall follow priorities enumerated in this section. Public funds to control aquatic nuisances shall only be spent for waters in which there is public access. When controlling aquatic nuisances, DEP shall consider public health regarding public and private supply water uses, bathing, and industrial uses. Mass. Gen. Laws ch. 111, § 5F (2003).

*Note: The statutes listed are not spelled out in their entirety. Only those parts that I felt were germane to ANS were included. I have also paraphrased the statutes to avoid quoting them directly, and to hopefully make them clearer.