



The Commonwealth of Massachusetts

Division of Marine Fisheries

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April 23, 2025

Notice of Public Hearing and Comment Period

Emergency Regulations to Repeal Pending Lobster Gauge Size and Escape Vent Rules

Under the provisions of G.L. c. 30A, and pursuant to the authority found at G.L. c. 130 §§ 17A, 21, and 104, the Division of Marine Fisheries (DMF) is taking public comment on a series of recently enacted emergency regulatory amendments to 322 CMR 6.02 to repeal pending lobster gauge size and escape vent rules. The emergency regulations outlined below affect commercial and recreational trap fishers. Full text of the regulations may be found on [DMF's website](#) along with additional relevant background information.

Public Hearing and Comment Schedule

DMF will accept written public comment through 5PM on Friday, May 23, 2025. Please submit written comments to Director Daniel McKiernan by e-mail (marine.fish@mass.gov). Additionally, DMF will host a virtual public hearing on Monday, May 19, 2025 at 6PM via Zoom. Please register [here](#) to attend.

Proposed Regulatory Amendments

Lobster Carapace Sizes and Escape Vent Rules (322 CMR 6.02 and 6.31). To have state regulations conform to Addendum XXXII to the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for American Lobster, DMF is proposing to adopt the following measures:

1. Repeal all pending minimum carapace size increases for commercial fishers in Lobster Conservation Management Area 1 (LCMA 1) and recreational fishers in the Gulf of Maine Recreational Area. This will maintain the existing 3 1/4" minimum carapace size.
2. Repeal all pending escape vent size changes for commercial fishers in LCMA 1 and recreational fishers in the Gulf of Maine Recreational Area. This will maintain existing minimum escape vent size of 1 15/16" by 5 3/4" rectangular or 2 7/16" diameter.
3. Repeal all pending maximum carapace size changes for commercial fishers in Lobster Conservation Management Area 3 (LCMA3) and Outer Cape Cod (OCCLCMA) and recreational fishers in the Outer Cape Recreational Area. This will maintain the existing 6 3/4" maximum carapace size for LCMA 3 and federal permit holders in OCCLCMA. For state-waters-only OCCLCMA fishers and recreational fishers in the Outer Cape Recreational Area there will be no maximum carapace size.
4. Repeal all pending minimum and maximum carapace size standards for seafood dealers. State-wide dealers will have no maximum carapace size and a minimum carapace size of 3 1/4". Dealers buying directly from commercial fishers are restricted to only buying those lobsters that conform to the LCMA specific minimum and maximum size standards for the commercial fisher.

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No.: 322 CMR 6.00

Estimate of the Number of Small Businesses Impacted by the Regulation: DMF estimates that approximately 1,100 small businesses may be impacted by this proposed regulation.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to create, file, or issue additional reports?</p> <p>This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. No additional reporting is required.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p>This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. No No additional record keeping is required.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to provide additional administrative oversight?</p> <p>This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. No No additional administrative oversight is required.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. No Affected businesses will not have to hire additional employees to comply with the proposed regulation.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer,</p> <p>This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. No businesses will not have to professional services to comply with the proposed regulation.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. No capital investment is required.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)</p> <p>Not applicable. The prescribed regulations are required by and designed to comply with federal law at 16 U.S.C. 5100.</p>

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No. There are no other duplicative or conflicting state regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? All audits and inspections are done in accordance with M.G.L. c. 130. No additional inspections are required under this amendment.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states. Affected businesses will not have to provide educational services to keep up to date with the requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? Fishing limits and gear modifications are among a number of factors that may impact the formation of new fishing businesses in Massachusetts. As there are a limited number of permits to participate in the impacted fisheries, access to permits is the most substantial barrier to entry, and this regulation alone will not encourage or discourage the formation of new businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Fishing limits and gear modifications are among a number of factors that may impact the formation of new fishing businesses in Massachusetts. As there are a limited number of permits to participate in the impacted fisheries, access to permits is the most substantial barrier to entry, and this regulation alone will not encourage or discourage the formation of new businesses.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? Not applicable. The prescribed regulations do not affect reporting requirements.
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? This rule repeals recently adopted lobster conservation regulations to ensure Massachusetts' fishing and seafood industry are not at a competitive disadvantage compared to neighboring states.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? Not applicable. The prescribed regulations are required by and designed to comply with federal law at 116 U.S.C. 5100.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? Not applicable. The prescribed regulations are required by and designed to comply with federal law at 16 U.S.C. 5100.