

Lead Sinker Laws in Select States

By: Kristen Miller, Senior Legislative Attorney

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Issue

Describe laws restricting the sale or use of lead fishing equipment in New York and the New England states.

Summary

The primary purpose of lead fishing equipment restrictions is to protect birds and other animals from lead poisoning should they ingest the products.

Maine, Massachusetts, New Hampshire, New York, and Vermont restrict the use or sale of certain lead fishing equipment for fresh water fishing. Connecticut and Rhode Island do not have such restrictions.

The states' restrictions vary by the (1) types of restrictions involved (i.e., selling, offering for sale, or using); (2) equipment type, size, and weight; and (3) applicable penalties.

New York prohibits selling or offering for sale at retail lead sinkers of one-half ounce or less. Massachusetts prohibits using lead sinkers, jigs (i.e., weighted fish hooks), or weights of less than one ounce.

Maine, New Hampshire, and Vermont restrict the equipment's sale, offer for sale, and use. Maine law prohibits selling, offering for sale, or using lead sinkers or bare (i.e., unpainted) lead jigs that (1) weigh one ounce or less or (2) measure two and one-half inches or less in length. New Hampshire's restrictions apply to lead sinkers and jigs of one ounce or less and regardless of whether the

equipment is painted, coated, or covered by another substance or by attached skirts. Vermont law prohibits selling, offering for sale, or using sinkers of one-half ounce or less.

Each state imposes at least a fine for violating its restrictions, which together generally range from \$0 to \$500. Imprisonment is a possible penalty in Maine for individuals who commit three violations within three years (up to six months), Massachusetts (up to 30 days), and New York (up to 15 days). Vermont also assesses points against an individual's right to hunt, fish, or trap for violations.

The table below provides additional detail about the states' restrictions, particularly in terms of scope and penalty.

Table: Lead Fishing Equipment Restrictions in New York and New England

State	Statute or Regulation	Scope of Restriction	Penalty
Maine	Me. Stat. tit. 12, § 12663-B Me. Stat. tit. 17-A, §§ 1604 and 1704	Selling or offering for sale lead sinkers or bare lead jigs of one ounce or less or that measure two and one-half inches or less in length	Fine, \$100 to \$500 Three or more violations within five years is a class E crime, punishable by up to six months in jail and a fine of up to \$1,000
	Me. Stat. tit. 12, § 12664 Me. Stat. tit. 17-A, §§ 1604 and 1704	Using a lead sinker or bare lead jig of one ounce or less or that measures two and one-half inches or less in length	Fine, \$100 to \$500 Three or more violations within five years is a class E crime, punishable by up to six months in jail and a fine of up to \$1,000
Massachusetts	321 Mass. Code Regs. § 4.01 Mass. Gen. Laws ch. 21A, § 10H Mass. Gen. Laws ch. 131, § 90	Using a lead sinker, jig, or weight of less than one ounce in inland waters of the state	Civil = fine, \$50 Criminal = fine, \$50 to \$100, up to 30 days in jail, or both Officer has the option of issuing a civil citation or a criminal summons

Table (continued)

State	Statute or Regulation	Scope of Restriction	Penalty
New Hampshire	N.H. Rev. Stat. Ann. § 211:13-b	Using a lead sinker or jig, of one ounce or less, to take fish in any fresh water in the state	Fine, up to \$250
	N.H. Rev. Stat. Ann. § 339:77	Selling or offering for sale at retail lead sinkers or jigs of one ounce or less	Fine, up to \$250 Each day of sale or offering for sale is a separate violation
New York	N.Y. Envtl. Conserv. Law §§ 11-0308, 71-0919, 71-0923, and 71-0925	Selling or offering for sale at retail lead sinkers of one-half ounce or less	Up to 15 days in jail, up to a \$250 fine, or both \$200 civil fine Each day of sale or offering for sale is a separate violation
Vermont	Vt. Stat. Ann. tit. 10, § 4606	Using a lead sinker of one-half ounce or less to take fish in any state waters	Fine, \$100 5 points (a person's right to hunt, fish, and trap is suspended once he or she accrues 10 points)
	Vt. Stat. Ann. tit. 10, § 4615	Selling or offering for sale lead sinkers of one-half ounce or less	Fine, \$500 5 points (a person's right to hunt, fish, and trap is suspended once he or she accrues 10 points)

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