SENATE DOCKET, NO. 211 FILED ON: 1/18/2011

SENATE . . . . . No. 1854

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to land taking regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gale D. Candaras	☐ *[District]* ☐
Cheryl A. Coakley-Rivera	*10th Hampden*
Michael F. Kane	*5th Hampden*
Michael R. Knapik	☐ *[District]* ☐
Steven L. Levy	*4th Middlesex*
Joseph F. Wagner	*8th Hampden*
James T. Welch	☐ *[District]* ☐
Brian M. Ashe	*2nd Hampden*
Sean Curran	*9th Hampden*
Donald F. Humason, Jr.	*4th Hampden*
Angelo J. Puppolo, Jr.	*12th Hampden*
Benjamin Swan	*11th Hampden*

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By Ms. Candaras, a petition (accompanied by bill, Senate, No. 1854) of Gale D. Candaras, Cheryl A. Coakley-Rivera, Michael F. Kane, Michael R. Knapik and other members of the General Court for legislation relative to land taking regulations. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

An Act relative to land taking regulations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Massachusetts Division of Fisheries and Wildlife, hereafter referred to as the "Division", shall not promulgate any regulation under the auspices of M.G.L. c. 131A which may result in the taking or restriction of land, including restrictions resulting from the issuance of a permit, unless such regulation is in accordance with processes set out in M.G.L. c 131A §§4-5 and such land is deemed Significant Habitat as defined by M.G.L. c. 131A §1.

SECTION 2. The Division shall rescind or revise any and all regulations, including, but not limited to 321 CMR 10.11-10.26 et seq., which may involve the taking or restriction of land, including restrictions resulting from the issuance of a permit, unless such regulation is in accordance with processes set out in M.G.L. c 131A §§4-5 and such land is deemed Significant Habitat as defined by M.G.L. c. 131A §1.

SECTION 3. The Division shall have 180 days from the date of this law taking effect to rescind or revise regulations pursuant to Section 2. If after 180 days such regulations are not rescinded, 321 CMR 10.11-10.26 et seq. shall be considered rescinded.