SENATE DOCKET, NO. 1753 FILED ON: 1/18/2013

SENATE . . . . . No. 411

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 reinforcing the Massachusetts Endangered Species Act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Michael R. Knapik	*Second Hampden and Hampshire*
Robert L. Hedlund	*Plymouth and Norfolk*

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SENATE . . . . . No. 411

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 411) of Bruce E. Tarr, Michael R. Knapik and Robert L. Hedlund for legislation to reinforce the Massachusetts Endangered Species Act. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

An Act relative to reinforcing the Massachusetts Endangered Species Act.

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

SECTION X. Chapter 131A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after the word “thirty-one.” In line 13, the following words:-

“Division”, the division of fisheries and wildlife within the department of fisheries, wildlife, and environmental law enforcement.

SECTION XX. Chapter 131A of the General Laws, as so appearing, is hereby amended by inserting, after section 7, the following new sections:-

(8) The division shall not promulgate any regulation pursuant to this chapter 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 the processes set out in sections 4 and 5 of this chapter and such land is deemed a significant habitat as defined in section 1 of this chapter.

(9) 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 the processes set out in sections 4 and 5 of this chapter and such land is deemed a significant habitat as defined in section 1 of this chapter.

SECTION XXX. The division shall have 180 days from the passage of this act to rescind or revise regulations pursuant to section 9 of chapter 131A. If after 180 days such regulations are not rescinded, 321 CMR 10.11-10.26 et seq., shall be considered rescinded.