

HOUSE No. 4006

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 2, 2014.

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 721) of Anne M. Gobi for legislation to further regulate the capturing of furbearing animals, reports recommending that the accompanying bill (House, No. 4006) ought to pass.

For the committee,

ANNE M. GOBI.

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The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act valuing our natural resources.

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

1 SECTION 1. Section 80A of Chapter 131 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in line 2, the words “ place, maintain,
3 manufacturer or possess” and inserting in place thereof, the following words:- place or maintain

4 SECTION 2. Paragraph 5 of said section 80A of said chapter 131, as so appearing, is
5 hereby amended by inserting after the words “authorized agent”, in line 71, the following
6 words:-

7 may apply to the municipal board of health to renew the initial emergency permit issued.
8 The municipal board of health upon determination that said threat exists shall immediately renew
9 the emergency for a period not exceeding 10 days. Each renewal of an initial emergency permit
10 shall authorize the applicant or his authorized agent to immediately use any of the alleviation
11 options specified in the prior paragraph as determined by the municipal board of health to
12 remedy said threat. Said initial emergency permit may be renewed by the municipal board of
13 health for two additional periods not exceeding 10 days for each period; subject to the
14 application and determination requirements under this paragraph for such renewals. If a renewal
15 of an emergency permit is denied, the applicant or his duly authorized agent may appeal under
16 the same appeal procedure established for a denial of an emergency permit application. A
17 determination by a municipal board of health of an application for said emergency permit or the
18 renewal of such permit shall be rendered within 7 days of its receipt; and if denied, the applicant
19 or his duly authorized agent shall be sent written notice of the reason for the denial with
20 information on the procedure to appeal the adverse decision. If said threat has not been alleviated
21 after the expiration of the third renewal of said initial emergency permit, the applicant or his duly
22 authorized agent

23 SECTION 3. Said section 80A, of said chapter 131, as so appearing, is hereby further
24 amended by inserting immediately before the last paragraph, the following paragraphs: -

25 A person or his duly authorized agent who is issued any permit or renewal thereof, as
26 provided under this section, shall within 10 days after the expiration of such permit or renewal,
27 make a report on a form prescribed by the director, to the division, state department of public
28 health and any municipal board of health that issued the permit or renewal. Each report shall
29 include: the name of the issuing authority, permit or renewal date, property address of the
30 authorized trapping or alleviation activity, name of the property owner or tenant, name of the
31 applicant and authorized agent, alleviation technique utilized, number and species of any
32 animals, taken and other necessary information as required by the director.

33 Periodically, the director and the commissioner of the state department of public health,
34 or their representatives, shall consult and analyze the reports submitted and other related
35 information obtained from municipal boards of health or governmental sources, to assist in
36 identifying animal problems considered a recurrent threat to human health and safety in local
37 geographical areas. Such threat areas when so identified shall be declared publically by the
38 commissioner.

39 For beaver and muskrat declared threat areas, the commissioner shall notify and direct
40 municipal boards of health having jurisdiction, to immediately issue, upon proper application and
41 determination, emergency permits and renewals of said permits, authorizing the use of any
42 alleviation options specified under the fourth paragraph. Unless otherwise provided under this
43 paragraph, emergency permits issued for a declared threat area shall not exceed 20 days and
44 upon application, shall be renewable for comparable periods by the issuing authority when
45 determined as necessary to abate said threat. Within 90 days after the declaration of a threat area,
46 the director and commissioner shall develop, with the assistance of municipal boards of health
47 and municipal conservation commissions having jurisdiction and any state agency or department
48 having authority under this section or custody of affected land, a mitigation action plan for the
49 implementation of a long-term solution to eliminate or abate said threat. Each plan shall specify
50 the authorized management methods and traps that shall be utilized, to consist of any of the
51 alleviation techniques or options listed under the fourth paragraph. In developing the plan, the
52 use of non-lethal management techniques and water flow devices shall be considered where
53 viable and effective, subject to the determinations and conditions of conservation commissions
54 and the provisions of section 40. The plan shall also consider the management of beaver or
55 muskrat populations in the threat area. Said emergency permits or renewals shall be issued by the
56 municipal board of health of jurisdiction, upon proper application, and shall be limited to the
57 number of days established by the plan, provided, no permit or renewal issued shall be valid for
58 not more than 30 days. In all other respects, a permit or renewal so issued shall conform with an
59 established plan to the extent feasible for current conditions. The director and commissioner
60 shall monitor and assess the effectiveness of each plan and as necessary may modify such plan,
61 threat area or classification of any part of a declared area. The commissioner shall notify area

62 municipal boards of health and municipal conservation commissions of declared areas and any
63 modifications to a threat area or plan. All current declared threat areas, mitigation action plans
64 and any related modifications shall be posted by the state department of public health on its
65 public website.

66 The state public health department commissioner shall be authorized to issue emergency
67 permits and renew such permits, authorizing the immediate use of any of the alleviation
68 techniques or options listed under the fourth paragraph, as he determines is necessary to protect
69 human health and safety.

70 The department and division shall adopt and require the use of uniform administrative
71 forms for applications, appeals, notices, permits and mitigation reports under this section. Such
72 forms shall be displayed on the respective public website of the division or state public health
73 department in a user printable format.