

**HOUSE . . . . . No. 682**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Angelo L. D'Emilia*

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*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 adoption of the accompanying bill:

An Act relative to the State Reclamation and Mosquito Control Board.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/18/2013</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	

**HOUSE . . . . . No. 682**

By Mr. D'Emilia of Bridgewater, a petition (accompanied by bill, House, No. 682) of Angelo L. D'Emilia and others relative to the State Reclamation and Mosquito Control Board. Environment, Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to the State Reclamation and Mosquito Control Board.

*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. Chapter 252 of the General Laws, as appearing in the 2010 Official  
2 Edition, is hereby amended by striking sections 1 to 3, inclusive, and inserting in place thereof  
3 the following:-

4 Section 1. If it is necessary or useful (1) to drain or manage the flow a meadow, swamp,  
5 marsh, beach or other low land to reduce mosquito developmental habitat, or (2) to remove  
6 obstructions in rivers or streams leading thereto or therefrom that create mosquito developmental  
7 habitats, or (3) to control mosquitoes in any area infested, such improvements and other pertinent  
8 interventions may be made as provided in this chapter. Habitat modifications and treatments to  
9 control mosquitoes may thereby be performed in efforts to reduce existing or potential risk of  
10 mosquito borne disease, or to mitigate quality of life concerns that result from populations of  
11 mosquitoes.

12 Section 2. A five-member mosquito control board, hereafter called the board, shall be  
13 constituted by one employee each of the department of environmental protection, the department  
14 of agricultural resources, and department of public health, as designated by the respective  
15 commissioner, as well as one representative of the regional mosquito control projects elected by  
16 a two-thirds majority vote of their superintendents, and one representative of member  
17 communities elected by a majority vote of project commissioners. The designation of any  
18 member of said board may be revoked at any time by that member's department commissioner  
19 or, in the case of the members representing the mosquito control projects and communities, by a  
20 two-thirds majority vote of project superintendents and commissioners, respectively. In the case  
21 of the resignation, disability or revocation of any member, the successor shall be designated in

22 the same manner as in the original designation. The board shall serve within the department of  
23 agricultural resources, and the members thereof shall receive no additional compensation for  
24 service on said board, but shall be entitled to their reasonable traveling and other expenses  
25 incurred in the performance of their duties. The board shall appoint an executive director and  
26 support staff to facilitate the business performed on behalf of the board. The executive director  
27 shall not be a voting member, but will report directly to the secretary of the executive office of  
28 health and human services and the secretary of the executive office of energy and environmental  
29 affairs.

30 Section 3. The board shall ensure that projects are sufficiently staffed and afforded  
31 resources, as appropriate and available, to render services to their respective municipalities, and  
32 adhere to relevant state guidelines and requirements relative to the administration of projects  
33 including, but not limited to, procurement and employment procedures. The board may form  
34 and populate subcommittees as it sees fit to develop policies and implement activities, including  
35 but not limited to, communication, education, research and the scientific assessment of mosquito  
36 control impacts and efficacy. In response to the work and recommendation of said  
37 subcommittees, the board may establish mandatory policies for the operation and activities of  
38 projects.

39 SECTION 2. . Chapter 252 of the General Laws, as appearing in the 2010 Official  
40 Edition, is hereby amended by striking section 14D and inserting in place thereof the following:-

41 Section 14D. Under policies established by the mosquito control board, mosquito  
42 projects shall have the authority to enter upon all public lands for the purpose of assessing the  
43 extent to which said properties contain mosquito developmental habitats or are otherwise  
44 harboring mosquitoes that may transmit pathogens or pose significant nuisance. In the event that  
45 it is determined that properties are harboring habitat or mosquito populations that, in the opinion  
46 of the project, are of significant concern, the project shall inform the board of health of the  
47 municipality in which the property lies. Upon request of either agency, the project shall propose  
48 a proposed plan for abatement. In the event that public landowners are unable or otherwise fail  
49 to mitigate risk to the satisfaction of the mosquito control project or the board, the board shall  
50 have authority to implement interventions and may assess costs to the property owner.