

SENATE No. 468

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 adoption of the accompanying bill:

An Act relative to reinforcing the Massachusetts Endangered Species Act.

PETITION OF:

NAME:

Bruce E. Tarr

Donald F. Humason, Jr.

DISTRICT/ADDRESS:

First Essex and Middlesex

Second Hampden and Hampshire

SENATE No. 468

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 468) of Bruce E. Tarr and Donald F. Humason, Jr. for legislation to reinforce the Massachusetts Endangered Species Act. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 411 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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:

1 SECTION 1. Chapter 131A of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting, after the word “thirty-one.” in line 13, the following
3 words:-

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

6 SECTION 2. Chapter 131A of the General Laws, as so appearing, is hereby amended by
7 inserting, after section 7, the following new sections:-

8 (8) The division shall not promulgate any regulation pursuant to this chapter which may
9 result in the taking or restriction of land, including restrictions resulting from the issuance of a

10 permit, unless such regulation is in accordance with the processes set out in sections 4 and 5 of
11 this chapter and such land is deemed a significant habitat as defined in section 1 of this chapter.

12 (9) The division shall rescind or revise any and all regulations, including, but not limited
13 to 321 CMR 10.11-10.26 et seq., which may involve the taking or restriction of land, including
14 restrictions resulting from the issuance of a permit, unless such regulation is in accordance with
15 the processes set out in sections 4 and 5 of this chapter and such land is deemed a significant
16 habitat as defined in section 1 of this chapter.

17 SECTION 3. The division shall have 180 days from the passage of this act to rescind or
18 revise regulations pursuant to section 9 of chapter 131A. If after 180 days such regulations are
19 not rescinded, 321 CMR 10.11-10.26 et seq., shall be considered rescinded.