HOUSE DOCKET, NO. 3425 FILED ON: 1/18/2013

# HOUSE . . . . . No. 682

The Commonwealth of Massachusetts

PRESENTED BY:

***Angelo L. D'Emilia***

*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 the State Reclamation and Mosquito Control Board.

PETITION OF:

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

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# 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:*

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

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

Section 2. A five-member mosquito control board, hereafter called the board, shall be constituted by one employee each of the department of environmental protection, the department of agricultural resources, and department of public health, as designated by the respective commissioner, as well as one representative of the regional mosquito control projects elected by a two-thirds majority vote of their superintendents, and one representative of member communities elected by a majority vote of project commissioners. The designation of any member of said board may be revoked at any time by that member's department commissioner or, in the case of the members representing the mosquito control projects and communities, by a two-thirds majority vote of project superintendents and commissioners, respectively. In the case of the resignation, disability or revocation of any member, the successor shall be designated in 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 
31 Section 3. The board shall ensure that projects are sufficiently staffed and afforded resources,
32 as appropriate and available, to render services to their respective municipalities, and adhere to
33 relevant state guidelines and requirements relative to the administration of projects including, but
34 not limited to, procurement and employment procedures. The board may form and populate
35 subcommittees as it sees fit to develop policies and implement activities, including but not
36 limited to, communication, education, research and the scientific assessment of mosquito control
37 impacts and efficacy. In response to the work and recommendation of said subcommittees, the
38 board may establish mandatory policies for the operation and activities of projects.
39 
40 SECTION 2. . Chapter 252 of the General Laws, as appearing in the 2010 Official Edition, is
41 hereby amended by striking section 14D and inserting in place thereof the following:-
42 
43 Section 14D. Under policies established by the mosquito control board, mosquito projects
44 shall have the authority to enter upon all public lands for the purpose of assessing the extent to
45 which said properties contain mosquito developmental habitats or are otherwise harboring
46 mosquitoes that may transmit pathogens or pose significant nuisance. In the event that it is
47 determined that properties are harboring habitat or mosquito populations that, in the opinion of
48 the project, are of significant concern, the project shall inform the board of health of the
49 municipality in which the property lies. Upon request of either agency, the project shall propose
50 a proposed plan for abatement. In the event that public landowners are unable or otherwise fail
51 to mitigate risk to the satisfaction of the mosquito control project or the board, the board shall
52 have authority to implement interventions and may assess costs to the property owner.
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