

HOUSE No. 866

By Mr. Lasell of Northbridge, petition of the Massachusetts Conservation Council for establishment of a state department to be known as the Department of Conservation and Recreation and that its powers and duties be defined. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT ESTABLISHING A DEPARTMENT OF CONSERVATION AND RECREATION.

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

1 Chapter twenty-one of the General Laws is hereby
2 amended by striking out all of said chapter and in-
3 serting in place thereof the following:—
4 *Section 1.* There shall be a department of con-
5 servation and recreation consisting of a division of
6 forestry; a division of parks and recreation; a divi-
7 sion of wildlife research and management; a division
8 of hunting and fishing; a division of marine fisheries;
9 and a division of conservation law enforcement,
10 each under the charge of a director as hereinafter
11 set forth. The department shall be under the super-
12 vision and control of a commissioner of conservation
13 subject to the powers and duties of the advisory
14 board as hereinafter set forth. There shall be an
15 advisory board of the department consisting of five
16 members, who shall be appointed by the governor

17 with the consent of the council for terms of one,
18 two, three, four and five years respectively, and
19 thereafter for a term of five years. One member
20 shall be experienced in forestry and/or the lumber
21 industry; one experienced in tourist and recreational
22 activities and/or in park planning; one experienced
23 in wildlife conservation; one experienced in agricul-
24 ture and qualified to represent the landowner's
25 point of view; and one a practical business man.

26 The advisory board shall meet quarterly in the
27 offices of the department or at such other place or
28 places as they may determine, and they may meet at
29 such other times and places as the board may deter-
30 mine, and shall meet at the written request of three
31 members. They shall annually elect a chairman and
32 secretary and shall receive no salary, but shall be
33 reimbursed for actual traveling expenses when en-
34 gaged in official duties or when attending meetings,
35 provided, however, that the expenses of no member
36 shall exceed five hundred dollars a year. The long
37 range policies of the department shall be determined
38 by vote of the advisory board and the said board
39 shall advise the commissioner in the preparation of
40 the budget and in formulating recommendations for
41 legislation and in the selection of the technical
42 personnel of the department.

43 *Section 2.* Upon the expiration of the term of
44 office of a commissioner, his successor shall be ap-
45 pointed for a term of three years by the governor
46 with the advice and consent of the council. The
47 commissioner shall receive such salary not exceeding
48 six thousand dollars as the governor and council
49 determine.

50 *Section 3.* The commissioner shall be the executive

51 and administrative head of the department. He
52 shall have direct charge of the administrative and
53 financial work of the department and shall supervise
54 the work of the divisions. He shall have charge of
55 the administration and enforcement of all laws which
56 it is the duty of the department to administer and
57 enforce, and shall direct all inspections and investi-
58 gations. He shall, subject to the approval of the
59 advisory board, appoint and determine the tenures
60 of the directors of the various divisions.

61 *Section 4.* There shall be a division of forestry
62 in charge of a director who shall be known as the
63 state forester. He shall have charge of the pur-
64 chase, development and management of the state
65 forests; shall promote forestry on public and private
66 lands throughout the commonwealth; and, shall aid
67 and assist industries using forest products. He shall
68 receive an annual salary not to exceed five thousand
69 dollars.

70 The director of the division of forestry shall be
71 appointed by the commissioner with the approval
72 of the advisory board, and must be a graduate of a
73 recognized school of forestry, and must have had
74 at least eight years of practical experience in forestry
75 since graduation.

76 The position of chief forester is hereby abolished
77 but the present holder of said position may be ap-
78 pointed to the position of state forester in the de-
79 partment without further examination.

80 *Section 5.* There shall be a division of parks and
81 recreation in charge of a director who shall have
82 charge of the development and maintenance of the
83 state parks and reservations under the control of the
84 department.

85 The director shall be appointed by the commis-
86 sioner with the approval of the advisory board.
87 He must be a graduate of a recognized school of civil
88 engineering or landscape architecture and must have
89 had at least five years' practical experience in
90 recreation work. He shall receive an annual salary
91 not to exceed five thousand dollars.

92 The director of the division of parks and recreation
93 shall have and exercise all the powers and duties
94 heretofore exercised by the director of the division of
95 forestry in regard to state parks.

96 *Section 6.* There shall be a division of wildlife
97 research and management in the department which
98 shall be under the control of a director who shall
99 be known as the state ornithologist. It shall be his
100 duty to explore the possibilities of increasing all
101 beneficial forms of wildlife, giving due consideration
102 to economic, aesthetic and recreational values. The
103 director shall from time to time prepare reports of a
104 technical as well as a popular nature. It shall be
105 his duty to co-operate with the Massachusetts state
106 college and with federal agencies in matters per-
107 taining to wildlife research and management and
108 he shall supervise such projects as may be jointly
109 initiated by the department and said federal agen-
110 cies. He shall supervise and manage all wildlife
111 sanctuaries under the control of the department.
112 He shall report to the commissioner from time to
113 time relative to the protection of wildlife and shall
114 receive an annual salary not to exceed five thousand
115 dollars.

116 The present state ornithologist may serve as
117 director without further examination but his suc-
118 cessors shall be appointed by the commissioner with

119 the approval of the advisory board after an exam-
120 ination in ornithology, biology and kindred sciences.

121 For the purpose of this act the term "wildlife"
122 shall be construed to mean birds and mammals only.

123 *Section 7.* There shall be a division of hunting
124 and fishing in charge of a director who shall be ap-
125 pointed by the commissioner, subject to the ap-
126 proval of the advisory board and who shall be
127 experienced in the protection, propagation and
128 management of wildlife. He shall receive an annual
129 salary not to exceed five thousand dollars.

130 The director of the division of hunting and fishing
131 shall have and exercise all of the powers and duties
132 heretofore had and exercised by the director of
133 fisheries and game except such as may now or here-
134 after be transferred by the general court.

135 *Section 8.* There shall be a division of marine
136 fisheries in charge of a director. He shall have
137 charge of all work pertaining to the study and im-
138 provement of marine fisheries, including salt water
139 angling and shell-fisheries and all laws relating to
140 fish inspection.

141 The director of marine fisheries shall be appointed
142 by the commissioner with the approval of the ad-
143 visory board and shall be familiar with practical
144 and technical questions pertaining to marine fish-
145 eries. He shall receive a salary not to exceed five
146 thousand dollars per annum.

147 In determining the powers and duties imposed
148 by chapters one hundred and twenty-nine A and
149 one hundred and thirty of the General Laws the
150 word "supervisor" shall be construed to mean the
151 director of marine fisheries and in chapter ninety-
152 four of the General Laws the powers and duties

153 imposed on the state inspector of fish shall hereafter
154 be administered by the director of marine fisheries.

155 Section eight A of chapter twenty-one of the
156 General Laws is hereby repealed.

157 *Section 9.* There shall be a division of conserva-
158 tion law enforcement in charge of a director. He shall
159 have charge of the enforcement of all laws which it is
160 the duty of the department to enforce, except those
161 relating to fish inspection, subject however, to the
162 general supervision and control of the commissioner.

163 The director shall be appointed by the commis-
164 sioner with the approval of the advisory board.
165 He must have at least five years' experience in law
166 enforcement work and shall receive a salary not to
167 exceed five thousand dollars per annum.

168 The positions of chief conservation officer and
169 chief coastal warden are hereby abolished, but the
170 former holders of such positions may be appointed
171 as director or restored to the positions they held
172 before accepting the positions hereby abolished,
173 without further examination.

174 *Section 10.* The commissioner may, where re-
175 quired, appoint and remove clerical and other assist-
176 ants as the work of any division may require, and
177 may fix their compensation, provided however, that
178 such appointments shall be made in accordance with
179 civil service laws and regulations and the laws per-
180 taining to state personnel.

181 *Section 11.* The status of each employee of the
182 department on the effective date of this act shall
183 remain unchanged, except as herein provided.

184 The commissioner with the consent of the advisory
185 board may assign the present employees of the de-
186 partment to the division to which their former duties

187 are hereby transferred, and may from time to time
188 re-assign such employees except the directors from
189 one division to another as the work of the depart-
190 ment may require.

191 *Section 12.* In determining the powers and duties
192 imposed by chapters one hundred and twenty-nine A
193 to one hundred and thirty-two A inclusive, the word
194 "commissioner" shall in all cases continue to refer
195 to the commissioner of conservation. The term
196 "director" will refer to the director of the division
197 to which the duties have been hereby transferred.
198 The word "supervisor" shall be construed to mean
199 the director of marine fisheries. In chapter ninety-
200 four the powers and duties imposed upon the state
201 inspector of fish shall hereafter be administered by
202 the director of marine fisheries.

203 *Section 13.* The powers and duties heretofore
204 imposed upon the state forester relative to the
205 suppression of gypsy and brown-tail moths are
206 hereby transferred to the division of plant pests
207 control in the department of agriculture, except that
208 the state forester shall supervise and regulate all
209 pest control work on state forests, state parks and
210 wildlife reservations under the control of the de-
211 partment. The present employees of the division
212 of forestry engaged in moth suppression work are
213 hereby transferred to the department of agriculture
214 except that the position of chief moth suppressor is
215 hereby abolished, provided however, that the present
216 holder of such position shall be restored to the posi-
217 tion held by him before becoming chief moth sup-
218 pressor.

219 *Section 14.* In the absence of specific instructions
220 contained in this act the commissioner with the

221 approval of the advisory board shall allocate present
222 activities within the department to the proper divi-
223 sions, and shall assign to each division the property
224 of the department, both real and personal, which
225 within the meaning of this act properly belongs
226 therein.

227 *Section 15.* This act shall take effect on June first
228 of the current year.