

appointed by the secretary of human services from the appointed members and shall serve as chairman at the pleasure of the secretary, provided that no member shall serve as chairman for more than three consecutive years. Appointive members shall serve without compensation but shall be reimbursed for expenses actually incurred in the performance of their duties.

Said advisory council shall:—

(a) assist the director in coordinating the efforts of all public and private agencies concerned with services to deaf persons;

(b) advise the director on policy, planning and priorities of need in the commonwealth for services to deaf persons;

(c) annually review the programs, budgets and policies of the office. The office shall provide staff assistance to the council.

SECTION 2. In his original appointments to the statewide advisory council to the office of deafness, established under section eighty-four H of chapter six of the General Laws, inserted by section one of this act, the governor shall designate four members to serve for a term of three years, four members for a term of two years, and four members for a term of one year.

Approved August 12, 1974.

Chap. 806. AN ACT ESTABLISHING AN EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 21 the following chapter:—

CHAPTER 21A.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Section 1. There shall be an executive office of environmental affairs, hereinafter called the office, which shall be under the supervision of a secretary of environmental affairs, hereinafter called the secretary. Said secretary shall be appointed by the governor and shall be a person of skill and experience in the field of environmental affairs. Said secretary shall serve at the pleasure of the governor, shall receive such salary as may be determined by law, and shall devote full time to the duties of his office.

In the case of a vacancy in the office of secretary, or in the case of disability, as determined by the governor, or in his absence, the governor may designate an acting secretary to serve as secretary until the vacancy is filled or the absence, or disability, as determined by the governor, ceases. The acting secretary shall have all the powers and duties of the secretary and shall have similar qualifications as the secretary.

The secretary shall, with the approval of the governor, appoint and may remove, an undersecretary of the executive office, hereinafter called the undersecretary. Said undersecretary shall be a person of skill and experience in the fields of administration and environmen-

tal affairs, and shall perform such duties as may be assigned by the secretary. The position of undersecretary shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Said undersecretary shall receive such salary as may be determined by law and shall devote full time during business hours to the duties of his office.

Section 2. The office and its appropriate departments and divisions shall carry out the state environmental policy and in so doing they shall:

(1) develop policies, plans, and programs for carrying out their assigned duties;

(2) provide for the management of air, water and land resources to assure the protection and balanced utilization of such resources within the commonwealth, realizing that providing safe water to drink and clean air to breath is a basic mandate;

(3) provide for the propagation, protection, control and management of fish, other aquatic life, wildlife, and endangered species and promote and further develop hunting, fishing, recreational and competitive marksmanship, and trapping opportunities in the commonwealth;

(4) aid in the promotion and development of the food and agricultural resources of the commonwealth to preserve agricultural lands, and insure an adequate supply of high quality farm products;

(5) provide for the regulation and management of marine and coastal fisheries and natural resources including those located in the territorial waters, the economic zone waters and the continental shelf, wetlands, estuaries, shorelines, and interior of the commonwealth;

(6) promote the perpetuation, extension, and proper management of the public and private forest lands of the commonwealth;

(7) develop statewide policies regarding the acquisition, protection, and use of areas of critical environmental concern to the commonwealth;

(8) develop and administer programs relating to recreation including the acquisition of land, development of facilities, and the provision of advisory services to municipalities and private organizations;

(9) promote the best usage of land, water, and air to optimize and preserve environmental quality by encouraging and providing for, in cooperation with other appropriate state agencies, planned industrial, commercial, recreational and community development;

(10) provide for the prevention and abatement of water, land, air, noise, and other pollution or environmental degradation;

(11) promote the preservation and enhancement of natural, scenic, historic, and aesthetic qualities in both urban and rural areas;

(12) provide for the control of insects, plant diseases, and pests, and regulate the use, and disposal of pesticides;

(13) develop programs relating to the reclamation or disposal of solid waste material and the operation of sewer and water systems;

(14) encourage the restoration and reclamation of degraded or despoiled areas, including harbors and inland and coastal waters;

(15) manage all lands and properties acquired by or assigned to them to preserve their natural beauty, wilderness, or open character or hydrological, geological, historical, scientific, wildlife management, recreational or other significance or value;

(16) assist other state and regional agencies in developing appropriate programs and policies relating to land use planning and regulation in the commonwealth;

(17) analyze and make recommendations, in cooperation with other state and regional agencies, concerning the development of energy policies and programs in the commonwealth;

(18) advise, assist, and cooperate with such other departments, agencies, authorities, officials, and institutions, including state institutions of higher learning, as may be concerned with or involved in matters under their control or supervision;

(19) encourage recycling, resource recovery and environmentally sound purchasing practices to conserve resources and reduce waste;

(20) monitor the environment to identify changes and to insure efficient and effective control practices;

(21) develop environmental data management capabilities to aid environmental planning and decision-making;

(22) encourage, support, and undertake research and development and maintain laboratory and other research facilities to produce information relating to the ecological system, pollution prevention and abatement, resource management, and other areas essential to implementing the environmental policies of the commonwealth;

(23) advise and assist local governments, private and public institutions, organizations and associations, businesses, industries, and individuals by providing and acting as a clearinghouse for environmental information, data, and other materials;

(24) promote the development of sound environmental education programs;

(25) represent and act on behalf of the commonwealth in connection with federal grant programs;

(26) keep accounts, records, personal data, enter into contracts, adjust claims, accept gifts, grants, bequests and devises, and subject to appropriation acquire real or personal property by eminent domain or otherwise;

(27) advise and assist state agencies, cities, towns, and other units of local government in the preparation of grant or loan applications with respect to any environmental protection or enhancement programs;

(28) promulgate rules and regulations necessary to carry out their statutory responsibilities;

In order to assist the office in the discharge of its duties, the secretary may request from any agency or political subdivision of the commonwealth any information relevant to the discharge of such duties.

An information copy of each application submitted by any state agency, including all state institutions of higher learning or any political subdivision to any public or private agency for a grant or loan with respect to any environmental protection or enhancement pro-

gram, including the acquisition of land and facilities for these purposes shall be filed with the office not later than the twentieth day after submission.

As the primary agency of the commonwealth for environmental planning, the office shall utilize the services and plans of regional planning agencies, conservation districts, conservation commissions and historical commissions in fulfilling its environmental planning responsibilities.

Section 3. The secretary shall conduct comprehensive planning with respect to the functions of the office and shall coordinate the activities and programs of the departments and divisions within the office. He shall continually review the operations of the office with a view toward improving administrative organization, procedures and practices, promoting economy and efficiency.

He shall prepare annually a report of the organization and activities of the office as individually reported by the various departments and divisions within the office, the assignment of functions to various administrative units, officers and employees, and of the established places at which, and the methods whereby, the public may receive information or may make requests, and such other matters as he deem appropriate.

The secretary shall annually evaluate the status of the natural resources of the commonwealth. This evaluation shall be submitted as a part of the report referred to in the preceding paragraph, and it shall be accompanied by recommendations for appropriate actions to be taken to protect the environmental quality of the commonwealth or to conserve and preserve the natural resources of the commonwealth.

In order to carry out the provisions of this chapter the secretary may, and is encouraged to, seek the laboratory, technical, education, and research skills and facilities of state institutions of higher learning.

Section 4. In order to enable him to coordinate and improve the operations of all departments, divisions and other administrative units within the office, the secretary shall have the following powers and duties concerning any power or duty assigned to any such department, division or other administrative unit:

(1) the power and duty to resolve administrative and jurisdictional conflicts between any such agencies or officers;

(2) the power and duty to implement, upon request of any such agency or officer, programs jointly agreed to by the secretary and such agency or officer;

(3) the power and duty to coordinate and improve program activities involving two or more such agencies or officers;

Section 5. The secretary shall have the power to appoint one or more program review boards consisting of individuals who have demonstrated interest and competence in matters relevant to the area under review so that each major program area within the office shall be reviewed by such a board not less than once every four years. The written reports of such reviews shall be submitted to the secretary

and shall be available to the public upon request. The members of such boards shall receive no compensation but shall be reimbursed for expenses necessary to the performance of their duties.

Section 6. Subject to appropriation, the secretary, with the approval of the governor, may appoint such experts and other assistants as he shall deem necessary to perform the functions of his office, provided that the provisions of chapter thirty-one and section nine A of chapter thirty shall not apply to any person holding any such appointment. Every person so appointed to any position in his office shall have experience and skill in the field of such position. So far as practicable in the judgment of the secretary, appointments to such positions in his office shall be made by promoting employees of the commonwealth serving in positions which are classified under chapter thirty-one, and such appointments shall at all times reflect the professional needs of the department or division affected. If an employee serving in a position which is classified under chapter thirty-one or in which he has tenure by reason of section nine A of chapter thirty shall be appointed to a position within his office which is not subject to the provisions of chapter thirty-one, he shall upon termination of his service in such unclassified position be restored to the position which he held immediately prior to such appointment; provided, however, that his service in such unclassified position shall be determined by the civil service commission in accordance with the standards applied by said commission in administering chapter thirty-one. Such restoration shall be made without impairment of his civil service status or tenure under section nine A of chapter thirty and without loss of seniority, retirement, or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

Section 7. There shall be within the office an office of the secretary, a department of environmental quality engineering, a department of environmental management, a department of food and agriculture, a department of fisheries, wildlife, and recreational vehicles, and a department of the metropolitan district commission. Each department shall be headed by a commissioner. Each commissioner shall be appointed and may be removed by the secretary, with the approval of the governor. Each commissioner shall be a person of skill and experience in the field of his appointment. The positions of commissioner shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Each commissioner shall perform such functions as may be assigned to him by the secretary, shall receive such salary as may be determined by law, and shall devote his full time during business hours to the duties of his position. In case of a vacancy or an emergency, the secretary may appoint a person as acting commissioner for a period not exceeding six months, of any of the above departments, provided, the appointee is a person of skill and experience in the field of his appointment.

Section 8. The department of environmental quality engineering shall include the bureau of environmental sanitation and all the powers and duties assigned to said bureau which relate to environmental health, air pollution control, noise regulation, community sanitation and the sanitary code, water supply and water quality, environmental radiation protection, noisome trades and sanitary landfills, and including those set forth in sections two B, two C, five B, five E, five F, five G, seventeen, twenty-three, twenty-four, thirty-one C, thirty-one D, one hundred and twenty-seven A, one hundred and twenty-seven B, one hundred and twenty-seven E, one hundred and twenty-seven J, one hundred and forty-two A to one hundred and forty-two E, inclusive, one hundred and forty-three, one hundred and forty-seven, one hundred and fifty A, one hundred and fifty-two, one hundred and fifty-nine, one hundred and sixty to one hundred and sixty-six, inclusive, and one hundred and seventy-five of chapter one hundred and eleven, the water resources commission, the division of water pollution control, the division of outdoor advertising, the outdoor advertising board, the division of mineral resources, the powers and duties of the department of natural resources contained in section forty of chapter one hundred and thirty-one, the pesticide board, and the division of waterways.

The department of environmental management shall include the bureau of solid waste disposal of the department of public works, the board of natural resources, and the department of natural resources except for its division of fisheries and game, its division of law enforcement, its division of conservation services, its division of marine fisheries, and its division of mineral resources.

The department of food and agriculture shall include the department of agriculture, including the board of agriculture, the division of milk control, the milk control commission, the milk regulations board, and the state reclamation board.

The department of fisheries, wildlife, and recreational vehicles shall include the division of fisheries and wildlife, the fisheries and wildlife board, the division of marine and recreational vehicles, marine and recreational vehicles advisory board, the public access board, the division of marine fisheries and the marine fisheries advisory commission. The transfer of the said divisions to the department of fisheries, wildlife, and recreational vehicles, shall not operate to limit or alter the functions of said divisions nor the provisions of chapters twenty-one and one hundred and thirty-one affecting said division.

There shall be within the department of fisheries, wildlife and recreational vehicles an advisory board of nine members consisting of three members of each of the following boards and commissions: the fisheries and wildlife board, the marine fisheries advisory commission, the marine and recreational vehicles advisory board. Each board or commission shall appoint from its own members by majority vote the persons on said board representative of such board or commission. The advisory board shall advise the commissioner on all matters relevant to the affairs of the department, shall meet at least

quarterly and at the request of the commissioner. The members of the advisory board shall receive no compensation but shall be reimbursed by the department for expenses necessary to the performance of their duties.

The director of the division of marine and recreational vehicles shall be appointed and may be removed by the commissioner of the department of fisheries, wildlife and recreational vehicles with the approval of the marine and recreational vehicles advisory board. The director of the division of marine fisheries shall be appointed and may be removed by the commissioner of the department of fisheries, wildlife and recreational vehicles with the approval of the marine fisheries advisory commission.

The department of the metropolitan district commission shall include the metropolitan district commission.

The office of the secretary shall include the division of law enforcement and the division of conservation services, including the committee for conservation of soil, water and related resources, of the department of natural resources, and the executive office of environmental affairs.

Section 9. The office may accept any gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States or its agencies, in order to assist it in discharging its duties. Grants and gifts of money shall be expended according to the laws pertaining to the expenditure of funds, and records of these expenses shall be audited by the state auditor.

Section 10. In addition to designated funds which support specific environmental activities, including the Inland Fisheries and Game Fund, Marine Fisheries Fund, Agricultural Purposes Fund, Mosquito and Greenhead Fly Control Fund, Public Access Fund, State Recreational Areas Fund, Marine and Recreational Vehicle Fund, Highway Fund, Harbors and Inland Waters Maintenance Fund, Federal Capital Improvement Fund, Solid Waste Disposal Fund, M.D.C. Sewerage District Fund, M.D.C. Water District Fund, and M.D.C. Parks District Fund, there shall be an Environmental Fund as hereinafter established.

Monies received by the commonwealth from license fees, permit fees, special taxes, fines and penalties, charges of other kinds, including those for services rendered, and reimbursements, including federal monies, as a result of any program or activity undertaken by the office not designated by law for the purposes of the other dedicated funds cited above or for other specific purposes shall be held for the use of the office by the state treasurer as custodian in a special fund to be known as the Environmental Fund. Said monies shall be invested, reinvested, and held in the name of the commonwealth and of such fund by the state treasurer. Said fund, subject to appropriation, shall be used to pay any of the necessary expenses of the office.

Section 11. There is hereby established within the department of fisheries, wildlife and recreational vehicles an advisory board to be designated as the marine and recreational vehicle advisory board.

Said board shall consist of seven members to be appointed by the governor, one such member shall be representative of the boating public and hold a certificate relative to boat registration; one such member shall represent the commercial boating business, one such member shall represent the snowmobiling public and hold such a recreational vehicle registration, one such member shall represent the commercial snowmobile industry, one member shall represent the trail bike industry, and one member shall represent the trail associations. Each member shall serve for a term of three years. The chairman of said board shall be appointed annually by the governor.

Section 12. At least sixty days prior to the proposed promulgation by the secretary or the commissioner of the department of environmental quality engineering of any rule or regulation which substantially affects the public health, the secretary shall submit such rule or regulation to the commissioner of the department of public health for review and comment. If said commissioner of the department of public health determines that such proposed regulation would endanger the public health, he shall, within thirty days of his receipt of said proposed regulation, convey in writing to the secretary his reasons for such determination. If the secretary finds, after consultation with said commissioner of the department of public health, that such regulation would endanger the public health, he shall not promulgate such regulation. If, in accordance with the procedures set forth herein, said commissioner of the department of public health finds that such proposed regulation could reasonably result in the declaration of a public health emergency pursuant to section eight of chapter seventeen, neither the secretary nor the commissioner of the department of environmental quality engineering shall promulgate such regulation.

SECTION 2. Section seventy-two of chapter six of the General Laws is hereby repealed.

SECTION 3. Section one hundred and twenty-four of said chapter six is hereby repealed.

SECTION 4. Section one hundred and fifty-four of said chapter six is hereby repealed.

SECTION 5. The first paragraph of section 9 of chapter 6A of the General Laws, as appearing in section 3 of chapter 704 of the acts of 1969, is hereby amended by striking out, in lines 11 and 12, the words "the division of milk control and the milk control commission;"

SECTION 6. Section fifteen of said chapter six A is hereby repealed.

SECTION 7. The first sentence of the first paragraph of section 16 of said chapter 6A, as appearing in section 3 of chapter 704 of the acts of 1969, is hereby amended by striking out, in lines 3 to 8, inclusive, the words "and all other state agencies within said department, including the commission on hypertension, the drug addiction rehabilitation board, the board of review established by section five E of chapter one hundred and eleven, and the several advisory councils established by sections two B, four D, four F and fifty-five of said chapter" and inserting in place thereof the following:— including the

commission on hypertension, the drug addiction rehabilitation board, and the several advisory councils established by section four D, four F and fifty-five of chapter one hundred and eleven, but excluding such divisions and personnel which relate to the areas of environmental health, including air pollution control, noise regulation, community sanitation and the sanitary code, water supply and water quality, environmental radiation protection, noisome trades and sanitary landfills.

SECTION 8. The first paragraph of section 18 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 10, the words "including the division of motor boats".

SECTION 9. The first paragraph of section 19 of said chapter 6A, as so appearing, is hereby amended by inserting after the word "motorboats", in line 7, the words:— the division of waterways, the bureau of solid waste disposal.

SECTION 10. Section seven A of said chapter twenty-one is hereby repealed.

SECTION 11. The first sentence of the second paragraph of section 2B of chapter 111 of the General Laws, as appearing in chapter 900 of the acts of 1967, is hereby amended by striking out, in lines 2 and 3, the words ", after consultation with the advisory council on air pollution emergencies,".

SECTION 12. Said section 2B of said chapter 111, as so appearing, is hereby further amended by striking out the fifth paragraph.

SECTION 13. The first paragraph of section 5E of said chapter 111, as appearing in chapter 677 of the acts of 1960, is hereby amended by striking out the sixth, seventh and eighth sentences and inserting in place thereof the following two sentences:— Any applicant or licensee aggrieved by the failure of the department to grant an original license or to renew the same or by the revocation of such license may, within thirty days after such failure or revocation, appeal in writing to the commissioner of the department of environmental management of the executive office of environmental affairs. Said commissioner shall within twenty days of the receipt of such appeal give the appellant a hearing and shall, within thirty days after such hearing, render a decision which shall be a matter of public record.

SECTION 14. Section 38A of chapter 132 of the General Laws, as appearing in chapter 458 of the acts of 1969, is hereby amended by striking out the fourth and fifth sentences.

SECTION 15. Chapter two hundred and sixty-four of the acts of nineteen hundred and three is hereby repealed.

SECTION 16. Chapters five hundred and forty and five hundred and forty-one of the acts of nineteen hundred and seven are hereby repealed.

SECTION 17. Chapter five hundred and seventy-one of the acts of nineteen hundred and eight is hereby repealed.

SECTION 18. Chapter three hundred and twenty-seven of the acts of nineteen hundred and nineteen is hereby repealed.

SECTION 19. Chapter four hundred and ninety-nine of the acts of nineteen hundred and twenty-two is hereby repealed.

SECTION 20. Chapter six hundred and sixty-nine of the acts of nineteen hundred and fifty-three is hereby repealed.

SECTION 21. The Boston Arena Authority, however constituted, is hereby abolished, subject however to its corporate existence continuing as provided in section fifty-one of chapter one hundred and fifty-five of the General Laws, and all its functions, rights, powers, duties, obligations and properties, including but not limited to the property known as the Boston Arena, are hereby transferred to and shall hereafter be exercised, performed, and held by the metropolitan district commission, which shall be its lawful successor.

Notwithstanding the provisions of section nine of chapter six hundred and sixty-nine of the acts of nineteen hundred and fifty-three, all funds subject to expenditure by said Boston Arena Authority are hereby made available to said metropolitan district commission for the same purpose.

SECTION 22. The powers and duties of the World War II Memorial commission, abolished by section three of this act, are hereby transferred to the office of the secretary of the executive office of environmental affairs, established by section one of this act.

SECTION 23. The terms of office of all appointed members of the boards, councils, commissions or authorities abolished by sections two to four, inclusive, eleven to twenty-two, inclusive, of this act which are not subject to chapter thirty-one of the General Laws are hereby terminated.

SECTION 24. The powers and duties of the advisory council on air pollution emergencies, abolished by sections eleven and twelve of this act, are hereby transferred to the department of environmental quality engineering of the executive office of environmental affairs, established by section one of this act.

SECTION 25. The powers and duties of the weather amendment board, abolished by section two of this act, and of the Mount Tom State Reservation, the Deer Hill State Reservation, the Mount Sugar Loaf State Reservation, the Mount Everett Reservation, the Purgatory Chasm State Reservation, and the Walden Pond State Reservation, abolished by sections fifteen to twenty, inclusive, of this act, are hereby transferred to the department of environmental management of the executive office of environmental affairs, established by section one of this act.

SECTION 26. Chapter 21 of the General Laws is hereby amended by striking out section 7 and inserting in place thereof the following section:—

Section 7. The division of fisheries and wildlife shall be under the supervision and control of the fisheries and wildlife board, hereinafter called the board, which shall consist of seven members to be appointed by the governor for terms of five years. Five board members shall be appointed from one of each of the five fish and game districts, shall hold and have held for at least five consecutive years a

sporting license in the commonwealth, four of whom shall represent the fishing, hunting and trapping interests and at least one of whom shall have been actively engaged in farming on land owned by him for a period of not less than five years. Two board members shall be appointed at large, shall be particularly interested in the propagation, protection, research and management of wild birds and mammals and any, so-called, endangered species and one of whom shall be a wildlife biologist.

SECTION 27. Section 7F of said chapter 21, as inserted by chapter 631 of the acts of 1953, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:— The director of the division of fisheries and wildlife shall be appointed and may be removed by the board of the division of fisheries and wildlife and the position of director shall not be subject to the provisions of chapter thirty-one. The director, subject to the approval of the fisheries and wildlife board, may appoint, without regard for the provisions of chapter thirty-one, an assistant director for non-game and endangered species and may assign to such assistant director appropriate duties related to the area of non-game and endangered species protection and management. The director and assistant director shall be qualified by training and experience to conduct the duties assigned to them.

SECTION 28. Section 17 of chapter 21 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— There shall be in the department of fisheries, wildlife and recreational vehicles a board to be known as the public access board composed of the director of the division of fisheries and wildlife, the director of the division of marine and recreational vehicles, the director of the division of marine fisheries, and the director of the division of forests and parks, and the director of the division of waterways and the chairmanship of said board shall rotate annually amongst said members.

SECTION 29. On the effective date of this act the members appointed to the fish and game board pursuant to section seven of chapter twenty-one of the General Laws, whose terms have not expired shall be transferred to the fisheries and wildlife board established by the provisions of said section seven of said chapter twenty-one, as amended by section twenty-six of this act. Of the two additional members first appointed by the governor to said fisheries and wildlife board, one shall be appointed for a term of four years and one shall be appointed for a term of five years. Thereafter their successors shall be appointed for terms of five years.

SECTION 30. Of the members first appointed by the governor to the marine and recreational vehicles advisory board, established by section eleven of chapter twenty-one A of the General Laws, inserted by section one of this act, two members shall be appointed for terms of one year, two shall be appointed for terms of two years, and three shall be appointed for terms of three years. Thereafter their successors shall be appointed for terms of three years.

SECTION 31. All employees of any board, commission, commit-

tee or authority from which powers and duties are transferred to the executive office of environmental affairs by this act, who, immediately prior to the effective date of this act, hold positions related to the exercise of such powers or the performance of such duties and either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to said executive office, every such transfer to be without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the meaning of said chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All employees of any such board, commission, committee or authority who, immediately prior to said effective date, hold positions related to the exercise of such powers or the performance of such duties, but neither hold permanent appointment in such positions, nor have such tenure, are hereby transferred to said executive office, every such transfer to be without impairment of seniority, retirement and other rights of the employee, and without interruption of service within the meaning of said section nine A of chapter thirty and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior to said effective date.

The status of the incumbent in any office or position placed within the classified civil service by this act shall be determined pursuant to the provisions of section forty-seven A of said chapter thirty-one.

SECTION 32. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by any board, commission, committee or authority, powers and duties of which are transferred to the executive office of environmental affairs by this act, and which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to the effective date of this act, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by the appropriate agency within said executive office.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any board, commission, committee or authority, the powers and duties of which are transferred to the executive office of environmental affairs by this act, which arise from or relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall continue in force and the provi-

sions thereof shall thereafter be enforced, until superseded, revised, rescinded or cancelled in accordance with law, by the appropriate agency within said executive office.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and of the agencies to which the completion or enforcement thereof is so transferred, shall be determined by the commissioner of administration.

SECTION 33. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities and other property, both personal and real, which, immediately prior to the effective date of this act, are in the custody of any board, commission, committee or authority, the powers and duties of which are transferred to the executive office of environmental affairs by this act and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the appropriate agency within the said executive office; provided, that all such property held in trust shall continue to be held in trust, and be administered in accordance with the terms of such trust, by the appropriate agency within said executive office or, if such agency shall decline such trust, by the trustee appointed by any court of competent jurisdiction upon application by any interested persons for such appointment or for instruction in connection therewith.

All questions regarding the identification of such property and of the agencies to which custody thereof is transferred shall be determined by the commissioner of administration.

SECTION 34. All duly existing contracts, leases and obligations of any board, commission, committee or authority, the powers and duties of which are transferred to the executive office of environmental affairs by this act, which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior to the effective date of this act, shall thereafter be performed by the appropriate agency within the said executive office. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

SECTION 35. All monies heretofore appropriated for any board, commission, committee or authority the powers and duties of which are transferred to the executive office of environmental affairs by this act, for the purpose of the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the appropriate agency within said executive office for the purposes for which such funds were originally appropriated.

All questions regarding the identification of such monies and of the agencies to which they are so transferred shall be determined by the commissioner of administration.

SECTION 36. Wherever the name of any board, commission, committee or authority, the powers and duties of which are transferred to the executive office of environmental affairs by this act, appears in any general or special law, or in any order, rule, regulation

or other document related to the exercise of such powers or the performance of such duties, such name shall mean and shall be construed as referring to the appropriate agency within the executive office.

SECTION 37. Wherever in any special or general law or in any rule or regulation there is provided a right of appeal to any board, commission, committee or authority which is abolished or the powers and duties of which are transferred to the executive office of environmental affairs by this act, a right of appeal to the secretary of said executive office or his designee shall exist and such appeal shall be made pursuant to the provisions of any applicable law, rule or regulation or amendments thereto or, in the absence of such applicable law, rule or regulation, pursuant to chapter thirty A of the General Laws.

SECTION 38. All powers, duties and other statutory provisions which prior to the effective date of this act were assigned to, or exercised by, any department, division, board, commission or other administrative unit or were assigned to or exercised by any officer of any such unit shall continue to be exercised and performed by, and to be assigned to, such unit or officer except as such powers, duties or other statutory provisions are modified by this act.

SECTION 39. The secretary of the executive office of environmental affairs, shall prepare or cause to be prepared for submission to the general court, not later than December first, nineteen hundred and seventy-four, recommendations for further amendment of the general or special laws in the form of a recodification relating to the functions, powers and duties of said executive office as described in this act, and containing such other legislative recommendations as said secretary may deem necessary.

SECTION 40. The secretary of the executive office of environmental affairs is hereby authorized and directed to make an investigation and study relative to environmental reorganization and modernization of state government and related matters including the following:

(a) To conduct a comprehensive study of the need for additional programs concerning the protection and management of nongame and endangered species in the commonwealth and the methods for funding programs in this area; and

(b) To conduct a study of the need for further reorganizing agencies of the commonwealth concerned with protection and management of the state's natural resources in the marine and coastal areas; and

(c) To conduct a comprehensive study of the need for a further reorganization of the department of food and agriculture including agencies transferred to said department; and

(d) To conduct a study of the need for regionalization of the functions and services of the office of environmental affairs. Such study shall specifically consider whether regional offices should be established in the following areas of the commonwealth: Berkshire County, Pioneer Valley; Central Massachusetts; Merrimac Valley; Greater Boston; Southeastern Massachusetts; Cape Cod and any other regions or a combination of the same; and

(e) To conduct a study relative to land use so as to identify and designate areas of critical environmental concern where uncontrolled development could result in irreversible damage to the environment as defined in section sixty-one of chapter thirty of the General Laws; and

Such areas may include:

- (1) the coastal zone;
- (2) inland and coastal wetlands;
- (3) rare and valuable ecosystems and habitats;
- (4) rivers, streams, and flood plains;
- (5) natural areas and buildings, structures and sites of scenic, historical, architectural, archaeological, geological, biological, or recreational significance;
- (6) great ponds, reservoir sites and aquifers determined to be of regional significance;
- (7) lands of prime productivity classified as Classes I, II and III by soil surveys of the United States Department of Agriculture;
- (8) park, reservation, forest, recreation, or open space lands determined to be of regional significance;
- (9) fish, bird, and other wildlife management areas;
- (10) such other areas as the office, after holding public hearings, may determine to be of critical environmental concern in accordance with regulations adopted under the provisions of sections two and five of chapter thirty A.

Designations shall, insofar as possible, be recorded on a map or set of maps, which shall be reasonably available to state, regional and municipal agencies and the general public and shall be of a form suitable for inclusion in the public restriction tract indices authorized by section thirty-three of chapter one hundred eighty-four.

(f) To conduct a comprehensive investigation and study of the powers and duties of the department of public health which relate to environmental health, including but not limited to those which are assigned to the bureau of environmental sanitation. Said investigation and study shall revise as necessary the division of functions between the department of public health and the department of environmental quality engineering of said executive office. Said secretary shall consult with the commissioner of public health and the secretary of the executive office of human services, who shall cooperate with said secretary. The recommendations of said investigation and study shall be designed to assign to the department of environmental quality engineering powers and duties which relate to the protection of the environment and to the department of public health powers and duties which relate directly to the protection of public health, and may include the proposed assignment of any such powers and duties to any other agency.

Said secretary shall file final reports relative to said studies along with recommendations for legislation that may be necessary, if any, with the clerk of the house of representatives on or before the first Wednesday of December, nineteen hundred and seventy-four.

