

HOUSE No. 1659

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 28, 1946.

The committee on Conservation, to whom were referred so much of the Governor's Address (Senate, No. 1) as relates to appropriations for assisting coastal cities and towns in the propagation of shellfish and in the establishment of experiment stations to improve the methods for shellfish propagation (page 28); and as relates to consideration of the recommendations of the special recess commission established to study the problems of our marine fisheries industry with special reference to the establishment of chlorination plants (page 28), and the final report of the special commission (including members of the General Court) established (under Chapter 65 of the Resolves of 1945) to make an investigation relative to increasing the supply of shellfish, the propagation of soft shelled clams and the maintenance of shellfish chlorinating plants (House, No. 1475), report (in part) the accompanying bill (House, No. 1659).

For the committee,

JOHN A. ARMSTRONG.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF PLANTS FOR THE PURIFICATION OF SHELLFISH.

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 one hundred and thirty of the
2 General Laws is hereby amended by inserting after
3 section seventy-nine, as appearing in section one of
4 chapter five hundred and ninety-eight of the acts of
5 nineteen hundred and forty-one, the following sec-
6 tion:—

7 *Section 79A.* The director may establish and there-
8 after maintain, at such places as in his judgment seem
9 suitable, three plants for the purification of shellfish
10 taken from areas determined under section seventy-
11 four, or corresponding provisions of earlier laws, to be
12 contaminated.

13 The construction and operation of such plants shall
14 be in accord with the pertinent provisions of sections
15 seventy-six, seventy-seven and seventy-eight. Shell-
16 fish accepted by said plants, if taken from the public
17 waters of the commonwealth, shall be treated for
18 purification free of charge to the producer and the
19 cost thereof assessed to the cities and towns, or private
20 sewerage corporations, contributing to the pollution

21 of such shellfish in accord with the pertinent provisions
22 of said section seventy-seven. All other shellfish shall
23 be treated at a charge not less than the cost of the
24 purification.

1 SECTION 2. One such shellfish purification plant
2 shall be established in the vicinity of metropolitan
3 Boston within one year from the effective date of this
4 act, and, as soon thereafter as in the opinion of the
5 director seems practical, one shall be established in
6 Essex county and one in Bristol county; provided,
7 that in lieu of constructing new plants or the direct
8 purchase of sites for such construction, the commis-
9 sioner of conservation is hereby authorized and em-
10 powered, with the approval of the governor and
11 council, to accept from any municipality or person,
12 any gift of land with or without buildings thereon
13 which in his opinion is suitable for such purpose.

14 With the approval of the governor and council, said
15 commissioner may contract for the temporary lease of
16 such property, or, with such approval acquire by pur-
17 chase, or otherwise, or take by eminent domain under
18 chapter seventy-nine of the General Laws, and may
19 hold such real property and such rights and easements
20 as may be considered necessary for the purposes of
21 section one.

1 SECTION 3. For the purpose of the establishment
2 and construction of the plants authorized by section
3 one, the sum of forty-five thousand dollars is hereby
4 appropriated from the general fund or revenue of the
5 commonwealth, which sum shall be available in whole
6 or in part during the fiscal years ending June thirtieth,
7 nineteen hundred and forty-seven, and June thirtieth,
8 nineteen hundred and forty-eight.

1 SECTION 4. Pending the establishment of the first
2 of the purification plants authorized by section one,
3 the director may, if occasion arises, take over the
4 operation of the purification plant in the city of
5 Newburyport in behalf of the cities and towns con-
6 tributing to the polluting of the shellfish treated
7 thereat. For the purpose of defraying the cost of
8 such operation, the sum of ten thousand dollars is
9 hereby appropriated from the general fund or revenue
10 of the commonwealth.

11 The cost of such operation and maintenance shall
12 be assessed to the cities and towns or private sewerage
13 corporations contributing to the pollution of the
14 treated shellfish in accord with the pertinent pro-
15 visions of sections seventy-seven and seventy-eight
16 of said chapter one hundred and thirty.

17 If, and so long as, said plant is operated by the
18 director, the employees of said plant shall continue
19 to be employees of said city of Newburyport and not
20 of the commonwealth; provided, that nothing in
21 this section shall be deemed to affect the salary or
22 rights or privileges of such employees while so em-
23 ployed, except that, during the period of such opera-
24 tion by the director, the salaries of such employees
25 shall be paid in the first instance by the common-
26 wealth and not by said city, and shall be paid at
27 the same rate.