

SENATE No. 540

The Commonwealth of Massachusetts

SENATE, March 1, 1950.

The committee on Conservation, to whom was referred the petition (accompanied by bill, House, No. 1139) of the Massachusetts Selectmen's Association that further provision be made for the eradication of the Dutch elm disease, report the accompanying Bill (Senate, No. 540).

For the committee,

MICHAEL H. CONDRON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT CLARIFYING THE EXISTING STATUTES MAKING PROVISION FOR THE ERADICATION OF THE DUTCH ELM DISEASE.

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. Section 13 of chapter 132 of the Gen-
2 eral Laws is hereby amended by striking out the last
3 sentence, as appearing in section 6 of chapter 761 of
4 the acts of 1949, and inserting in place thereof the
5 following sentence:— They may appoint assistants
6 for whom municipal appropriations are made, and
7 may designate tree wardens to assist them.

1 SECTION 2. The third paragraph of section 14 of
2 said chapter 132, as most recently amended by sec-
3 tion 7 of said chapter 761, is hereby further amended
4 by inserting after the word "pruning", in line 3, the
5 word:—, removal,— so as to read as follows:—
6 When any city or town has expended in any one
7 calendar year a sum equal to one fiftieth of one per
8 cent of its valuation for equipment, insecticides and
9 labor for the pruning, removal or spraying of elms
10 affected by the Dutch elm disease, or for the elimi-
11 nation of cut elm wood in town dumps, woodpiles and

12 other locations, which would serve as a breeding place
13 for elm bark beetles, the carriers of the disease, the
14 commonwealth shall reimburse the city or town for
15 one half the amount expended beyond the sum above
16 mentioned, but the amount of such reimbursement
17 shall not exceed three hundred dollars in any one
18 year.

1 SECTION 3. Section 26C of said chapter 132, in-
2 serted by section 10 of said chapter 761, is hereby
3 amended by striking out, in line 17, the word "com-
4 missioner" and inserting in place thereof the word:—
5 commonwealth, — and by striking out, in line 19, the
6 words "remainder of said" and inserting in place
7 thereof the word:— said total, — so as to read as
8 follows:— *Section 26C.* When the commissioner has
9 heard an appeal and has rendered a decision that the
10 action of the chief superintendent or his delegated
11 assistants from which the appeal was taken is sus-
12 tained, the chief superintendent or his delegated as-
13 sistants shall notify in writing the owner, occupant
14 or person in charge of the trees concerned, of the
15 decision, and shall direct him to destroy said trees or
16 parts thereof within a given time. If the person so
17 notified refuses or neglects so to destroy such trees or
18 parts thereof within the time prescribed, the chief
19 superintendent or his delegated assistants may cause
20 such trees or parts thereof to be destroyed. Upon
21 the completion of such work, if done within five hun-
22 dred feet of public land, the chief superintendent or
23 his delegated assistants shall certify in writing to the
24 owner or person in charge of the trees one fourth the
25 amount of the cost of destroying such trees or parts
26 thereof, and if this be not paid to the commonwealth

27 within ninety days thereafter, the same may be re-
28 covered by suit, together with the cost of the suit.
29 Of the said total cost, one half shall be paid by the
30 city or town and one fourth shall be paid by the
31 commonwealth. If it is found by the commissioner
32 that such owner is unable, by reason of his financial
33 condition, to pay his share of said cost, it shall be
34 paid one half by the commonwealth and one half by
35 the city or town.