

HOUSE No. 2327

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 28, 1954.

The committee on Ways and Means, to whom was referred the Bill relative to the more efficient suppression of the gypsy moth (House, No. 2267), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2327).

For the committee,

WALTER F. HURLBURT.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATIVE TO THE MORE EFFICIENT SUPPRESSION OF THE GYPSY MOTH.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to prevent the
3 spread of the gypsy moth, therefore it is declared to
4 be an emergency law, necessary for the immediate
5 preservation of the public convenience.

*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. The commissioner of natural resources,
2 hereinafter in this act called the commissioner, is
3 hereby authorized and directed, with the approval of
4 the board of natural resources, to institute a compre-
5 hensive program of gypsy and brown tail moth con-
6 trol within the commonwealth. The commissioner
7 shall designate regions wherein serious infestation from
8 said insect pest has been found. Such regions may
9 consist of a town or city or a group of towns or a
10 group of towns or cities and may include such areas
11 as are determined by the commissioner to be so in-
12 fested or so located as to require such control meas-
13 ures to prevent further spread of the gypsy moth. The
14 commissioner shall cause notice to be given to each
15 town or city in the region, as established by him, by
16 notifying the mayor or the board of selectmen in
17 writing that in his opinion such infestation requires
18 emergency action by the department to prevent the
19 spread of said insect pests and that the common-
20 wealth is to proceed with a control program to be
21 financed jointly by the commonwealth and the cities

22 and towns within the specified region. If the mayor
23 or selectmen desire a hearing on the matter of such
24 determination, they shall notify the commissioner
25 within ten days after the receipt of the notice. The
26 commissioner shall grant a hearing on such requests
27 within thirty days after receipt of such request, and,
28 following such hearing, the decision of the commis-
29 sioner shall be final. The cost of such control meas-
30 ures as may be authorized under the provisions of
31 this act shall be apportioned thirty per cent to the
32 commonwealth and seventy per cent to the cities and
33 towns in the region, or regions, established under the
34 provisions of this act. The portion of the cost as
35 determined by the commissioner of such work allo-
36 cated to the cities and towns within any such region
37 shall be assessed in accordance with the provisions of
38 section sixteen of chapter one hundred and thirty-
39 two of the General Laws; provided, that no such
40 assessment in any calendar year shall exceed fifty
41 per centum of the maximum required to be expended
42 in said section sixteen. The commissioner shall notify
43 the state tax commissioner on or before January first
44 of each year, of the estimated liability to be appor-
45 tioned to each city or town in any such region, and,
46 on or before October fifteenth of each year, the com-
47 missioner shall certify to the state treasurer the
48 amount to be collected and paid to the state treas-
49 urer, as provided by section twenty of chapter fifty-
50 nine of the General Laws. For the purpose of this
51 section the commissioner and the chief moth super-
52 intendent shall have the powers granted to them by
53 applicable provisions of chapter one hundred and
54 thirty-two of the General Laws.

1 SECTION 2. To provide for a special program to
2 prevent the spread of the gypsy moth, the sums set
3 forth in section three of this act and subject to the
4 conditions specified in sections one and four of this
5 act are hereby made available, subject to the provi-

6 sions of law regulating the disbursement of public
7 funds and the approval thereof.

1 SECTION 3. Service of the Department of Natural
2 Resources:

3 (a) The balance available for the purpose of section
4 two of this act remaining in item 1001-31 of chapter
5 four hundred and eighty-nine of the acts of nineteen
6 hundred and fifty-three.

7 (b) The sum of one million five hundred and
8 seventy-five thousand dollars to be assessed to the
9 cities and towns as provided in section one of this
10 act; to be expended for a period beginning with the
11 effective date of this act and ending June thirtieth,
12 nineteen hundred and fifty-seven.

13 (c) Amounts appropriated for fiscal years nineteen
14 hundred and fifty-five to nineteen hundred and fifty-
15 seven, inclusive, by the commonwealth for the pur-
16 poses of said section two.

1 SECTION 4. The total amount to be spent in any
2 one fiscal year for the said purposes of section two is
3 limited to seven hundred and fifty thousand dollars.

1 SECTION 5. To meet the expenditure necessary in
2 carrying out the provisions of this act the state treas-
3 urer shall upon request of the governor and council
4 borrow on the credit of the commonwealth from time
5 to time such sums of money as may be required in
6 anticipation of the receipt from cities and towns of
7 their cost of the program and may issue and renew
8 from time to time notes of the commonwealth there-
9 for, bearing interest payable at such times at such
10 rates as shall be fixed by the state treasurer. Such
11 notes shall be issued and may be renewed one or more
12 times for such terms, not exceeding one year, as the
13 governor may recommend to the general court in ac-
14 cordance with section three of Article LXII of the
15 Amendments to the Constitution of the Common-

16 wealth, but the final maturities of such notes, whether
17 original or renewal, shall be not later than June thir-
18 tieth, nineteen hundred and fifty-nine. Notwith-
19 standing any provision of this act, such notes shall
20 be general obligations of the commonwealth.

1 SECTION 6. Chapter six hundred and twenty-two
2 of the acts of nineteen hundred and fifty-two is hereby
3 repealed.



