

To accompany the petition of Wallace C. Wilkie and another for legislation relative to lands acquired for the purpose of protecting and preserving the purity of water in a water supply. Public Health.

The Commonwealth of Massachusetts

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

AN ACT FURTHER PROVIDING FOR THE PROTECTION OF
WATER SUPPLY.

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 41 of chapter 40 of the General
2 Laws is hereby amended by adding to said section,
3 the two following paragraphs:—
4 All lands taken, purchased or otherwise acquired
5 under this section, or the provisions of any other
6 general or special law for the purpose of protecting
7 and preserving the purity of the water in a water
8 supply, shall be held only so long as the same shall be
9 necessary for such purpose as determined by the de-
10 partment of public health. Upon the petition of the
11 taxpayers or the selectmen of a town in which lands
12 are held by any other city or town for the purpose of
13 protecting and preserving the purity of the water in
14 a water supply, the department shall cause a notice
15 to be issued to such city or town so holding such land,
16 ordering it to appear before the department and show
17 cause why such holding is necessary for protecting
18 and preserving the purity of the water in such water
19 supply. After due notice and a hearing, the depart-
20 ment shall make a finding as to whether such holding
21 is necessary for protecting and preserving the purity

22 of the water in such water supply. If the department
23 finds such holding not necessary, said city or town so
24 holding such land shall dispose of the same by public
25 sale within thirty days after notice of such finding by
26 the department.

27 If such city or town fails to dispose of such property,
28 compliance with this section may be enforced by a bill
29 in equity (writ of mandamus). In such action any
30 person or persons who may petition the department
31 under this section shall be deemed to be a proper
32 party petitioner in a bill in equity (writ of mandamus)
33 brought under this section.

1 SECTION 2. This act shall take effect upon its
2 passage.