

HOUSE . . . : No. 1640

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 15, 1937.

The committee on Bills in the Third Reading, to whom was referred the Bill imposing upon certain private corporations proportionate share of cost of purification plants (House, No. 873, changed), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1640).

For the committee,

A. I. ZIMON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Seven.

An Act imposing upon Certain Private Corporations a Proportionate Share of the Cost of Purification Plants and of the Expenses of Maintenance Thereof.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter one hundred and thirty of the General
2 Laws is hereby amended by striking out sections
3 seventy-seven, seventy-eight and seventy-nine, as
4 appearing in section two of chapter three hundred
5 and twenty-nine of the acts of nineteen hundred
6 and thirty-three, and inserting in place thereof the
7 following:—

8 *Section 77.* Upon receipt of the request provided
9 for by the preceding section, the department of
10 public health shall, as soon as may be and in such
11 manner as it may deem proper, determine the sources
12 of pollution of the contaminated area or areas re-
13 ferred to therein, and the proportions in which
14 cities and towns within the commonwealth are
15 causing or contributing to the cause of such pol-
16 lution; provided, that if in any city or town as to
17 which any such proportion is so determined there
18 is a private corporation owning and maintaining
19 for profit a system of sewage disposal, said depart-
20 ment shall likewise determine whether or not said

21 private corporation is causing or contributing to
22 the cause of the pollution ascribed by the depart-
23 ment to such city or town and, if so, in what pro-
24 portion. Said department shall forthwith report
25 such determination to the commissioner of conser-
26 vation, who shall thereupon make application to
27 the supreme judicial court for the relief provided
28 for in the following section.

29 *Section 78.* The supreme judicial court, on ap-
30 plication under the preceding section and after
31 notice to each of the cities, towns and private cor-
32 porations owning and maintaining for profit systems
33 of sewage disposal named in the report of the de-
34 partment of public health as causing or contribut-
35 ing to the contamination of the area or areas in
36 question, shall appoint three commissioners, herein
37 and in the following section referred to as apportion-
38 ment commissioners, who shall not be residents of
39 any of said cities or towns. Such commissioners
40 shall, after due notice and hearing, and in such
41 manner as they shall deem just and equitable, de-
42 termine the proportion which each of said cities,
43 towns and private corporations owning and main-
44 taining for profit systems of sewage disposal shall
45 bear of the cost of such purification plant as is pre-
46 scribed or approved under section seventy-six, the
47 compensation and expenses of the apportionment
48 commissioners, and the expenses of maintaining such
49 plant thereafter, and shall report their findings to
50 said court as soon as may be. When said report
51 shall have been accepted by the court it shall be
52 conclusive as to all matters referred to said com-
53 missioners and shall be binding upon all parties,
54 who shall thereupon pay the costs in accordance

55 with the order of the court. The court shall have
56 jurisdiction in equity to enforce sections seventy-
57 five to eighty, inclusive, and shall fix and determine
58 the compensation of said apportionment commis-
59 sioners and shall allow such expenses incurred by
60 them in carrying out the provisions of said sections
61 as it shall approve.

62 *Section 79.* After the completion of the construc-
63 tion of a purification plant prescribed by the super-
64 visor with the approval of the commissioner of
65 public health under section seventy-six, or after
66 their approval of such an existing plant, the same
67 shall be maintained by the city or town in which
68 it is located until such time as the supervisor may
69 determine that the shellfish in the area or areas
70 served by it are not of sufficient commercial value
71 to warrant its continuance. On or before January
72 fifteenth of each year such city or town shall sub-
73 mit to the supervisor an itemized statement certi-
74 fied by its treasurer, showing all sums expended
75 by it during the preceding year on account of any
76 such plant. The supervisor shall approve such sums
77 as he finds to be correct and proper charges. Such
78 proportions of the total amount thereof as have been
79 determined by the apportionment commissioners to
80 be allocable to cities, towns and private corpora-
81 tions owning and maintaining for profit systems of
82 sewage disposal, he shall apportion thereto in the
83 proportions fixed by said apportionment commis-
84 sioners in their report, as accepted by the supreme
85 judicial court, and shall forthwith notify each such
86 city, town or private corporation owning and main-
87 taining for profit a system of sewage disposal of
88 the amounts so apportioned, which shall thereupon

89 be due and payable to the city or town in which
90 said plant is located. Should such last mentioned
91 city or town fail to maintain such purification
92 plant in good condition, or to operate the same,
93 the supreme judicial court shall have jurisdiction,
94 upon application of ten registered voters in any
95 one or more of the cities and towns contributing
96 to the expense of such plant, to compel it to put
97 the plant in good condition and to operate the
98 same.

The first part of the report is devoted to a general description of the country and its resources. It is followed by a detailed account of the various industries and occupations of the people. The report concludes with a summary of the principal facts and a list of the names of the persons who have been instrumental in the collection of the materials.

The second part of the report contains a list of the names of the persons who have been instrumental in the collection of the materials. It is arranged in alphabetical order and includes the names of the collectors, the names of the persons who have assisted them, and the names of the persons who have been instrumental in the publication of the report.

The third part of the report contains a list of the names of the persons who have been instrumental in the publication of the report. It is arranged in alphabetical order and includes the names of the publishers, the names of the persons who have assisted them, and the names of the persons who have been instrumental in the publication of the report.

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