

HOUSE No. 558

By Mr. Zabriskie of Newburyport, petition of Albert H. Zabriskie and others for repeal of An Act authorizing the Department of Public Health to designate shellfish areas as contaminated. Public Health.

The Commonwealth of Massachusetts

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

AN ACT REPEALING THE ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH TO DESIGNATE SHELLFISH AREAS AS CONTAMINATED.

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 seventy-four A of chapter one hundred
2 and thirty of the General Laws, inserted by section one of
3 chapter two hundred and eighty-eight of the acts of 1956, is
4 hereby repealed.

1 SECTION 2. Section 75 of said chapter 130, as amended by
2 section 2 of said chapter 288, is hereby further amended by
3 striking out the second paragraph and inserting in place
4 thereof the following paragraph: —

5 Whoever, without a permit as provided in this section or
6 contrary to the provisions of such permit digs or takes shell-
7 fish for any purpose from any area determined under section
8 seventy-four or under corresponding provisions of earlier
9 laws to be contaminated, while such determination is in
10 force, or shall knowingly transport or cause to be transported
11 or shall have in possession shellfish so dug or taken, or makes
12 use of such permit after its revocation or cancellation or
13 wilfully fails to surrender the same at the request of said

14 director shall be punished by a fine of not less than twenty
15 nor more than one hundred dollars or by imprisonment for
16 not more than sixty days, or both. The superior court shall
17 have jurisdiction in equity to enforce this section and the
18 rules and regulations of the director made hereunder and to
19 restrain the violation thereof. In any prosecution for a vio-
20 lation of this section the possession, except by a common
21 carrier, of shellfish apparently so dug or taken without a
22 permit herein referred to shall be prima facie evidence of a
23 violation thereof.