

ACTS, 1983. - Chap. 330.

authority of the town of Kingston is hereby authorized to issue to Paul M. Nelson, d/b/a Pot Luck Liquors, a license for the sale of all alcoholic beverages not to be drunk on the premises under the provisions of section fifteen of said chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except said section seventeen; provided, however, that the number of seasonal licenses for the sale of all alcoholic beverages not to be drunk on the premises authorized for said town to issue under the provisions of said section seventeen of said chapter one hundred and thirty-eight shall be reduced by one license.

Approved July 26, 1983.

---

Chap. 330. AN ACT RELATIVE TO FUNDING FOR NONGAME WILDLIFE PROGRAMS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35C the following section:-

Section 35D. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Nongame Wildlife Fund, for nongame wildlife programs in the commonwealth. Said fund shall consist of all revenues received by the commonwealth: (1) under the provisions of section six D of chapter sixty-two; (2) from public and private sources as gifts, grants, and donations to further nongame wildlife programs; or (3) from the federal government as reimbursements, grants-in-aid or other receipts on account of the division of fisheries and wildlife nongame activities.

All revenues credited under this section shall remain in said Nongame Wildlife Fund, subject to appropriation: to acquire land critical to nongame wildlife and endangered species for the multiple purposes of protecting and enhancing nongame wildlife and encouraging compatible wildlife uses; to manage, inventory, preserve, protect, perpetuate, and enhance nongame wildlife in the commonwealth; and to supplement funds provided to the natural heritage program for the inventory of nongame wildlife and endangered species. The state treasurer shall not deposit said revenues in or transfer said revenues to the General Fund or any other fund other than the Nongame Wildlife Fund.

SECTION 2. Section 6C of chapter 62 of the General Laws, inserted by section 4 of chapter 774 of the acts of 1975, is hereby amended by striking out, in line 15, the word "twenty-

ACTS, 1983. - Chap. 330.

two" and inserting in place thereof the words:- five of chapter sixty-two C.

SECTION 3. Said chapter 62 is hereby further amended by inserting after section 6C the following section:-

Section 6D. Every individual who files a separate return and every husband and wife filing a single return jointly may voluntarily contribute all or part of any refund to which they are entitled to the Massachusetts Nongame Wildlife Fund.

A contribution made under this section may be made with respect to any taxable year at the time of filing the return of the tax imposed by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C.

The commissioner shall annually report the total amount designated under this section to the state treasurer who shall credit such amount to the Nongame Wildlife Fund.

SECTION 4. Section 1 of chapter 131 of the General Laws is hereby amended by striking out the definition of "Nongame wildlife", inserted by section 29 of chapter 808 of the acts of 1981, and inserting in place thereof the following definition:-

"Nongame wildlife", any nondomesticated animal not regulated by the division as a game species and any plant, native to the commonwealth, which is not classified as domesticated.

SECTION 5. Section 2 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by inserting after the word "Fund", in line 7, the words:- except that sums received for nongame programs shall be credited to the Nongame Wildlife Fund, established by section thirty-five D of chapter ten.

SECTION 6. Said chapter 131 is hereby further amended by inserting after section 5A the following section:-

Section 5B. The director shall administer the nongame wildlife program in accordance with clauses (3) and (13A) of section four, and shall promulgate rules and regulations, subject to the procedures established in chapter thirty A, for said nongame program, including criteria for the purchase of lands critical to nongame wildlife and endangered species, and for the use of said land for the protection and enhancement of nongame wildlife and for the encouragement of compatible wildlife uses. The commissioner shall appoint, subject to the approval of the fisheries and wildlife board, a nongame advisory committee of seven members to advise the director on matters pertaining to nongame wildlife and wild plants. One of the members shall be a board member

ACTS, 1983. - Chap. 331.

interested in endangered species appointed pursuant to section seven of chapter twenty-one. Of the remaining six members, three shall have technical training and experience and be drawn in the commissioner's discretion from the fields of ornithology, mammalogy, herpetology, ichthyology, and botany, and three shall be persons knowledgeable in the field of natural history. The committee shall select a chairperson annually by majority vote of the members of said committee at a meeting scheduled for such purpose. The members shall serve terms of three years, except for the initial term, three members shall be appointed to serve for one year, two for two years, and two for three years. The committee shall meet at least quarterly and shall also meet at the request of the director or committee chairperson. Committee members shall not receive compensation for their services but shall receive reimbursement from the Nongame Wildlife Fund for reasonable expenses necessary to the performance of their duties.

SECTION 7. Subject to appropriation, ten per cent of the annual proceeds from contributions made pursuant to section six D of chapter sixty-two of the General Laws, inserted by section three of this act shall be deposited to the department of revenue for the cost of collection and accounting of receipts of such contributions.

SECTION 8. Section six D of chapter sixty-two of the General Laws, inserted by section three of this act, shall apply to taxable years commencing on and after January first, nineteen hundred and eighty-three.

Approved July 26, 1983.

---

Chap. 331. AN ACT EXPANDING THE SOURCES OF GRANTS OR GIFTS FOR MUNICIPAL PURPOSES.

Be it enacted, etc., as follows:

Section 53A of chapter 44 of the General Laws, as most recently amended by section 1 of chapter 388 of the acts of 1967, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- An officer or department of any city or town, or of any regional school or other district, may accept grants or gifts of funds from the federal government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof, and in the case of any grant or gift given for educational purposes may expend