

SENATE . . . . . No. 601

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By Mr. Tobin, a petition of Arthur H. Tobin, Thomas F. Brownell and Clifford H. Marshall for legislation relative to the operation of shellfish purification plants. Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT RELATIVE TO THE OPERATION OF SHELLFISH PURIFICATION  
PLANTS.

*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. Chapter 130 of the General Laws is hereby  
2 amended by striking out section 76, as amended by chapter  
3 506 of the acts of 1961, and inserting in place thereof the fol-  
4 lowing section:—

5 *Section 76.* The department of public health shall approve  
6 plans for construction of all shellfish purification plants, and  
7 may construct and operate shellfish purification plants for the  
8 treatment of shellfish taken from areas determined under sec-  
9 tion seventy-four or corresponding provisions of earlier laws  
10 to be contaminated, and may operate such existing purifica-  
11 tion plants to serve such areas as he may deem necessary  
12 for these purposes. The commissioner of public health may  
13 acquire by purchase, gift, lease or otherwise, or take by emi-  
14 nent domain under chapter seventy-nine, such land and build-  
15 ings thereon as may be necessary for the purposes of this  
16 section. The department of public health shall have sole au-  
17 thority over the acceptance, treatment, and discharge of shell-  
18 fish at such plants, subject to rules and regulations, which the  
19 department of public health is hereby authorized and directed  
20 to adopt, relative to the protection of the public health in the  
21 consumption of such shellfish.

1 SECTION 2. Said chapter 130 is hereby further amended by  
2 striking out section 77, as amended by chapter 506 of the acts  
3 of 1961, and inserting in place thereof the following section:—

4 *Section 77.* For the purpose of partially defraying the costs  
5 of the operation and maintenance of shellfish purification  
6 plants, the department of public health shall charge the users  
7 of said service the sum of not less than fifty cents per one half  
8 bushel. Said department of public health shall expend such  
9 sums as may hereafter be appropriated therefor from the  
10 general fund. Said department may apply for and accept and  
11 expend such other funds as may become available from any  
12 federal agency or any grants or funds from any source.

1 SECTION 3. The department of public health, acting on be-  
2 half of the commonwealth, shall assume the lease of the shell-  
3 fish purification plant in the city of Newburyport entered into  
4 by the department of natural resources with said city under  
5 the authority of chapter five hundred and six of the acts of  
6 nineteen hundred and sixty-one and may, in its discretion, re-  
7 new said lease on such terms as it deems advisable. The de-  
8 partment of public health shall operate and maintain the same  
9 in accordance with the provisions of section seventy-six and  
10 seventy-seven of chapter one hundred thirty of the General  
11 Laws, as amended by section one and two of this act.

1 SECTION 4. The persons employed on the effective date of  
2 this act at said plant by the department of natural resources  
3 shall be transferred to the department of public health and  
4 shall continue to be employed without loss of seniority or other  
5 rights and without reduction in compensation and salary  
6 grade.

1 SECTION 5. This act shall take effect on July first, nineteen  
2 hundred and seventy-two.