

AN ACT ESTABLISHING A GYPSY MOTH CONTROL PROGRAM. *Chap.148*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to institute forthwith a program for the prevention of the spread of the gypsy moth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of natural resources, hereinafter in this act called the commissioner, is hereby authorized and directed, with the approval of the board of natural resources, to institute a comprehensive program of gypsy and brown tail moth control within the commonwealth. The commissioner shall designate regions wherein serious infestation from said insect pest has been found. Such regions may consist of a town or city or a group of towns or a group of towns and cities and may include such areas as are determined by the commissioner to be so infested or so located as to require such control measures to prevent further spread of the gypsy moth. The commissioner shall cause notice to be given to each town or city in the region, as established by him, by notifying the mayor or the board of selectmen in writing that in his opinion such infestation requires emergency action by the department to prevent the spread of said insect pests and that the commonwealth is to proceed with a control program to be financed jointly by the commonwealth and the cities and towns within the specified region. If the mayor or selectmen desire a hearing on the matter of such determination, they shall notify the commissioner within ten days after the receipt of the notice. The commissioner shall grant a hearing on such requests within thirty days after receipt of such request, and, following such hearing, the decision of the commissioner shall be final. The cost of such control program including the interest on any notes issued under section five shall be apportioned thirty per cent to the commonwealth and seventy per cent to the cities and towns in the region, or regions, established hereunder. The portion of the cost, as determined by the commissioner, of such work allocated to the cities and towns within any such region shall be assessed in accordance with the provisions of section sixteen of chapter one hundred and thirty-two of the General Laws; provided, that no such assessment in any calendar year shall exceed fifty per centum of the maximum required to be expended in said section sixteen. The commissioner shall notify the state tax commissioner on or before January first of each year, of the estimated liability to be apportioned to each city or town in any such region, and, on or before October fifteenth of each year, the commissioner shall certify to the state treasurer the amount to be collected and paid to the state treasurer, as provided by section twenty of chapter fifty-nine of the General Laws; provided, how-

ever, that on or before April first of the current year, the commissioner shall notify the state tax commissioner of the estimated liability to be apportioned to each city or town in any such region for the year nineteen hundred and fifty-four. For the purpose of this section the commissioner and the chief moth superintendent shall have the powers granted to them by applicable provisions of chapter one hundred and thirty-two of the General Laws.

SECTION 2. To provide a comprehensive program to prevent the spread of the gypsy moth, the department of natural resources is authorized to expend, in addition to any sums appropriated therefor, the sum of one million, five hundred and seventy-five thousand dollars, to be assessed to cities and towns subject to the provisions of section one of this act, and subject to other provisions of law regulating the disbursement of public funds and the approval thereof; provided, that any expenditures thereof be made for a period ending not later than June thirtieth, nineteen hundred and fifty-seven; and provided, further, that the total amount to be expended in any one fiscal year shall not exceed seven hundred and fifty thousand dollars.

SECTION 3. The wording in item 1001-31 of section 2 of chapter 489 of the acts of 1953 is hereby amended by inserting after the word "beetles", in line 3, the words: — , under any general or special law, — so as to read as follows: —

1001-31 For the suppression of insect pests and shade tree diseases, including gypsy and brown tail moths and Japanese beetles, under any general or special law, and including not more than seven permanent positions, and for reimbursement to cities and towns of a proportion of their expenses for such work, as provided by law and to be in addition to any amounts heretofore appropriated for the purpose

SECTION 4. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon the request of the governor and council, borrow on the credit of the commonwealth from time to time such sums of money as may be required in anticipation of the receipt from cities and towns of their cost of the program, but not to exceed, in the aggregate, the sum of one million five hundred and seventy-five thousand dollars, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section three of Article LXII of the Amendments to the Constitution of the commonwealth, but the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and fifty-nine. Notwithstanding

any provision of this act, such notes shall be general obligations of the commonwealth.

SECTION 5. Chapter six hundred and twenty-two of the acts of nineteen hundred and fifty-two is hereby repealed.

Approved February 24, 1954.

AN ACT RELATING TO APPROPRIATIONS BY CITIES AND TOWNS FOR CELEBRATING CERTAIN DAYS OR OCCASIONS. Chap.149

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to enable cities and towns to make the appropriations authorized thereby without delay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by inserting after clause (45), inserted by section 2 of chapter 576 of the acts of 1953, the following clause: —

G. L. (Ter. Ed.), 40, § 5, etc., amended.

(46) For the celebration of Labor Day and for the proper observance and celebration of the Christmas season by the decoration and illumination of public buildings and public streets, and for the purchase, installation and decoration of Christmas trees upon municipal lands.

Certain appropriations by cities and towns, authorized.

Approved February 24, 1954.

AN ACT TO AUTHORIZE THE WHEELWRIGHT SCIENTIFIC SCHOOL TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap.150

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 23 of the acts of 1882, as amended by section 1 of chapter 89 of the acts of 1898, is hereby further amended by striking out, in lines 8 and 9, the words "eight hundred thousand" and inserting in place thereof the words: — one million, — so as to read as follows: — *Section 2.* The said corporation shall have authority to receive, hold and manage the fund bequeathed for the purposes for which the said corporation is created by the will of William Wheelwright, late of Newburyport, deceased, and any other donations or bequests which may be made for its benefit, and may hold for the purposes aforesaid real and personal estate to an amount not exceeding one million dollars.

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

Approved February 24, 1954.