

Accompanying the first recommendation of the Department of Environmental Management (House, No. 99). Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT TO CHANGE THE NAME AND RESTRUCTURE THE DUTIES OF THE BUREAU OF INSECT PEST CONTROL AND TO ESTABLISH A PROGRAM TO ENCOURAGE COMMUNITIES IN THE CARE, CONTROL AND MANAGEMENT OF PUBLIC SHADE TREES.

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 4B of Chapter 21 of the General Laws as
2 appearing in Section 1 of Chapter 657 of the Acts of 1956, is hereby
3 amended by striking out, in lines 2 and 3, the words "insect pest
4 control" and inserting in place thereof the words: — shade tree
5 management and pest control.

6 Section 4C. The bureau of shade tree management and pest
7 control shall perform such duties as the Director, with the approval
8 of the Commissioner, may require. In addition to such other duties
9 as may be invested in it by law or by assignment from the Director,
10 the bureau shall be responsible for shade tree management, arbori-
11 culture service and insect suppression activities on state property,
12 and provide technical, consulting and financial assistance to cities
13 and towns for maintenance, care and management of their public
14 shade trees and for the suppression of public nuisances as defined
15 in Section 11, of Chapter 132. It may, subject to the approval of the
16 Director, other provisions of the General Laws or any special laws
17 to the contrary notwithstanding, require to be carried out under its
18 direction all tree spraying or other treatment which maybe per-
19 formed by other departments, agencies or political subdivision of

20 the Commonwealth. The bureau may promulgate rules and regula-
21 tions to carry out its duties and powers as they are established in
22 this and other relevant chapters.

1 SECTION 3. Chapter 132 of the General Laws is hereby
2 amended by striking out Section 1A as it appears in Section 3 of
3 chapter 660 of the Acts of 1948 and inserting in place thereof the
4 following section: —

5 Section 1A. The Chief Superintendent of the bureau of shade
6 tree management and pest control shall act for the Commonwealth
7 in suppressing the pests declared in section eleven to be public
8 nuisances, and in accordance with the duties imposed upon him by
9 the Commissioner. He shall keep a record of all expenditures made
10 by or authorized by him, and shall prepare an annual report for the
11 Commissioner. He shall provide technical advice and consulting
12 services to cities and towns in the development and implementa-
13 tion of public shade tree management plans and programs. He
14 shall have the authority, with the approval of the Commissioner
15 and Secretary of Administration and Finance to receive, adminis-
16 ter and expend without further appropriation, in accordance with
17 the provision of Section 16 of this chapter, any federal funds, state
18 funds appropriated by the general court, and private funds that
19 may be made available for the purpose of assisting cities and towns
20 in the maintenance, care and management of their public shade
21 trees.

1 SECTION 4. Chapter 132 of the General Laws is hereby
2 amended by striking out Section 16, as most recently amended by
3 Section 10 of Chapter 657 of the Acts of 1956, and inserting in place
4 thereof, the following section: —

5 Section 16. Any city or town, which has a public shade tree
6 management plan approved by the state forester, and is in com-
7 pliance with all requirements of law as well as any rules and
8 regulations of the Chief Superintendent pertaining thereto, may
9 apply to the bureau of shade tree management and pest control,
10 hereinafter the bureau, for partial reimbursement of total expendi-
11 tures made during the calender year for the care, control and
12 management of their public shade trees. Compensable activities

13 include, but are not limited to establishing a public shade tree
14 inventory, planting, pruning, and removal of public shade trees.
15 Any expenditures made for suppressing public nuisances as they
16 affect public trees are excluded from the above.

17 Application for financial assistance as provided by the bureau
18 must be received annually by the Chief Superintendent. Reimburse-
19 ments shall not exceed fifty percent of the expenditures made by
20 the city or town and shall be based on a program of evaluation as
21 may be adopted by the Chief Superintendent, with the approval of
22 the Commissioner. Any city or town which has expended during
23 the calendar year for the suppression of said public nuisances, and
24 amount equal to its financial liability as provided in Section 14,
25 and has complied with the requirements of law and the rules and
26 regulations of the Chief Superintendent pertaining thereto, may
27 apply for assistance of the bureau in taking further measures for
28 the control of said public nuisances. The value of such assistance
29 shall not exceed fifty percent of the expenditures made by the said
30 city or town in excess of its financial liability as provided for in
31 section 14 for this chapter.

1 SECTION 5. Section 8 of Chapter 132 of the General Laws, as
2 it appears in Section 2 of Chapter 657 of the Acts of 1956, is hereby
3 amended by striking out, in line 4, the words "insect pest control"
4 and insert in place thereof the words: — shade tree management
5 and pest control.

1 SECTION 6. The second paragraph of Section 11 of Chapter
2 132 of the General Laws as it appears in Section 3 of Chapter 657 of
3 the Acts of 1956, is hereby amended by striking out, in line 18, the
4 words "insect pest control" and inserting in place thereof the
5 words; — shade tree management and pest control.

1 SECTION 7. Section eleven A of said Chapter one hundred
2 and thirty-two, as it appears in Section four of Chapter six hundred
3 and fifty-seven of the Acts of nineteen hundred and fifty-six, is
4 hereby repealed.

1 SECTION 8. Section 12A of said Chapter 132, as it appears in
2 Section 6 of Chapter 657 of the Acts of 1956, is hereby amended by

3 striking out, in line 13, the words “insect pest control” and inserting
4 in place thereof the words: — shade tree management and pest
5 control.

1 SECTION 9. Section 13 of said Chapter 132, as it appears in
2 Section 7 of Chapter 657 of the Acts of 1956, is hereby amended by
3 striking out, in line 8, the words “insect pest control” and inserting
4 in place thereof the words: — shade tree management and pest
5 control.

1 SECTION 10. Section seventeen of said Chapter one hundred
2 and thirty-two, as it appears in Section eleven of Chapter six
3 hundred and fifty-seven of the Acts of nineteen hundred and
4 fifty-six, is hereby repealed.

1 SECTION 11. Section thirteen of said chapter one hundred
2 and thirty-two, as most recently amended by Chapter 706 of the
3 Acts of 1975, is amended by striking out the words “and shall
4 possess a supervising license issued under the rules and regulations
5 of the pesticide board in the department of public health” and
6 inserting in place thereof the words: — and shall be appropriately
7 licensed or certified to apply pesticides in accordance with the rules
8 and regulation of the pesticide board in the department of food and
9 agriculture.