

By Mr. McIntyre of New Bedford, petition of Joseph B. McIntyre relative to the disposition of all fines and penalties recovered in prosecutions of violations of environmental laws. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE DISPOSITION OF ENVIRONMENTAL FINES.

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 3 of chapter 131 of the General Laws, as appearing in
2 the 1990 Official Edition, is hereby amended by adding the
3 following paragraphs after the last paragraph: —

4 All fines and penalties recovered in the prosecutions under
5 section 40 of this chapter shall be equally divided between the
6 prosecuting district attorney or attorney general and the town or
7 city where the offense is committed; if more than one prosecuting
8 office was substantially involved in the prosecution, the court
9 having jurisdiction over the proceedings shall distribute the fifty
10 percent equitably among those prosecuting offices. Provided,
11 however, that if the town or city involved has been entirely
12 responsible for the prosecution the prosecution office will be paid
13 to the general fund of the commonwealth.

14 There shall be established within the office of the state treasurer
15 a separate special environmental law enforcement trust fund for
16 each district attorney and for the attorney general. All such fines
17 and penalties received by virtue of prosecutions under section 40
18 of chapter 131 of the General Laws shall be deposited in such a
19 trust fund and shall then be expended without further
20 appropriation to defray the costs of investigations, to provide
21 additional technical equipment or expertise, to provide matching
22 funds to obtain federal grants, or such other law enforcement
23 purposes as the district attorney or attorney general deems

24 appropriate in the enforcement of chapter 131 of the General
25 Laws.

26 All such fines and penalties received by any town or city under
27 this section shall be expended solely by the local conservation
28 commission without further appropriation for the performance
29 of its duties under the law.