

By Mr. Hodgkins of Lee, petition of Christopher J. Hodgkins relative to certain information of persons seeking to maintain or operate a solid waste or hazardous waste facility within the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO CERTAIN INFORMATION PERTAINING TO INDIVIDUALS SEEKING TO MAINTAIN OR OPERATE A SOLID WASTE OR HAZARDOUS WASTE FACILITY WITHIN THE COMMONWEALTH.

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. The third paragraph of section 168 of Chapter 6,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the third sentence, ending in line 83, the following
4 two sentences: — After consultation with the executive office of
5 environmental affairs and subject to the provision of said chapter
6 thirty A, the board shall promulgate further regulations governing
7 the collection and use by local boards of health and hazardous
8 waste facility site safety council of such criminal offender record
9 information as they may lawfully receive; provided, however, that
10 such regulations shall provide that the following information be
11 available to local boards of health operating pursuant to sections
12 one hundred fifty A, one hundred A½ and one hundred and fifty B
13 of chapter one hundred and eleven, and hazardous waste facility
14 site safety council operating pursuant to chapter twenty-one D,
15 upon request, solely for the purpose of evaluating applicants for a
16 new facility site assignment under said sections one hundred and
17 fifty A, one hundred and fifty A½, and one hundred and fifty B of
18 chapter one hundred and eleven or chapter twenty-one D in order
19 to protect the public health, the public safety and the environment
20 of the citizens throughout the Commonwealth: conviction date;
21 and arrest and other data regarding any pending criminal charge;
22 provided, further that any board of health or the hazardous waste

23 facility site safety council receiving such data shall not make, and
24 shall prohibit, any dissemination of such information, for any
25 purpose other than as set forth herein.
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SECTION 2. Section 4 of Chapter 21D of the General Laws, as
1 appearing in the 1990 Official Edition, is hereby amended by
2 striking clause (13) and inserting in place thereof the following
3 clauses: —

4 (13) to request and receive criminal offender record informa-
5 tion, pursuant to section one hundred and sixty-eight of chapter
6 six, for the sole purpose of evaluating developers seeking to enter
7 into a siting agreement under section thirteen of the chapter.

8 (14) to adopt such rules, regulations, procedures and standards
9 as may be necessary to carry out its functions and perform its
10 duties under this chapter.
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SECTION 3. Section 13 of Chapter 21D, as appearing in
1 the 1990 Official Edition, is hereby amended by inserting after the
2 first paragraph the following paragraph: —

3 No such siting agreement shall be entered into by a host
4 community with any person, firm, association, or other combina-
5 tion of persons, directly or indirectly or through any agent,
6 employee, stockholder, officer or other person or any subsidiary
7 whatsoever, or other person shown to have a beneficial interest in
8 the proposed facility who has been convicted of a felony or any
9 violation of chapter twenty-one C, chapter one hundred and
10 eleven or other relative section of law.
11

SECTION 4. Section 150A of chapter 111 of the General
1 Laws, as appearing in the 1990 Official Edition, is hereby
2 amended by inserting after the fourth paragraph the following
3 paragraph: —

4 The board of health may request and receive criminal offender
5 record information pursuant to section one hundred and sixty-
6 eight of chapter six for the sole purpose of reviewing applicants
7 for a site assignment under the provisions of this section. No
8 assignment shall be granted by the local board of health to any
9 person, firm, association, or other combination of persons,

10 directly or indirectly or through any agent, employee, stockholder,
11 officer or other person or any subsidiary whatsoever, or other
12 person shown to have a beneficial interest in the proposed facility
13 who has been convicted of a felony or any violation of chapter
14 twenty-one C, chapter one hundred and eleven or other relative
15 section of law.

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SECTION 5. The tenth paragraph of section 150A of
1 chapter 111, as appearing in the 1990 Official Edition, is hereby
2 amended by inserting at the end of the penultimate sentence the
3 following words: — provided however, any applicant for said
4 permit shall be subject to the provisions of section forty-seven A
5 of chapter sixty-two C and upon written request of the commis-
6 sioner of revenue the department shall deny, revoke or suspend
7 said permit.

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SECTION 6. Section 150B of chapter 111 of the General
1 Laws, as appearing in the 1990 Official Edition, is hereby
2 amended by inserting after the fourth paragraph the following
3 paragraph: —

4 The board of health may request and receive criminal offender
5 record information pursuant to section one hundred and sixty-
6 eight of chapter six for the sole purpose of reviewing applicants
7 for a site assignment under the provisions of this section. No
8 assignment shall be granted by the local board of health to any
9 person, firm, association, or other combination of persons,
10 directly or indirectly or through any agent, employee, stockholder,
11 officer or other person or any subsidiary whatsoever, or other
12 person shown to have a beneficial interest in the proposed facility
13 who has been convicted of a felony or any violation of chapter
14 twenty-one C, chapter one hundred and eleven or other relative
15 section of law.

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