

# HOUSE . . . . . No. 6394

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, March 19, 1981.

The Committee on Natural Resources and Agriculture, to whom was referred the recommendation of the Executive Office of Environmental Affairs as relates to said department (accompanied by bill, House, No. 94), reports recommending that the accompanying bill (House, No. 6394) ought to pass.

For the committee,

WILLIAM P. NAGLE, Jr.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

*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 seven of chapter two of the General Laws,  
2 as most recently amended by section one of chapter 706 of the acts  
3 of 1975, is hereby amended by striking out the third sentence and  
4 inserting in place thereof the following sentence: — The provisions  
5 of this section shall be enforced by all officers in the division of law  
6 enforcement in the department of fisheries, wildlife and recreation-  
7 al vehicles.

1 SECTION 2. Said chapter 21 of said Laws is hereby amended  
2 by striking out Section 6, as appearing in Section 50 of Chapter 706  
3 of the acts of 1975, and inserting in place thereof the following  
4 section: —

5 *Section 6.* The division of law enforcement shall be within the  
6 department of fisheries, wildlife and recreational vehicles in the  
7 executive office of environmental affairs and shall be under the  
8 administrative supervision of a director who shall be called the  
9 director of law enforcement: The director shall be qualified by  
10 training, experience and executive ability and shall not be subject  
11 to the provision of chapter thirty-one. The commissioner of the  
12 department of fisheries, wildlife and recreational vehicles shall  
13 appoint and may remove with the approval of the Secretary, said  
14 director. Said director shall appoint with the approval of said  
15 commissioner, subject to the provisions of chapter thirty-one, such  
16 assistants to the director, enforcement officers and administrative  
17 personnel as may be necessary to carry out the duties of the  
18 division. Enforcement officers appointed under authority of this

19 section shall be known as natural resource officers. With like  
20 approval the director may designate employees of the common-  
21 wealth and the United States as deputy natural resource officers.

1 SECTION 3. Said chapter 21 is hereby further amended by  
2 striking out Section 6B, as most recently amended by section 52 of  
3 chapter 706 of the acts of 1975, and inserting in place thereof the  
4 following section: —

5 *Section 6B.* The secretary, undersecretary, commissioner, his  
6 assistants, director, his assistants, wardens as defined in section  
7 one of chapter one hundred and thirty-one and all natural resource  
8 officers and deputies shall have and exercise throughout the Com-  
9 monwealth, subject to such rules and regulations as said director,  
10 with the approval of said commissioner, may from time to time  
11 adopt all the authority of police officers and constables, except the  
12 service of civil process. Such rules and regulations shall be filed  
13 with the state secretary in accordance with section thirty-seven of  
14 chapter thirty. The director may in writing authorize any of his  
15 assistants, and any natural resource officer to have in their posses-  
16 sion and carry a firearm, revolver, club, billy, handcuffs, twisters,  
17 or any other weapon or article required in the performance of his  
18 official duty.

1 SECTION 4. The second paragraph of Section 6C of said chap-  
2 ter 21, as most recently amended by Section 53 of chapter 706 of the  
3 Acts of 1975, is hereby further amended by striking out, in line 1,  
4 the word "Secretary" and inserting in place thereof the words  
5 "Commissioner of the Department of Fisheries, Wildlife and Re-  
6 creational Vehicles."

1 SECTION 5. Said chapter 21 is further amended by striking  
2 out section 6D, as most recently amended by section 54 of chapter  
3 706 of the acts of 1975, and inserting in place thereof the following  
4 section: —

5 *Section 6D.* The Secretary, the Commissioner, his assistants,  
6 the director, and his assistants, natural resource officers, and depu-  
7 ties, may in the performance of their duties enter upon, and pass

8 through or over private property or lands whether or not covered  
9 by water, and may keep or dispose of sick, injured, or helpless fish,  
10 birds or mammals, that may come into their possession subject to  
11 such rules and regulations as said director, with the approval of  
12 said Commissioner, is hereby authorized to adopt.

1 SECTION 6. The first sentence of section 6E of said Chapter  
2 21, as most recently amended by section 55 of chapter 706 of the  
3 acts of 1975, is hereby amended by striking out in line four the word  
4 "secretary" and inserting in place thereof the word "commission-  
5 er".

1 SECTION 7. The fourth paragraph of section 8 of chapter 21A,  
2 as so appearing, is hereby amended by striking out the first sen-  
3 tence and inserting in place thereof the following sentence: — The  
4 department of fisheries, wildlife, and recreational vehicles shall  
5 include the fisheries, wildlife, and recreational vehicles advisory,  
6 the division of fisheries and wildlife, the fisheries and wildlife  
7 board, the division of law enforcement, the public access board, the  
8 division of marine fisheries, the marine fisheries advisory commis-  
9 sion, the division of marine and recreational vehicles and the  
10 marine and recreational vehicles advisory board.

1 SECTION 8. Section 8 of said chapter 21A, as most recently  
2 amended by section 77 of chapter 706 of the acts of 1975, is hereby  
3 further amended by striking out the eighth paragraph and inserting  
4 in place thereof the following paragraph: —

5 The office of the secretary shall include the division of conserva-  
6 tion services, including the committee for conservation of soil,  
7 water and related resources.

1 SECTION 9. Group 4 of paragraph (g) of subdivision 2 of  
2 section 3 of chapter 32 of the General Laws is hereby amended by  
3 striking out, in line 1, the words "office of the secretary of the  
4 executive office of environmental affairs", as inserted by section 84  
5 of chapter 706 of the acts of 1975, and inserting in place thereof the  
6 words: — of the department of fisheries, wildlife and recreational  
7 vehicles,.

1 SECTION 10. Section 96B of chapter 41 of the General Laws,  
2 as most recently amended by chapter 932 of the acts of 1977, is  
3 hereby further amended by striking out in lines six and seven the  
4 words "office of the secretary of the executive office of environ-  
5 mental affairs" and inserting in place thereof the words "Depart-  
6 ment of Fisheries, Wildlife and Recreational Vehicles" and by  
7 striking out in lines four and five of the second paragraph of said  
8 section 96B of said chapter 41 as so appearing, the words "office of  
9 the secretary of the executive office of environmental affairs" and  
10 inserting in place thereof the words "Department of Fisheries,  
11 Wildlife and Recreational Vehicles".

1 SECTION 11. Section 12 of said chapter 90B of the General  
2 Laws, as most recently amended by section 120 of chapter 706 of  
3 the acts of 1975, is hereby amended by striking out the first sen-  
4 tence and inserting in place thereof the following sentence: — The  
5 provisions of this chapter and all rules and regulations made under  
6 authority thereof shall be enforced by the director or his authorized  
7 agents, by harbor masters and assistant harbor masters, by police  
8 officers assigned to harbor patrol, by fish and game wardens, by  
9 members of state police, by city, town and metropolitan district  
10 commission police officers assigned to patrol the waters of the  
11 commonwealth and by natural resource officers of the division of  
12 law enforcement, department of fisheries, wildlife and recreational  
13 vehicles.

1 SECTION 12. The definition of "law enforcement officer" in  
2 section 20 of chapter 90B of the General Laws, as most recently  
3 amended by section 121 of chapter 706 of the acts of 1975, is hereby  
4 amended by striking out said definition and inserting in place  
5 thereof the following definition: — Law Enforcement Officer, the  
6 director or his authorized agents, the registrar or his authorized  
7 agents, police officers, fish and game wardens members of the state  
8 police and city, town and metropolitan district commission police  
9 officers or employees of the commonwealth having police powers  
10 on public lands and natural resource officers of the division of law  
11 enforcement, department of fisheries, wildlife and recreational  
12 vehicles.

8 through or over private property or lands whether or not covered  
9 by water, and may keep or dispose of sick, injured, or helpless fish,  
10 birds or mammals, that may come into their possession subject to  
11 such rules and regulations as said director, with the approval of  
12 said Commissioner, is hereby authorized to adopt.

1 SECTION 6. The first sentence of section 6E of said Chapter  
2 21, as most recently amended by section 55 of chapter 706 of the  
3 acts of 1975, is hereby amended by striking out in line four the word  
4 "secretary" and inserting in place thereof the word "commission-  
5 er".

1 SECTION 7. The fourth paragraph of section 8 of chapter 21A,  
2 as so appearing, is hereby amended by striking out the first sen-  
3 tence and inserting in place thereof the following sentence: — The  
4 department of fisheries, wildlife, and recreational vehicles shall  
5 include the fisheries, wildlife, and recreational vehicles advisory,  
6 the division of fisheries and wildlife, the fisheries and wildlife  
7 board, the division of law enforcement, the public access board, the  
8 division of marine fisheries, the marine fisheries advisory commis-  
9 sion, the division of marine and recreational vehicles and the  
10 marine and recreational vehicles advisory board.

1 SECTION 8. Section 8 of said chapter 21A, as most recently  
2 amended by section 77 of chapter 706 of the acts of 1975, is hereby  
3 further amended by striking out the eighth paragraph and inserting  
4 in place thereof the following paragraph: —

5 The office of the secretary shall include the division of conserva-  
6 tion services, including the committee for conservation of soil,  
7 water and related resources.

1 SECTION 9. Group 4 of paragraph (g) of subdivision 2 of  
2 section 3 of chapter 32 of the General Laws is hereby amended by  
3 striking out, in line 1, the words "office of the secretary of the  
4 executive office of environmental affairs", as inserted by section 84  
5 of chapter 706 of the acts of 1975, and inserting in place thereof the  
6 words: — of the department of fisheries, wildlife and recreational  
7 vehicles,.

1 SECTION 10. Section 96B of chapter 41 of the General Laws,  
2 as most recently amended by chapter 932 of the acts of 1977, is  
3 hereby further amended by striking out in lines six and seven the  
4 words "office of the secretary of the executive office of environ-  
5 mental affairs" and inserting in place thereof the words "Depart-  
6 ment of Fisheries, Wildlife and Recreational Vehicles" and by  
7 striking out in lines four and five of the second paragraph of said  
8 section 96B of said chapter 41 as so appearing, the words "office of  
9 the secretary of the executive office of environmental affairs" and  
10 inserting in place thereof the words "Department of Fisheries,  
11 Wildlife and Recreational Vehicles".

1 SECTION 11. Section 12 of said chapter 90B of the General  
2 Laws, as most recently amended by section 120 of chapter 706 of  
3 the acts of 1975, is hereby amended by striking out the first sen-  
4 tence and inserting in place thereof the following sentence: — The  
5 provisions of this chapter and all rules and regulations made under  
6 authority thereof shall be enforced by the director or his authorized  
7 agents, by harbor masters and assistant harbor masters, by police  
8 officers assigned to harbor patrol, by fish and game wardens, by  
9 members of state police, by city, town and metropolitan district  
10 commission police officers assigned to patrol the waters of the  
11 commonwealth and by natural resource officers of the division of  
12 law enforcement, department of fisheries, wildlife and recreational  
13 vehicles.

1 SECTION 12. The definition of "law enforcement officer" in  
2 section 20 of chapter 90B of the General Laws, as most recently  
3 amended by section 121 of chapter 706 of the acts of 1975, is hereby  
4 amended by striking out said definition and inserting in place  
5 thereof the following definition: — Law Enforcement Officer, the  
6 director or his authorized agents, the registrar or his authorized  
7 agents, police officers, fish and game wardens members of the state  
8 police and city, town and metropolitan district commission police  
9 officers or employees of the commonwealth having police powers  
10 on public lands and natural resource officers of the division of law  
11 enforcement, department of fisheries, wildlife and recreational  
12 vehicles.

1 SECTION 13. Section 32 of said chapter 90B of said laws is  
2 hereby amended by striking out the first sentence, as most recently  
3 amended by section 122 of chapter 706 of the acts of 1975, and  
4 inserting in place thereof the following sentence: — The provisions  
5 of section twenty-one to thirty-four, inclusive, and of all the rules  
6 and regulations made under the authority thereof shall be enforced  
7 by the Commissioner of the department of fisheries, wildlife and  
8 recreational vehicles, his assistants, the director and his duly ap-  
9 pointed assistants, wardens as defined in section one of chapter one  
10 hundred and thirty-one, all natural resource officers and deputies  
11 of the division of law enforcement, police officers, members of the  
12 State Police and by city, town and Metropolitan district commis-  
13 sion police officers.

1 SECTION 14. Section 30C of chapter 149 of said Laws is her-  
2 eby amended by striking out the first paragraph, as appearing in  
3 section 287 of chapter 706 of the acts of 1975, and inserting in place  
4 thereof the following paragraph: —

5 The service of all members of the uniform branch of the state  
6 police, state police detectives, members of the metropolitan district  
7 police force, capitol police and land based natural resource officers  
8 of the division of law enforcement shall consist of an average of  
9 forty hours per week over a period of one or more work weeks not  
10 in excess of eight, as determined by the commissioner of the  
11 department in which they are respectively serving, or the commis-  
12 sioner of administration in the case of the capitol police, and shall  
13 be restricted to not more than five normal work days, as so deter-  
14 mined, in any consecutive seven day period; provided, however,  
15 that all services in excess of the normal work day, as so determined,  
16 or in excess of the forty hours per week, as so averaged, rendered by  
17 any such officer at the request of the commissioner of the depart-  
18 ment in which he is serving, or the commissioner of administration  
19 in the case of capitol police, shall be compensated for at the rate of  
20 one and one-half times the regular hourly rate of such officer for  
21 every hour or fraction thereof of such services rendered.



HOUSE

1880

The Committee on Education

Report on the State of Education in the State of New York

Presented to the Senate and Assembly at the Session of 1880

Albany, 1880

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