

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

WILLIAM F. WELD
GOVERNOR

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LIEUTENANT GOVERNOR

March 9, 1993

To the Honorable Senate and House of Representatives:

We are herewith filing for your consideration "An Act Relative To The Administration of Environmental Revenues and Other Environmental Matters." This bill contains several sections regarding environmental revenues and funds.

Sections 1, 4, and 5 ensure that revenue from civil fines for snowmobile, motorboat, and recreational vehicle violations are credited to the Department of Fisheries and Wildlife's Division of Environmental Law Enforcement rather than the Registry of Motor Vehicles. Section 7 establishes the Department of Fisheries, Wildlife, and Environmental Law Enforcement Ecological Protection Trust Fund to receive donations of money or property for ecological purposes.

Sections 2 and 3 make technical corrections to the section numbers of certain previously established environmental funds. Section 6 makes a necessary technical correction to the transfer of the Gloucester Fish Pier from the Department of Environmental Protection to the Department of Environmental Management, as intended by chapter 438 of the Acts of 1991.

Section 8 authorizes the Commonwealth to enter into a cooperative agreement with the United States government for the provision of interstate forest fire fighting services.

In the past, the sections of this bill might well have been included in the hundreds of legislative proposals attached to the annual budget as "outside sections." These outside sections unnecessarily burden and complicate the budget process. We are filing these proposals as separate legislation, to comply with the letter and spirit of G.L. c. 29, s. 7L, which requires that "[a] law making an appropriation for expenses of the commonwealth shall not contain provisions on any other subject matter."

In filing these sections separately, we do not mean to imply that they are less important than those we filed with the budget. The provisions of this bill ensure the

proper crediting of environmental revenues and allow the Commonwealth to accept awards for environmental purposes that benefit the public. We urge your prompt consideration and passage of this bill.

Respectfully submitted,



Argeo Paul Cellucci
Governor

Acting

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE ADMINISTRATION OF ENVIRONMENTAL REVENUES AND OTHER ENVIRONMENTAL MATTERS.

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 6F of chapter 21 of the General Laws,
2 as most recently amended by section 256 of chapter 133 of the
3 acts of 1992, is hereby further amended by striking out in the first
4 paragraph the words “section two, five or five-A” and inserting
5 in place thereof the words: — chapter ninety B.

1 SECTION 2. Section 18 of chapter 21A of the General Laws,
2 as appearing the 1990 Official Edition, is hereby amended by
3 striking from the third sentence of subsection (k) in line 358 the
4 words, “two M”, and inserting in place thereof the words: —
5 two O $\frac{1}{2}$.

1 SECTION 3. Chapter 29 of the General Laws, as appearing in
2 the 1990 Official Edition, is hereby amended by striking
3 section two P, inserted by section 255 of chapter 150 of the acts
4 of 1990, and inserting after section two O the following
5 section: —

6 Section 2 O $\frac{1}{2}$. There shall be established and set up on the
7 books of the commonwealth a separate fund to be known as the
8 Environmental Permitting and Compliance Assurance Fund.
9 There shall be credited to such fund any amounts collected
10 pursuant to section eighteen of chapter twenty-one A, and any
11 income derived from the investment of amounts credited to said
12 fund. Amounts credited to said fund shall be used, subject to
13 appropriation, solely for the purposes of the administration and
14 implementation of the permitting, compliance and enforcement,
15 monitoring and analysis, and technical assistance programs of the
16 department of environmental protection, including payment of
17 personnel fringe benefit costs pursuant to section five D.

1 SECTION 4. Chapter 90G of the General Laws, as inserted by
2 section 452 of chapter 133 of the acts of 1992, is hereby amended
3 by striking out subparagraph (e) of section 1 and inserting in place
4 thereof the following subparagraph: —

5 (e) snow vehicle and recreational vehicle violations under
6 section twenty-nine and motorboat violations under section
7 fourteen of chapter ninety B.

1 SECTION 5. Said chapter 90G is hereby further amended by
2 striking out in paragraph fifteen the words “or five A” and
3 inserting in place thereof, the words: — five A or section twenty-
4 nine.

1 SECTION 6. Section 1 of chapter 438 of the acts of 1991 is
2 hereby amended by striking said section and inserting in place
3 thereof the following section: —

4 Section 1. Section 2 of chapter 740 of the acts of 1981 is
5 hereby amended by striking out the definitions of “commissioner”,
6 “department”, “director” and “division” and inserting in place
7 thereof the following four definitions: —

8 “Commissioner”, the commissioner of the department of
9 environmental management.

10 “Department”, the department of environmental management.

11 “Director”, the director of the division of waterways.

12 “Division”, the division of waterways within the department of
13 environmental management.

1 SECTION 7. Notwithstanding the provisions of any general or
2 special law to the contrary, the state treasurer may, with the
3 approval of the governor, receive and hold in trust, exempt from
4 taxation, any grant or devise of land or right in land, any donation,
5 grant, gift, or bequest of money or other personal property, for
6 the purposes of the protection of the coastal and inland ecological
7 infrastructure and natural resources of the commonwealth, and
8 shall preserve and invest the proceeds thereof in notes or bonds
9 secured by good and sufficient mortgage or other securities. Said
10 trust property shall be known as the Department of Fisheries,
11 Wildlife, and Environmental Law Enforcement Ecological
12 Protection Trust Fund and shall be used and expended, without

13 further appropriation, by and under the direction of the
14 commissioner of the department of fisheries, wildlife, and
15 environmental law enforcement and subject to his orders and the
16 terms of any such donation, grant, gift, royalty, reimbursement,
17 devise or bequest.

1 SECTION 8. Notwithstanding the provisions of any general or
2 special law to the contrary, the governor, the secretary of
3 environmental affairs, and the commissioner of the department
4 of environmental management on behalf of itself and on behalf
5 of other affected state governmental agencies, including the
6 metropolitan district commission, are hereby authorized to enter
7 into a cooperative forestry agreement with the United States
8 Department of Agriculture Forest Service for the provision of
9 interstate forest firefighting services; provided, that the
10 department of environmental management is authorized to retain
11 in section two B of this act any federal reimbursements for services
12 provided to other states; provided further that these funds may
13 be used for the compensation of management.

