

By Mr. Moore of Uxbridge, petition of Richard T. Moore relative to the duty and responsibility of the Commissioner of Environmental Management involving dams in the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT RELATING TO THE DUTY AND RESPONSIBILITY OF THE COMMISSIONER AND OWNER RELATING TO DAMS IN 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. General Laws Chapter 253 is hereby amended by
2 deleting the first paragraph of Section 47 and inserting the
3 following new paragraph: —

4 Any emergency action or other action taken by the owner of
5 a dam pursuant to the commissioner's order, or any emergency
6 action or other action taken by the commissioner, may be taken
7 without any prior filing with the conservation commission under
8 Section 40 of Chapter 131. — If water has been drawn off or the
9 structure has been altered pursuant to an order by the commis-
10 sioner, the impoundment shall not be refilled without approval
11 of the commissioner.

1 SECTION 2. General Laws Chapter 131, Section 40 is hereby
2 amended by adding after the tenth paragraph the following new
3 paragraph: —

4 The term "alter" as used in this shall mean to change the con-
5 dition of any area subject to protection under this section, except
6 that the raising and lowering of any body of water subject to the
7 provisions of General Laws Chapter 253, sections 44 through 50,
8 shall not apply to this term as used in this section.

