

HOUSE No. 6443

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 12, 1980.

The committee on Natural Resources and Agriculture, to whom was recommitted the petition (accompanied by bill, House, No. 4002) of Richard T. Moore for legislation to establish the Webster Lake commission and defining its powers and duties, reports recommending that the accompanying bill (House, No. 6443) ought to pass.

For the committee,

RICHARD J. DWINELL

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT CREATING AN UNPAID SPECIAL COMMISSION TO BE KNOWN AS THE WEBSTER LAKE COMMISSION, AND DEFINING ITS POWERS AND DUTIES.

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. There shall be an unpaid commission, to be
2 known as the Webster Lake Commission, consisting of one person
3 appointed by the County Commissioners of the County of Worces-
4 ter, for a term of two years, the chief of police of the town of
5 Webster, ex-officio, one member of each of the following boards
6 and commissions of the town of Webster appointed annually by
7 the selectmen thereof: selectmen, board of health, conservation
8 commission, planning board, parks and recreation commission,
9 and East Village sewer construction commission, and three other
10 members appointed by the Board of Selectmen of Webster for
11 terms of three years; however, their initial appointment one
12 member shall serve for one year, one member for two years, and
13 one member for three years. Upon the expiration of the term of any
14 member, his successor shall be appointed in like manner, and for
15 the same term, as in the case of the original appointment. Vacan-
16 cies in the commission caused otherwise than by expiration of term
17 of service shall be filled for the balance of the unexpired term in like
18 manner as in the case of original appointment.

1 SECTION 2. There shall be an advisory council consisting of
2 not less than six nor more than fifteen members who shall meet at
3 least once a year with the commission to consider such matters
4 related to the preservation, development and control as they may
5 deem appropriate and to offer advice and recommendations to the
6 commission in this regard. The members of the advisory council
7 shall be appointed by the Board of Selectmen of Webster and shall
8 serve at their pleasure.

1 SECTION 3. The said commissioners may, after notice and a
2 public hearing held in the town of Webster, establish reasonable
3 rules and regulations, for the protection and policing of the waters
4 of Webster Lake within the town of Webster and for permitting
5 and regulating the use of motor boats, other boats and canoes
6 therein, and for regulating the conduct of persons upon, or bathing
7 in, the waters of said lake; and said commissioners may, after
8 notice and a public hearing as aforesaid, from time to time, alter,
9 add to or repeal the rules and regulations made hereunder.

1 SECTION 4. Said commission may make rules and regulations
2 relative to the conduct of the business of renting boats and canoes
3 of any description to be used upon the waters of said lake as above
4 defined, and relative to the maintenance and use of bathing houses
5 adjacent thereto.

1 SECTION 5. No person shall engage in the business of renting
2 boats or canoes to be used upon the waters of said lake until he
3 shall obtain from the selectmen of the town of Webster a permit so
4 to do which permit shall be for such a time, in such form and
5 subject to such restrictions as may from time to time be determined
6 by said commission.

1 SECTION 6. Said commission shall cause the regulations
2 made by it to be published in the town of Webster, which publica-
3 tion shall be sufficient notice to all persons. The sworn certificate of
4 any member of said commission or of its clerk that said rules and
5 regulations have been made and published shall be prima facie
6 evidence thereof. A copy of the rules and regulations attested by
7 any member of the commission, or by its clerk, shall be prima facie
8 evidence that the said rules and regulations were made by the
9 commission as provided in this act.

1 SECTION 7. Any police officer of the town of Webster may
2 patrol any part of the waters of said lake as above defined, and shall
3 have authority to arrest any person for violating any law of the
4 commonwealth in, on or adjacent to the waters of said lake or any
5 rule or regulation established under the authority of this act, and
6 may serve warrants and make arrests therefor on the waters of said
7 lake or in any part of the town of Webster.

1 SECTION 8. Nothing herein contained shall prevent the en-
2 forcement of any by-law of the town of Webster upon any part of
3 said waters lying within the limits of said town.

1 SECTION 9. Any person who violates any rule or regulation or
2 order of said commission or any provision of this act shall be
3 punished by a fine of not more than fifty dollars for each offense.

1 SECTION 10. The commission shall assist town, state and fed-
2 eral agencies by coordinating the water quality monitoring, pollu-
3 tion control activities, recreation management and fact-finding, in
4 Webster Lake and its watershed, and shall cooperate with state and
5 federal agencies and conservation commissions by conducting re-
6 search and fact-finding studies concerning said lake and its wa-
7 tershed.

1 SECTION 11. All expense incurred by the commission for
2 printing shall be borne by the town of Webster, subject to appro-
3 priation.

1 SECTION 12. The state secretary shall cause the following
2 question to be placed on the official ballot to be used in the town of
3 Webster at the next biennial state election:

4 Shall an act approved by the General Court in the current year
5 entitled: "An Act Creating an Unpaid Special Commission to be
6 known as the Webster Lake Commission, and Defining its Powers
7 and Duties", be accepted?

8 If a majority of the voters voting on said question vote in the
9 affirmative, then said act shall take effect in said town, but not
10 otherwise.