

By Mr. Travis of Rehoboth, petition of Philip Travis for legislation to assure responsiveness to appeals with the Department of Environmental Protection. Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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

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AN ACT ASSURING RESPONSIVENESS BY THE STATE AGENCIES TO CERTAIN APPEALS.

*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 40 of Chapter 131 of the General Laws  
2 of Massachusetts as appearing in the 1986 Official Edition shall  
3 be amended by inserting after the first sentence of the thirteenth  
4 paragraph the following language:

5 The person making such request shall, at the time of filing, pay  
6 a fee in the amount of two hundred dollars to the Department  
7 of Environmental Protection. All such fees collected shall be kept  
8 in a separate account and applied solely towards expenses directly  
9 related to the staffing and administration of appeals by said  
10 department.

1 SECTION 2. Section 40 of Chapter 131 of the General Laws  
2 of Massachusetts as appearing in the 1986 Official Edition shall  
3 be amended by inserting after the sixth sentence of the thirteenth  
4 paragraph the following language: —

5 Failure by the department to issue an order superseding the  
6 prior order of the conservation commission within said seventy  
7 days shall be deemed to be a grant of the order requested by the  
8 person who filed the notice of intent with the conservation  
9 commission.

1 SECTION 3. Section 40 of Chapter 131 of the General Laws  
2 of Massachusetts as appearing in the 1986 Official Edition shall  
3 be amended by inserting after the fourteenth paragraph the  
4 following new paragraph: —

5 In the event that any superseding final order, determination or  
6 notification is appealed under provision of Chapter 30A of the  
7 General Laws, the department shall hold such hearing and render  
8 a decision within said ninety days, shall be deemed to be the grant  
9 of the order, determination or notification requested by the person  
10 who filed the notice of intent with the conservation commission.