

SENATE No. 1936

The Commonwealth of Massachusetts

SENATE, May 19, 1986.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 1125) of William Q. MacLean, Jr., and Robert C. Buell for legislation to authorize the Commissioner of Fisheries, Wildlife and Recreational Vehicles to promulgate rules and regulations providing for the issuance of licenses to operate shellfish purification plants; and the petition (accompanied by bill, Senate, No. 1154) of Robert D. Wetmore for legislation relative to the non-criminal disposition of certain fish and game and marine fisheries violations; reports the accompanying bill (Senate, No. 1936).

For the committee,

CAROL C. AMICK.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE THE OPERATION AND CONSTRUCTION OF PRIVATELY-OWNED SHELLFISH PURIFICATION PLANTS.

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. Chapter 130 of the General Laws, as most
2 recently amended by chapter 706 of the acts of 1975, is hereby
3 further amended by inserting after section 76 the following new
4 sections:

5 Section 76A. The commissioner of the Department of
6 Environmental Quality Engineering may authorize and regulate
7 the construction and operation of shellfish purification plants for
8 the treatment of shellfish taken from areas determined to be
9 contaminated under section 74 of this chapter or corresponding
10 provisions of earlier laws. The Department of Environmental
11 Quality Engineering is hereby authorized and directed to adopt
12 rules and regulations for the construction and operation of such
13 purification plants. No person shall construct or operate such a
14 plant unless said person is in possession of a valid license issued
15 pursuant to section seventy-six B. Shellfish accepted for
16 purification by a plant constructed and operated under this section
17 must be taken in accordance with a permit issued under Section
18 75 of this chapter which specifically designates said plant as
19 recipient of the shellfish taken.

20 Section 76B. The Department of Environmental Quality
21 Engineering may license persons who undertake to control and
22 operate shellfish purification plants authorized under Section
23 76A. Said department may deny, suspend, or revoke a license at
24 any time, if it determines that the holder has violated any provision
25 of this chapter, or that the holder has violated any provision of
26 rules and regulations adopted pursuant to section seventy-six A.
27 The commissioner of the Department of Environmental Quality
28 Engineering may set a reasonable fee for the issuance of licenses
29 pursuant to this section.

1 SECTION 2. No license to construct or operate a shellfish
2 depurification plant shall be granted until the commissioner of
3 the Department of Environmental Quality Engineering has
4 promulgated, in compliance with chapter 30A of the General
5 Laws, regulations pursuant to sections 76A and 76B of this act.

1 SECTION 3. Section 77 of chapter 130 of the General Laws,
2 as most recently amended by chapter 293 of the acts of 1978, is
3 hereby further amended by inserting after the words "shellfish
4 purification plants" the words "authorized by section 76 of this
5 chapter."

