

## REGULATIONS REGARDING HYDROELECTRIC POWER.

Be it enacted, etc., as follows:

Every electric company shall, on a form approved by the department of public utilities and the energy facilities siting council, identify all hydroelectric generation sites within its market area, and file such identification with the department of public utilities and the energy siting council prior to June first, nineteen hundred and seventy-nine.

Approved June 6, 1978

Chap. 218. AN ACT FURTHER REGULATING THE SALE OF AGRICULTURAL AND OTHER SEEDS.

Be it enacted, etc., as follows:

SECTION 1. Section 84 of chapter 128 of the General Laws, as appearing in section 2 of chapter 203 of the acts of 1975, is hereby amended by striking out the definition of "Labeling" and inserting in place thereof the following definition:-

"Labeling", all labels including invoices, or other written, printed or graphic representations, in any form, accompanying and pertaining to any seed whether in bulk or in containers.

SECTION 2. Said section 84 of said chapter 128, as so appearing, is hereby further amended by striking out the definition of "Treated" and inserting in place thereof the following definition:-

"Treated", seed that has received an effective process or application of a substance designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom, or for which a claim is made.

SECTION 3. Said chapter 128 is hereby further amended by striking out section 86, as so appearing, and inserting in place thereof the following section:-

Section 86. Each container of agricultural seeds, including lawn seeding mixtures, shall also bear the commonly accepted name of the kind and variety or cultivar of those kinds which are usually named as to variety or cultivar, as prescribed by rules and regulations, of each seed component in excess of five per cent of the whole and the percentage by weight of each in the order of its predominance. When the variety or cultivar thereof is unknown, the label or tag shall have printed thereon the words "variety unknown". When more than one component is required to be named, the word "mixture" or "mixed" shall be shown conspicuously on the label. The lot number or other lot identification, the origin, if known, of alfalfa, red clover, white clover, and field corn, except hybrid corn, shall also be shown on such label. If the origin is unknown, that fact shall be stated. The container shall bear thereon the percentage by weight of all weed seeds, the percentage by weight of agricultural seeds other than those required to be named on the label, which shall be designated as "other crop seed", and the percentage by weight of inert matter. For each agricultural seed named there shall appear, the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present and the calendar month

and year the test was completed to determine such percentages.

SECTION 4. Section 87 of said chapter 128, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Containers of one pound or less for peas, beans and sweet corn and containers of one-quarter pound or less for all other kinds of vegetable seeds shall also bear, thereon, the date of test or calendar year for which seed is packaged, and the kind and variety or cultivar of seed. For seed that germinates less than the standard last adopted by the director, there shall appear on the containers the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, the calendar month and year the test was completed to determine such percentages, and the words "Below Standard" in not less than eight point type.

SECTION 5. Said chapter 128 is hereby further amended by striking out section 88, as so appearing, and inserting in place thereof the following section:-

Section 88. For flower seeds the label shall include the name of the kind and variety or cultivar, if any, or a statement of type and performance characteristics as prescribed in regulations. For those having annual, biennial and perennial sorts, or any two of such sorts, a statement shall appear in a conspicuous location on the seed container to indicate whether the seed is of the annual, biennial or perennial sort.

If flower seeds are in packets of the size for use in home flower gardens the label shall contain the date of test or calendar year for which seed is packaged.

For seeds so packaged for which standard testing procedures shall have been adopted, and which germinate less than the standard last adopted by the director and approved by the commissioner under section ninety-eight the label shall contain the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages and the words "Below Standard" in not less than eight point type.

For flower seeds in containers other than packets of the size prepared for use in home flower gardens there shall appear the lot number or other lot identification.

Seeds so packaged for which standard testing procedures shall have been adopted shall contain the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages. For seeds germinating less than the standard, there shall appear the words "Below Standard" in not less than eight point type.

SECTION 6. Section 89 of said chapter 128, as so appearing, is hereby amended by inserting after the word "variety", in line 3, the words:- or cultivar.

SECTION 7. Section 90 of said chapter 128, as so appearing, is hereby amended by inserting after the word "eighty-nine", in line 4, the word:- , inclusive.

SECTION 8. Said section 90 of said chapter 128, as so appearing, is hereby further amended by striking out the second para-

graph and inserting in place thereof the following paragraph:-

Neither shall seed be sold which is not labeled in accordance with the provisions of sections eighty-four to one hundred and one, inclusive; nor which bears false or misleading labeling; nor pertaining to which there has been a false or misleading advertisement; nor consisting of or containing, "Prohibited noxious weed seeds" nor consisting of or containing "Restricted noxious weed seeds" at a rate per pound in excess of the number declared on the label attached to the container of the seed or associated with the seed, subject to tolerances; nor containing more than one per cent of all weed seeds; nor labeled to use the word "trace" as a substitute for any statement as to quality or percentage which is required; nor shall seed be sold which is so weak or low in germination according to standards adopted by rules and regulations prescribed by the director under the provisions of section ninety-eight as to be unfit for seeding purposes; nor which is represented to be "certified seed", "registered seed" or "foundation seed" or designated by any other term conveying similar meanings, unless such seed has been produced, processed and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency or agencies and bears an official tag or label of such an agency, or which is represented as hybrid seed unless such seed conforms to the definition of hybrid in section eighty-four, except that this provision shall not apply to variety names in common trade usage.

SECTION 9. Said chapter 128 is hereby further amended by striking out section 91, as so appearing, and inserting in place thereof the following section:-

Section 91. No person within the commonwealth shall detach, alter, deface or destroy any label provided for in said sections eighty-four to one hundred and one, inclusive, or the regulations promulgated thereunder; nor alter or substitute seed, in a manner that may defeat the purpose of said sections; nor disseminate any false or misleading advertisement concerning agricultural, vegetable, flower or tree and shrub seed; nor hinder or obstruct any authorized person in the performance of his duties under said sections eighty-four to one hundred and one, inclusive; nor fail to comply with an official order to withhold from sale certain seeds as provided in section ninety-five; nor move or otherwise handle or dispose of any lot of seed held under a "stop-sale" order or tags attached thereto, except with the written permission of the enforcing officer, and for the purpose specified therein.

No person shall sell, offer or expose for sale any color mixture of a single kind of flower seed representing four or more colors or shades, in which any one color or shade occurs in sixty per cent or more of the plants which the mixture is capable of producing, unless colors or shades and approximate percentage of each is indicated on the label, or sell, offer or expose for sale a mixture of flower seed kinds in which any one kind is present in excess of twenty-five per cent by seed count unless the kinds present and the approximate percentage of each are indicated on the label.

SECTION 10. Said chapter 128 is hereby further amended by striking out section 92, as so appearing, and inserting in place thereof the following section:-

Section 92. Sections eighty-five to ninety-one, inclusive, shall neither apply to seed or grain not intended for sowing purposes, nor to seed for sowing purposes in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that the invoice or labeling accompanying any shipment of seed bears the statement "seeds for processing", and provided that any labeling or other representation made with respect to the uncleaned or unprocessed seed shall be subject to sections eighty-four to one hundred, inclusive.

Approved June 6, 1978

Chap. 219. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO GRANT AN ANNUITY TO ANNA A. COSTELLO.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law and for the purpose of promoting the public good and in consideration of the long and meritorious service of William V. Costello, former police patrolman in the police department of the city of Springfield, who died August seventeenth, nineteen hundred and seventy-seven, said city may grant to Anna A. Costello, widow of said William V. Costello an annuity under the provisions of section ninety-five A of chapter thirty-two of the General Laws from August seventeenth, nineteen hundred and seventy-seven. The annuity provided by this section shall be in lieu of any other annuity or pension payable to said widow under any other general or special law.

SECTION 2. This act shall take effect upon its acceptance during the current year by the city of Springfield.

Approved June 6, 1978

Chap. 220. AN ACT RELATIVE TO THE REGISTRATION OF PODIATRISTS.

Be it enacted, etc., as follows:

Section 13 of chapter 112 of the General Laws, as most recently amended by section 17 of chapter 443 of the acts of 1970, is hereby further amended by adding the following sentence:- The term physician and surgeon when used in sections twelve B, twelve G, twenty-three N and eighty B shall include a podiatrist acting within the limitation imposed by this section.

Approved June 6, 1978

Chap. 221. AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF FIRE FIGHTERS MEMORIAL SUNDAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting