

HOUSE No. 2

The Commonwealth of Massachusetts

DEPARTMENT OF AGRICULTURE
LEVERETT SALTONSTALL BUILDING, GOVERNMENT CENTER
100 CAMBRIDGE STREET, BOSTON 02202, OCTOBER 28, 1971

Honorable John F. X. Davoren, *Secretary of State*, State House, Boston,
Massachusetts

DEAR MR. SECRETARY: — In accordance with the provisions of section 33 of chapter 30 of the General Laws as amended, recommendations for legislation are submitted herewith, together with a draft of the bills embodying the legislation recommended. The forms thereof have been approved by the House Counsel.

Very truly yours,

NATHAN CHANDLER,
Commissioner.

RECOMMENDATIONS

1. AN ACT FURTHER REGULATING THE SALE OF COMMERCIAL FEED.

Enforcement of the Feed Law was transferred in 1971 from the University of Massachusetts to the Department of Agriculture. At the time of transition, it was suggested by the Dean of the College of Agriculture that the law be updated so as to be in line with the majority of other states.

This bill is based upon the uniform State Feed Bill published by the Association of the American Feed Control officials. There is need for this type of legislation because the feed and feeding industry is of interstate nature requiring uniformity of regulations. Distribution of ingredients and mixed feed, contracting, use of drugs, multiplant operations, etc., are all part of the rapid growing and changing feed industry.

No longer can feed regulations be based on the small elevator, or farm unit, or by state boundaries.

Reference in the bill to the Federal requirements will help insure uniformity. The present law is not adequate for effective control for feed or the future. Changes which must be recognized are: (1) Trend to bulk handling; (2) Use of drugs - effect on consumer of milk, meat and eggs; (3) Contracting between a feed mill and feeder; (4) Integration; (5) Distribution direct to consumer; (6) Custom mixing; on the farm mixing; and (7) Authority to provide for the use of collective terms.

2. AN ACT RELATIVE TO THE CONTROL OF NOXIOUS WEEDS.

On October 17, 1968, President Johnson signed the Carlson-Foley Act, which would permit State officials to destroy noxious plants on Federal lands, and the State would be reimbursed to the extent of available Federal funds.

In order to fully utilize the provisions of this Federal Act, it is necessary to have enabling legislation, so that the Massachusetts Department of Agriculture may have a qualified weed control law and receive full benefits of the Act.

It has been estimated that weeds, by limiting yields and impairing quality, reduce potential agricultural productivity by about 3% each year. We have other losses by weeds including human discomfort from weed pollens and poisonous plants, streams clogged by weeds and made useless for boating and fishing, water wasted by aquatic plants, and scenic values impaired by unattractive vegetation.

In addition, weed control is a major item in farm production costs and may be a source of contamination to the environment. Nationally, our farmers spend an estimated 2½ billion in fighting weeds each year, in contrast with 430 million in controlling crop insects, and 230 million in restricting damage by plant diseases.

Effective weed control is an essential factor in our efficient production of food and fiber to meet our domestic needs. Agriculture faces a tremendous challenge in meeting future demands for food and fiber, for our own people and for export. Every opportunity for increasing agricultural productivity, including weed control, must be exploited.

An effective State weed control law will provide us with the necessary means to carry out a program to control weeds that the public expects.

3. AN ACT ESTABLISHING A DIVISION OF POULTRY AND POULTRY PRODUCTS WITHIN THE DEPARTMENT OF AGRICULTURE.

Section 6 of chapter 20 of the General Laws authorizes the Commissioner of Agriculture to set up divisions within the Department.

Section 6 reads in part as follows: The Commissioner shall organize the Department into divisions including a Division of Dairying and Animal Husbandry, a Division of Animal Health, a Division of Plant Pest Control, a Division of Fairs, a Division of Markets and such other divisions as he may from time to time determine.

Using the aforesaid powers, the Commissioner has created a Division of Poultry and Poultry Products.

Section 1 of chapter 652 of the acts of 1968 defines "department" as it relates to civil service as a "department, board, or

commission, or any division, institutional unit, or other unit of a department in case such unit is established by law, ordinance or by-law."

Although there is a Division of Poultry and Poultry Products within the Department of Agriculture at the present time, it was not established by law, ordinance, or by-law, so, therefore, cannot be considered as a separate entity by the Division of Civil Service. To protect the rights of individuals employed in this division, it is necessary that this legislation be acted upon favorably.

4. AN ACT FURTHER DEFINING THE AUTHORITY OF THE STATE RECLAMATION BOARD.

Through the years amendments have been made to Chapter 252 of the General Laws. Section 1 was last amended in 1929, and the wording therein mentions, "the following eighteen sections". Since 1929, Sections 5B and 6A have been added. Section 2 was last amended in 1926, and the wording therein mentions "the following fourteen sections". Since 1926, sections 4A, 5A, 5B, 6A and 14C have been added. Section 4 was last amended in 1923, and the wording therein mentions, "Sections 1 to 14B, inclusive". Since that time a section 14C was added. In order to correct this situation, it is necessary to amend these sections, and it is advisable to use the word "chapter" instead of enumerating the sections. Sections 15 through 23 of Chapter 252 do not come under the jurisdiction of the Board, but there is no mention of the Board in any of these sections; therefore, the proposed amendments would have no effect upon them.