

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi for legislation to establish a non-game threatened and endangered species advisory council. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH A NON-GAME THREATENED AND ENDANGERED SPECIES ADVISORY COUNCIL.

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 131 of the General Laws is hereby
2 amended by inserting after Section 5 the following new sections: —

3 *Section 5A.* For the purpose of section 5B, the following words
4 shall have the following meanings: —

5 “Advisory Council”: the nongame threatened and endangered
6 species advisory council established under section 5B of this chap-
7 ter.

8 “Endangered Species”: any species of wildlife or wild plant
9 which is in danger of extinction through all or a significant portion
10 of its range. Species listed as “endangered” under provisions of the
11 Federal Endangered Species Act of 1973 as amended which occur
12 in Massachusetts are included, as well as species which the Division
13 of Fisheries and Wildlife has recommended to the United States
14 Fish and Wildlife Service to be so listed.

15 A species may become endangered due to any of the following
16 factors:

17 (1) the destruction, drastic modification, or severe disruption of
18 its habitat, or (2) its over utilization for scientific, commercial, or
19 sporting purposes, or (3) the effect on it of disease, pollution, or
20 predation, or (4) other natural or man-caused factors affecting its
21 prospects of survival and reproduction, or (5) any combination of
22 the foregoing factors.

23 “Nongame Species”: means any wild mammal, bird, amphibian,
24 reptile, fish, mollusk, crustacean, or other wildlife not classified as
25 a game animal.

26 “Species”: includes any species or subspecies of wildlife or wild
27 plant or any other group of wildlife of the same species or smaller
28 taxa in common spatial arrangement that interbreed when mature.

29 “State Local Species”: long established wild plants or breeding
30 or wintering species of wildlife in the Commonwealth that are
31 restricted to very limited areas.

32 “State Rare Species”: long established wild plants or breeding or
33 wintering species of wildlife declining or facing extirpation from
34 the Commonwealth, and considered likely to disappear without
35 special action.

36 “Threatened Species”: any species of wildlife or wild plant which
37 is likely to become endangered within the foreseeable future
38 through all or a significant portion of its range. Species listed as
39 threatened” under provisions of the Federal Endangered Species
40 Act of 1973 as amended which occur in Massachusetts are in-
41 cluded, as well as species which the Division of Fisheries and
42 Wildlife has recommended to the United States Fish and Wildlife
43 Service to be so listed.

44 “Wildlife”: means any member of any non-domesticated species
45 of the animal kingdom, whether reared in captivity or not, includ-
46 ing without exception any mammal, fish, bird, amphibian, reptile,
47 mollusk, crustacean, arthropod or other invertebrate and includes
48 any part, product, egg or offspring thereof or the dead body or
49 parts thereof.

50 “Wild Plant”: means a member of the wild flora of the Common-
51 wealth.

52 *Section 5B.* There shall be within the Executive Office of Envi-
53 ronmental Affairs a nongame, threatened and endangered species
54 advisory council of seven members. The seven members, who shall
55 be appointed by the governor, shall serve for five years each, except
56 during the first year when two members shall be appointed to serve
57 for three years, two for four years, and three for five years.

58 The members shall be appointed to provide for the welfare of
59 species, the restoration of endangered, threatened, state rare and
60 state local species to unlisted status, the development and imple-

61 mentation of a comprehensive nongame, endangered and threa-
62 tened species program within and with the Division of Fisheries
63 and Wildlife to include development and promotion of funding
64 mechanisms for such programs, and otherwise be bound by the
65 provisions of this chapter. Council members shall have expertise
66 and an interest in the areas of native plants, nongame wildlife,
67 endangered and threatened species and habitat preservation
68 throughout the Commonwealth. The council shall include
69 members with scientific as well as members with a general concern
70 with these matters to best represent the public interest.

71 The advisory council shall advise the director of the Division of
72 Fisheries and Wildlife and the Fisheries and Wildlife Board on all
73 matters pertaining to nongame, wild plant, endangered and threat-
74 ened species, and state rare and state local species.

75 The chairman of the advisory council shall be elected annually
76 by the advisory council members. The advisory council shall meet
77 at least quarterly and also shall meet at the request of the director,
78 the council chairman, or any four council members. Four council
79 members shall constitute a quorum for the transaction of business.
80 The council shall meet at least annually with the Fisheries and
81 Wildlife Board to consider the status of nongame, wild plant,
82 endangered and threatened species, state rare and state local spe-
83 cies of the Commonwealth. At said meeting the director shall
84 present a report on programs concerning nongame, wild plant,
85 endangered and threatened species, state rare and state local spe-
86 cies that the Division has been engaged in since the last such
87 meeting and also what plans he has for the following year.

88 The members of the advisory council shall receive no compensa-
89 tion but shall be reimbursed for expenses necessary to the perfor-
90 mance of their duties.

1 SECTION 2. Section 7E of Chapter 21 of the General Laws is
2 hereby amended by addition of the following paragraph: —

3 The board shall meet at least annually with the nongame, endan-
4 gered and threatened species advisory council to consider the
5 status of nongame, wild plant, endangered and threatened species,
6 state rare and state local species of the Commonwealth. At said
7 meeting the director shall present a report on programs concerning

8 nongame, wild plant, endangered and threatened species, state rare
9 and state local species that the Division has been engaged in since
10 the last such meeting and also what plans he has for the following
11 year. The board shall conduct the meeting in such a way as to allow
12 the public reasonable time to present their views to the board and
13 the nongame, threatened and endangered species advisory council.