

By Mr. Canessa of New Bedford, petition of Stephen R. Canessa and others for legislation to establish an invasive aquatic plants control and prevention fund to be administered by the Department of Conservation and Recreation, Environment, Natural Resources and Agriculture.

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*The Commonwealth of Massachusetts*

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PETITION OF:

Stephen R. Canessa	Colleen M. Garry
Marc R. Pacheco	Ellen Story
John F. Quinn	Thomas M. McGee
Joan M. Menard	James E. Timilty
Mark C. Montigny	Michael J. Rodrigues
Robert M. Koczera	Edward M. Augustus
Patricia D. Jehlen	Cory Atkins
Jennifer L. Flanagan	J. James Marzilli
Bradford Hill	Christine E. Canavan
David P. Linsky	David B. Sullivan
Andrea F. Nuciforo	Marie J. Parente
Susan C. Tucker	Scott P. Brown
Denis E. Guyer	Anthony J. Verga
Joyce A. Spiliotis	Sean Curran
Cleon H. Turner	Demetrius J. Atsalis
Kathleen M. Teahan	Denise Provost
Matthew C. Patrick	Walter F. Timilty
Louis L. Kafka	Theodore C. Speliotis
Tom Sannicandro	Kay Khan
Shirley Gomes	William Smitty Pignatelli
Todd M. Smola	Donald R. Humason
Elizabeth A. Poirier	Douglas W. Petersen
Karyn E. Polito	Mark V. Falzone

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In the Year Two Thousand and Six.

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AN ACT RELATIVE TO THE PROTECTION OF OUR NATURAL BODIES OF WATER.

*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. Notwithstanding any general or special law to the  
2 contrary, the comptroller shall transfer \$2,000,000 from the  
3 General Fund to the Invasive Aquatic Plants Prevention Fund  
4 established pursuant to section 35D½ of chapter 10 of the General  
5 Laws.

1 SECTION 2. Chapter 10 of the General Laws, as appearing in  
2 the 2004 Official Edition is hereby amended by inserting after  
3 section 35D the following section:—

4 Section 35D½. For the purposes of this section, the following  
5 terms shall have the following definitions.

6 “Control” means eradicating, suppressing, reducing, or man-  
7 aging harmful invasive aquatic species populations, preventing the  
8 spread of harmful invasive aquatic species from areas where they  
9 are present and taking steps such as protection and restoration of  
10 native species populations and habitats to reduce the impacts of  
11 harmful invasive aquatic species and to prevent further spread of  
12 invasive aquatic species.

13 “Critical need” means necessary to prevent the imminent  
14 extinction of any native species in a wetland or body of water or  
15 to abate any imminent harmful ecological, economic or public  
16 health impact caused by such invasive aquatic species.

17 “Dispersal” refers to the natural or human-related spread of  
18 harmful invasive aquatic species from one water or wetland area  
19 to other waters or wetland areas.

20 “Invasive” means, when used in reference to a species, occur-  
21 ring as a reproducing, self-sustaining population in an open  
22 ecosystem.

23 “Introduction” means the intentional or unintentional release,  
24 escape, dissemination, or placement of a species into an  
25 ecosystem as a result of human activity.

26 “Manage” means to prevent new harmful invasive aquatic  
27 species introductions into the state; to limit the dispersal of estab-  
28 lished harmful invasive aquatic species populations into unin-  
29 fested land areas, wetlands, and waters of the state; and to abate  
30 harmful ecological, economic and public health impacts resulting  
31 from the introduction, dispersal, or presence of harmful invasive  
32 aquatic species in the state.

33 “Native species” refer to any species originally living, growing,  
34 or produced in an ecosystem within its historic range.

35 “Aquatic species” means any non-native plant, animal, or other  
36 viable biological material that enters and disperses in a wetland or  
37 water ecosystem beyond its native range.

38 “Prevent” means to identify and interrupt pathways by which  
39 harmful invasive aquatic species can be imported, introduced, and  
40 dispersed.

41 “Species” means a group of organisms all of which have a high  
42 degree of physical and genetic similarity, generally interbreed  
43 only among themselves, and show persistent differences from  
44 members of allied groups of organisms. The term “species”  
45 includes any subspecies of animal, plant, or biological material,  
46 and any distinct population segment of any species or animal,  
47 plant, or biological material which interbreeds when mature.

48 There shall be established and set up on the books of the com-  
49 monwealth a separate fund to be known as the Invasive Aquatic  
50 Plants Control and Prevention Fund. Amounts credited to the  
51 fund, including any state, federal or private funds received  
52 through appropriation, gift or grant shall be expended, subject to  
53 appropriation, by the Department of Conservation and Recreation  
54 to establish a municipal grant program consisting of an amount to  
55 be determined annually by the commissioner. The program shall  
56 support comprehensive methods of controlling harmful invasive  
57 aquatic species.

58 In awarding grants through regulations promulgated to imple-  
59 ment this section, the commissioner shall consider the following  
60 criteria set forth herein to determine the total points for each grant  
61 application: the demonstrated level of harmful invasive aquatic  
62 species in any wetland or natural body of water; the demonstrated  
63 commitment to a plan or strategy, and where appropriate, a plan or  
64 strategy with more than one municipality for the control of such

65 species, which plan or strategy specifies the applicants' ability to  
66 prevent the introduction of such species, to detect and respond  
67 rapidly to and control populations of such species in a cost effective  
68 and environmentally sound manner, to monitor such species  
69 populations accurately and reliably, to provide for the restoration  
70 of native species and habitat conditions in ecosystems that have  
71 been invaded, to conduct research on such and to develop tech-  
72 nologies to prevent introduction and provide for environmentally  
73 sound control of such species, and to promote public education on  
74 harmful invasive aquatic species and the means to control them.  
75 The commissioner may award up to 10 additional points to a  
76 municipality that has voted to override a local debt limit or prop-  
77 erty tax limit for the purpose of providing funds to help control  
78 harmful invasive aquatic species in the in the preceding 2 fiscal  
79 years. The commissioner may give preference to any applicant  
80 who demonstrates that the municipality or municipalities have a  
81 critical need, as defined in this section.

82 Notwithstanding any general or special law to the contrary,  
83 grants awarded through this municipal grant program may be for  
84 up to 70 per cent of the total cost of the strategy or plan submitted  
85 by the applicant, including any planning, design, award and  
86 implementation. The total amount expended shall be determined  
87 annually by the commissioner in a manner that distributes the  
88 maximum amount available to each participating municipality.

89 The commissioner may use revenue set aside for the municipal  
90 grant program for any necessary administrative expenses incurred  
91 in administering said program. After distributing revenue in  
92 accordance with said program and after the commissioner has  
93 accounted for any administrative expenses, any remaining revenue  
94 shall be kept in the trust fund for distribution in the following  
95 year.

96 A municipality that receives a grant under this section may  
97 issue, from time to time, general obligation bonds or notes in  
98 anticipation of revenues to be received under this section. Bonds  
99 or notes so issued may be at such rates of interest as shall be nec-  
100 essary and shall be repaid as soon after the revenues are collected  
101 as is expedient. Municipalities that issue bonds shall make every  
102 effort to limit the administrative costs of issuing the bonds by  
103 cooperating among each other using methods including, but not

104 limited to, common issuance of bonds or common retention of  
105 bond counsel. Bonds or notes issued pursuant to this section shall  
106 be subject to chapter 44. The maturities of bonds or notes issued  
107 under this section may be arranged so that for each issue the  
108 amounts payable in the several years for principal and interest  
109 combined shall be as nearly equal as practicable in the opinion of  
110 the officers authorized to issue bonds or notes or, in the alterna-  
111 tive, in accordance with a schedule providing for a more rapid  
112 amortization of principal.





