

HOUSE No. 5189

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 29, 2008.

The committee on Ways and Means, to whom was referred the Bill relative to penalties for violations of certain laws and to clarify the existing statutory authority for suppressing and eradicating certain public nuisances (House, No. 5169), report recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5189).

For the committee,

ROBERT A. DELEO.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO PENALTIES FOR VIOLATIONS OF CERTAIN LAWS AND TO CLARIFY THE EXISTING STATUTORY AUTHORITY FOR SUPPRESSING AND ERADICATING CERTAIN PUBLIC NUISANCES.

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. Section 11 of Chapter 132 of the General Laws,
2 as appearing in the 2006 Official Edition, is hereby amended by
3 inserting, in line 9, after the words “public way,” the following
4 word:— and any invasive plant or animal species, diseases and
5 insects which damage the health, safety or quality of forest, shade
6 or other trees, including but not limited to the Asian longhorned
7 beetle or oak wilt.

1 SECTION 2. Said chapter 132 of the General Laws is hereby
2 amended by striking out section 12 and inserting in place thereof
3 the following section:—
4 Section 12. Whoever knowingly resists or obstructs the com-
5 missioner, chief superintendent, any local superintendent or
6 employee or authorized agent of any of them, while such person is
7 engaged in suppressing or eradicating the Asian longhorned beetle
8 or oak wilt or any public nuisance described in section 11, or who-
9 ever violates this section or any rule, regulation, order or quaran-
10 tine issued in writing by the commissioner shall be subject to a
11 civil penalty of not more than \$25,000 for each such violation.
12 Each day that such violation occurs or continues shall be deemed
13 a separate violation. The penalty may be assessed by the depart-
14 ment, and may be recovered in an action brought on behalf of the
15 Commonwealth in the superior court. The commonwealth also
16 may bring an action for injunctive relief in the superior court for
17 any such violation, and the superior court shall have jurisdiction
18 to enjoin such violation and to grant such further relief as it may
19 deem appropriate.