

**SENATE . . . . . No. 468**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Bruce E. Tarr*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to reinforcing the Massachusetts Endangered Species Act.

PETITION OF:

NAME:

*Bruce E. Tarr*

*Donald F. Humason, Jr.*

DISTRICT/ADDRESS:

*First Essex and Middlesex*

*Second Hampden and Hampshire*

**SENATE . . . . . No. 468**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 468) of Bruce E. Tarr and Donald F. Humason, Jr. for legislation to reinforce the Massachusetts Endangered Species Act. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 411 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to reinforcing the Massachusetts Endangered Species Act.

*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 131A of the General Laws, as appearing in the 2014 Official  
2 Edition, is hereby amended by inserting, after the word “thirty-one.” in line 13, the following  
3 words:-

4 “Division”, the division of fisheries and wildlife within the department of fisheries,  
5 wildlife, and environmental law enforcement.

6 SECTION 2. Chapter 131A of the General Laws, as so appearing, is hereby amended by  
7 inserting, after section 7, the following new sections:-

8 (8) The division shall not promulgate any regulation pursuant to this chapter which may  
9 result in the taking or restriction of land, including restrictions resulting from the issuance of a

10 permit, unless such regulation is in accordance with the processes set out in sections 4 and 5 of  
11 this chapter and such land is deemed a significant habitat as defined in section 1 of this chapter.

12 (9) The division shall rescind or revise any and all regulations, including, but not limited  
13 to 321 CMR 10.11-10.26 et seq., which may involve the taking or restriction of land, including  
14 restrictions resulting from the issuance of a permit, unless such regulation is in accordance with  
15 the processes set out in sections 4 and 5 of this chapter and such land is deemed a significant  
16 habitat as defined in section 1 of this chapter.

17 SECTION 3. The division shall have 180 days from the passage of this act to rescind or  
18 revise regulations pursuant to section 9 of chapter 131A. If after 180 days such regulations are  
19 not rescinded, 321 CMR 10.11-10.26 et seq., shall be considered rescinded.