

HOUSE No. 626

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 to create the Department of Agricultural Resources and Marine Fisheries.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Antonio F. D. Cabral

13th Bristol

Ann-Margaret Ferrante

5th Essex

HOUSE No. 626

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 626) of Antonio F. D. Cabral and Ann-Margaret Ferrante for legislation to establish a department of agricultural resources and marine fisheries. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to create the Department of Agricultural Resources and Marine Fisheries.

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 8 of Chapter 21A of the general laws as appearing in the 2012
2 official edition is hereby amended by striking lines 45-46 and inserting in place thereof the
3 following:

4 The department of agricultural resources and marine fisheries shall include, the board of
5 food and agriculture, the division of marine fisheries and the marine fisheries advisory
6 commission, the pesticide board, the state reclamation board,

7 Said section 8 is further amended by striking from lines 52 and 53 the following: division
8 of marine fisheries and the marine fisheries advisory commission

9 SECTION 2. Section 1 of Chapter 128 of the general laws as appearing in the 2012
10 official edition is hereby amended in line 3 by inserting after the words “agricultural resources”
11 the following: “and marine fisheries”

12 Said section is hereby further amended in line 4 by inserting after the words “agricultural
13 resources” the following “and marine fisheries”

14 Said section is hereby further amended in line 6 by inserting after the words “agricultural
15 resources” the following “and marine fisheries”.

16 SECTION 3. Section 2 of Chapter 128 of the general laws is hereby amended by
17 inserting after subsection (k) the following:

18 (l) Oversee the division of marine fisheries and all of its functions.

19 (m) Promote and develop marine fisheries resources of the commonwealth and improve
20 the conditions for fishermen, fish processors and other shoreside industries.

21 (n) Collect and disseminate data and statistics as to the marine fish and shellfish caught,
22 landed, harvested, marketed, stored or held within the commonwealth, with the quantities
23 available from time to time and the location thereof.

24 (o) Investigate and aid improved methods of co-operative production, marketing and
25 distribution of marine fisheries products within the commonwealth.

26 (p) Aid in the promotion and development of the commercial fishing industry; investigate
27 improved methods of marketing and distributing commercial fish products within the
28 commonwealth; and establish standards and design labels for the identification of commercial
29 fish products processed, prepared or packed for distribution and for retail sales.

30 (q) Arrange for lectures and may issue for general distribution such publications as he
31 considers best adapted to promote the interests of commercial fisheries.

32 (r) Establish and maintain properties at such places within the commonwealth as he may
33 select for the purpose of propagating, rearing and protecting fish

34 (s) Conduct, coordinate or oversee fish counts and fish stock analyses or other fisheries
35 research for fish species important to Massachusetts fishermen or processors or to the
36 Massachusetts economy.

37 (t) Enter into agreements with public or private entities, including the University of
38 Massachusetts, to perform fish counts and fish stock analyses or other fisheries research.

39 (u) Publish reports or recommendations based on fish counts, fish stock analyses or other
40 fisheries research.

41 (v) Advise the Governor of the potential impact of regulation on the fishing industry.

42 SECTION 4. Section 1 of Chapter 130 of the general laws as appearing in the 2012
43 official edition is hereby amended in line 19 by striking the words “fish and game” and inserting
44 in place thereof “agricultural resources and marine fisheries”

45 Said section is hereby further amended in line 21 by striking the words “fish and game”
46 and inserting in place thereof “agricultural resources and marine fisheries”.

47 SECTION 5. Section 1A of Chapter 130 of general laws as appearing in the 2012 official
48 edition is hereby amended by striking the first two sentences in lines 1 through 7 and inserting in
49 place thereof the following:

50 The division of marine fisheries shall be within the department of agricultural resources
51 and marine fisheries in the executive office of environmental affairs and shall be under the
52 administrative supervision of a director who shall be called the director of marine fisheries. The

53 director of the division of marine fisheries shall be appointed and may be removed by the
54 commissioner of the department of agricultural resources and marine fisheries with the approval
55 of the marine fisheries advisory commission.

56 SECTION 6. (a) Notwithstanding any general or special law to the contrary, this section
57 shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property
58 and legal obligations and functions of state government from the department of fish and game to
59 the department of agricultural resources and marine fisheries and resources, as transferee agency.

60 (b) Subject to appropriation, the employees of the transferor agency, including those who
61 immediately before the effective date of this act held permanent appointment in positions
62 classified under chapter 31 of the General Laws or have tenure in their positions as provided by
63 section 9A of chapter 30 of the General Laws or did not hold such tenure, or held confidential
64 positions, are hereby transferred to the transferee agency, without interruption of service within
65 the meaning of section 9A of chapter 30, without impairment of seniority, retirement or other
66 rights of the employee, and without reduction in compensation or salary grade, notwithstanding
67 any change in title or duties resulting from such reorganization, and without loss of accrued
68 rights to holidays, sick leave, vacation and benefits, and without change in union representation
69 or certified collective bargaining unit as certified by the state labor relations commission or in
70 local union representation or affiliation. Any collective bargaining agreement in effect
71 immediately before the transfer date shall continue in effect and the terms and conditions of
72 employment therein shall continue as if the employees had not been so transferred. The
73 reorganization shall not impair the civil service status of any such reassigned employee who
74 immediately before the effective date of this act either held a permanent appointment in a

75 position classified under chapter 31 of the General Laws or had tenure in a position by reason of
76 section 9A of chapter 30 of the General Laws.

77 (c) Notwithstanding any general or special law to the contrary, all such employees shall
78 continue to retain their right to bargain collectively pursuant to chapter 150E of the General
79 Laws and shall be considered employees for the purposes of chapter 150E.

80 Nothing in this section shall confer upon any employee any right not held immediately
81 before the date of the transfer, or to prohibit any reduction of salary grade, transfer,
82 reassignment, suspension, discharge or layoff not prohibited before such date; nor shall anything
83 in this section prohibit the abolition of any management position within the division of marine
84 fisheries after transfer to the department.

85 (d) All petitions, requests, investigations, filings and other proceedings appropriately and
86 duly brought before the transferor agency, or pending before it before the effective date of this
87 act, shall continue unabated and remain in force, but shall be assumed and completed by the
88 transferee agency.

89 (e) All orders, advisories, findings, rules and regulations duly made and all approvals
90 duly granted by the transferor agency, which are in force immediately before the effective date of
91 this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
92 rescinded or canceled, in accordance with law, by the transferee agency.

93 (f) All books, papers, records, documents, equipment, buildings, facilities, cash and other
94 property, both personal and real, including all such property held in trust, which immediately
95 before the effective date of this act are in the custody of the transferor agency, shall be
96 transferred to the transferee agency.

97 (g) All duly existing contracts, leases and obligations of the transferor agency, shall
98 continue in effect but shall be assumed by the transferee agency. No such existing right or
99 remedy of any character shall be lost, impaired or affected by this act.

100 (h) Whenever the term “department of agricultural resources” appears in any statute,
101 regulation, contract or other document, it shall be taken to mean the “department agricultural
102 resources and marine fisheries”