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Annotated Laws of Massachusetts  
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\*\*\* Current through Act 82 of the 2016 Legislative Session \*\*\*

PART I ADMINISTRATION OF THE GOVERNMENT  
TITLE XIX AGRICULTURE AND CONSERVATION  
Chapter 132 Forestry

**GO TO MASSACHUSETTS CODE ARCHIVE DIRECTORY**

*ALM GL ch. 132, § 11 (2016)*

**§ 11. Suppression of Certain Pests and Diseases.**

The chief superintendent may, subject to the approval of the commissioner, make rules and regulations governing all operations by cities and towns or persons for the purpose of suppressing gypsy and brown tail moths, tent caterpillars, cankerworms, oriental hag moths, fall webworm, Japanese beetle, saddled prominent, pine looper, and elm leaf beetles, which destroy forest and shade tree foliage, diseases and leaf eating and sucking insects which damage forests and shade trees, the Dutch elm disease and the beetles which spread said disease, woodticks, and poison ivy growing within one hundred feet of any public way, and any invasive plant or animal species, diseases and insects which damage the health, safety or quality of forest, shade or other trees including, but not limited to, the Asian longhorned beetle or oak wilt, all of which are hereby declared to be public nuisances for the purposes of this chapter.

He may make contracts on behalf of the commonwealth; shall study and promote improved methods of suppressing such public nuisances; may act in co-operation with any person, any subdivision of the commonwealth, any other state, the United States, or any foreign government, and without limiting the generality of the foregoing, shall act in co-operation with federal and state agencies engaged in the study or control of said public nuisances; may conduct investigations and gather and distribute information concerning such public nuisances; may advise, make use of and require the use of all lawful means of suppressing such public nuisances; may lease real estate when he deems it necessary; and with the approval of the authority in charge, may use any real or personal property of the commonwealth. He shall prepare for students or for the public such lectures, exhibits or information relative to such public nuisances as may be required; shall personally and by employees of the bureau of shade tree management and pest control supervise operations undertaken by cities and towns to suppress such nuisances, and the expenditure of funds therefor; and for such purposes may employ such assistants and agents, including expert advisers, as he deems necessary. For the purposes of this section he may expend such sums as may be appropriated or donated therefor but no expenditure shall be made or liability incurred in excess of such appropriations and donations. He shall annually recommend to the commissioner the financial liability, as described in section fourteen, of each city and town, to be appropriated by said city or town to be expended by the local superintendent for such suppression work within said city

or town. No owner or occupant of an estate infested or infected by any of the aforesaid public nuisances shall by reason thereof be civilly or criminally liable except to the extent and in the manner and form set forth in this chapter.

**HISTORY:** 1905, 381, §§ 1, 3; 1906, 268, § 1; 1908, 591, § 1; 1909, 263, § 2; 1919, 350, §§ 39-41; 1937, 415, § 3; 1948, 660, § 6; 1949, 761, § 4; 1950, 422; 1955, 340; 1956, 657, § 3; 1967, 52; 1985, 765, § 5; 2008, 493, § 1.

**NOTES: Editorial Note--**

**The 1948 amendment** rewrote, and enlarged the scope of, this section.

**The 1949 amendment** rewrote the first sentence of this section, including therein reference to Dutch elm disease, etc.

**The 1950 amendment** in the first sentence, inserted references to fall webworm and woodticks.

**The 1955 amendment** in the first sentence, inserted a reference to Japanese beetles and pine loopers.

**The 1956 amendment** made many changes in this section without materially altering its purpose.

**The 1967 amendment** added immediately following "foliage," in the first paragraph, "diseases and leaf eating and sucking insects which destroy forests and shade trees."

**The 1985 amendment** changed the name of the bureau of insect pest control to the bureau of shade tree management and pest control.

**The 2008 amendment**, effective Jan 13, 2009, inserted ", and any invasive plant or animal species, diseases and insects which damage the health, safety or quality of forest, shade or other trees including, but not limited to, the Asian longhorned beetle or oak wilt" in the first paragraph.

**Research References and Practice Aids**

**Cross References--**

Northeastern Interstate Forest Fire Protection Compact (Acts 1949, 457, § 1), see *ALM Spec L c S143, §§ 1 et seq.*

**Jurisprudence--**

3 *Am Jur 2d, Agriculture* §§ 46-51.

3 *Am Jur Proof of Facts* 491, Damages.