SENATE DOCKET, NO. 816 FILED ON: 1/20/2011

SENATE . . . . . No. 1115

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

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 passage of the accompanying:

An Act to clarify the site assignment process.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Kennedy	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 816 FILED ON: 1/20/2011

SENATE . . . . . No. 1115

By Mr. Kennedy, petition (accompanied by bill, Senate, No. 1115) of Kennedy for legislation to clarify the site assignment process [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *829* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to clarify the site assignment process.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws, as appearing in the 2004 Official Edition is hereby amended by inserting, after section 143, the following new section:-

Section 143A. No assignment shall be required pursuant to the first paragraph of this section for parades, public gathering, or sporting events which do not involve motorized racing, where such parade, public gathering, or sporting event which does not involve motorized racing would not require an assignment but for the sound resulting from the conduct of the parade, public gathering, or sporting event which does not involve motorized racing, as long as all otherwise necessary local permits have been issued for such parade, public gathering, or sporting event which does not involve motorized racing.

Notwithstanding any other provision of the General Laws, sound emitted from parades, public gatherings, or sporting events which do not involve motorized racing shall not be considered a nuisance or a condition of air pollution.

This amendment definitively defines the term “sporting event” in Massachusetts Department of Environmental Protection regulation 310 CMR 7.1 (3) (a) as a sporting event which does not include motorized racing.

Seekonk Speedway opened on May 30, 1946 predating the DEP Noise regulations and is therefore exempt from this regulation.

18 This act shall not prohibit a city or town from adopting by-laws or ordinances relative to
19 noise or air pollution nor regulating competitive motorized racing events in such a city or town.