

**SENATE . . . . . No. 2283**

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**The Commonwealth of Massachusetts**

SENATE, December 1, 1983.

The committee on Ways and Means, to whom was committed the House bill relative to the protection of the Massachusetts coastline (House, No. 6820), reports recommending that the same ought to pass, with an amendment, by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2283.

(Bonding Authorization: \$41,700,000)

For the committee,

ALLEN R. MCKINNON

1 SECTION 1. Chapter 21 of the General Laws is hereby  
2 amended by striking out section 8, as most recently amended  
3 by section 1 of chapter 201 of the acts of 1977, and inserting in  
4 place thereof the following section: —

5 *Section 8.* The division of water resources, hereinafter  
6 called the division, shall be under the supervision and control  
7 of the commissioner of the department of environmental  
8 management.

1 SECTION 2. Section eight A of said chapter twenty-one is  
2 hereby repealed.

1 SECTION 3. Said chapter 21 is hereby further amended by  
2 striking out section 9, as most recently amended by section 61  
3 of chapter 706 of the acts of 1975, and inserting in place  
4 thereof the following section: —

5 *Section 9.* The division shall be the agency of the common-  
6 wealth having administrative responsibility, according to  
7 criteria established by the commission, over programs  
8 provided for by the Watershed Protection and Flood  
9 Prevention Act 16 USC 1001 et seq. and shall carry out,  
10 maintain and operate any works of improvement authorized  
11 by said federal act and limited by section fourteen; provided  
12 that it shall not be an applicant for assistance under said  
13 federal act.

14 Any employee or agent of said division may, at any  
15 reasonable time, enter upon any premises while engaged in  
16 the performance of any duties required under sections nine to  
17 sixteen, inclusive. The division may negotiate with any  
18 property owners such terms, agreements or contracts as  
19 may be necessary or convenient in carrying out the duties re-  
20 quired under sections nine to sixteen, inclusive.

21 The term "works of improvement" as used in this section  
22 and in sections twelve to fifteen, inclusive, shall mean any  
23 undertaking for (1) flood prevention, including structural  
24 and land treatment measures, or (2) conservation, develop-  
25 ment, utilization and disposal of water in watershed or  
26 subwatershed areas not exceeding two hundred and fifty  
27 thousand acres and including any single structure which  
28 provides more than twelve thousand five hundred acre feet of

29 flood-water detention capacity and more than twenty-five  
30 thousand acre feet of total capacity. A number of such  
31 watersheds when they are component parts of a larger  
32 watershed may be planned together when the local spon-  
33 soring organizations so desire.

1 SECTION 4. Said chapter 21 is hereby further amended by  
2 striking out section 9A, as amended by section 1 of chapter  
3 167 of the acts of 1983, and inserting in place thereof the  
4 following two sections: —

5 *Section 9A.* The division may, subject to the approval of the  
6 Water Resources commission and after proper consideration  
7 of the criteria established by the Water Resources com-  
8 mission, acquire by purchase, gift, lease, eminent domain, or  
9 otherwise lands and waters and easements therein to protect  
10 and conserve water impoundment sites and land adjacent to  
11 such sites which it deems necessary to meet the water  
12 resource needs of the commonwealth for flood control, low  
13 flow augmentation, and municipal water supply, provided  
14 that the exercise of the power of eminent domain shall be  
15 subject to the approval of the governor, the board of select-  
16 men in a town or the city council in a city in which the land is  
17 located. If such board or council fails to approve or disap-  
18 prove such proposed taking within ninety days after receipt  
19 of written notice of the proposed taking from the division,  
20 such board or council shall be deemed to have approved the  
21 same. No subsequent transfer or sale of such lands or waters  
22 by the division to any agency of the commonwealth or to any  
23 city, town, or district shall be made and no construction or  
24 water resources improvement thereon shall be undertaken  
25 without the approval of the general court. The division may  
26 enter into an agreement for the temporary supervision and  
27 maintenance of such lands and waters with any appropriate  
28 public agency, and may permit temporary compatible  
29 private uses subject to such conditions as it may impose. Said  
30 lands shall be subject to payments in lieu of taxes as provided  
31 in sections thirteen to seventeen, inclusive, of chapter fifty-  
32 eight. The division of water resources and its duly authorized  
33 agents, without being liable for trespass, shall have the right  
34 after giving due notice, accompanied by a detailed plan to

35 enter upon any lands for the purpose of making surveys, test  
36 pits, borings and geologic investigation. Any damages to  
37 property resulting by the exercise of the aforementioned  
38 rights shall be reimbursed by the division to the owner of the  
39 property so damaged.

40 The Water Resources commission may also reimburse a  
41 city, town or district for acquisition costs of lands, waters  
42 and easements necessary for the development and protection  
43 of water impoundments for a regional municipal water  
44 supply system, provided that said regional water supply  
45 system meets criteria which may be established by the  
46 Water Resources commission. For purposes of this section, a  
47 regional municipal water supply system shall consist of two  
48 or more municipalities.

49 In the event that said city, town or district does not begin  
50 said regional water supply system project as authorized by  
51 law within a number of years to be determined by said  
52 commission, then said city, town or district receiving such  
53 reimbursement shall repay all monies at the prevailing in-  
54 terest rates to the commonwealth.

55 When an impoundment site is acquired under the  
56 provisions of this section which has the capacity for future  
57 development to meet substantially more than the needs of the  
58 cites, towns or districts served by the initial regional water  
59 supply system, provisions shall be included in the agreement  
60 with the Water Resources commission and in the agreement  
61 forming the district which will preserve the opportunity for  
62 other cities, towns or districts to later join the district and to  
63 share the impounded waters after having participated in the  
64 cost of the reservoir enlargement. The water resources  
65 commission shall enter into an agreement under this section  
66 to facilitate development of a water system to serve the  
67 original district and to preserve the opportunity for future  
68 expansion of said district.

69 *Section 9B.* The division shall be the administrator of the  
70 state's contribution to the cooperative survey program of the  
71 United States Geological Survey, hereinafter referred to as  
72 the USGS, for detailed groundwater assessments and related  
73 hydrological studies. Said division, with the approval of and  
74 according to the criteria established by the commission,

75 shall contract or cause a contract to be executed, with the  
76 USGS to conduct a ten year program of detailed groundwater  
77 appraisals, aquifer assessments, and such other appropriate  
78 geologic and hydrologic studies as may be required for the  
79 protection of existing sources of groundwater supply and for  
80 the identification of new groundwater sources.

81 Said groundwater survey program shall include aquifer  
82 identification and assessments of quality and yield, and  
83 direct technical assistance to localities to solve groundwater  
84 problems of less than regional scale. Assistance to localities  
85 shall be based on criteria and priorities to be established by  
86 the commission which shall include, but not be limited to, the  
87 following: a present or recurrent water supply deficit; areas  
88 in which the survey would serve more than one community;  
89 communities which have suffered loss of supply due to  
90 contamination; communities in which demands are placed  
91 on supply systems by state institutions; and local com-  
92 mitment to participation. Direct local assistance shall not  
93 exceed five hundred thousand dollars and shall be funded  
94 fifty percent by USGS and fifty percent by the com-  
95 monwealth, and the total cost of said program shall not ex-  
96 ceed, in the aggregate, five million dollars.

97 For the purposes of this section, groundwater shall mean  
98 water which is below the surface of the earth.

1 SECTION 5. Section ten of said chapter twenty-one is hereby  
2 repealed.

1 SECTION 6. Said chapter 21 is hereby further amended by  
2 striking out section 11, as most recently amended by section 2  
3 of chapter 201 of the acts of 1977, and inserting in place  
4 thereof the following section:—

5 *Section 11.* The division may employ such technical and  
6 clerical assistance and consultants as may be necessary to  
7 fulfill the responsibilities of the division as specified in  
8 section nine. The division may establish rules and  
9 regulations as may be necessary for the proper ad-  
10 ministration of sections nine to sixteen, inclusive.

1 SECTION 7. Said chapter 21 is hereby further amended by

2 striking out section 12, as appearing in section 3 of chapter  
3 620 of the acts of 1956, and inserting in place thereof the  
4 following section:—

5 *Section 12.* Applications for assistance under the federal  
6 Watershed Protection and Flood Prevention Act shall be  
7 initiated by the local organization, and may not be initiated  
8 by the division. Such applications shall be filed with the  
9 division, which may disapprove the same within forty-five  
10 days from the date of filing. The division may give approval  
11 only to applications submitted by local organizations, but any  
12 local or regional voluntary citizens' group, established under  
13 chapter one hundred and eighty for the purpose of furthering  
14 water conservation and flood prevention, may join with any  
15 local organization in making application to the division for  
16 assistance under the federal Watershed Protection and Flood  
17 Prevention Act.

1 SECTION 8. Said chapter 21 is hereby further amended by  
2 striking out section 13, as so appearing, and inserting in place  
3 thereof the following section:—

4 *Section 13.* The division shall require, as a condition to  
5 providing assistance from the commonwealth for the in-  
6 stallation and operation and maintenance of works in im-  
7 provement, that local organizations shall (1) assume  
8 responsibility for all planning for works of improvement to  
9 be constructed within the watershed area, but the local  
10 organization may, nevertheless, request, through the  
11 division, technical advice from any appropriate agency of the  
12 commonwealth; (2) acquire, in the name of the com-  
13 monwealth, and without cost to the commonwealth, such  
14 land, easements or rights of way as will be needed in con-  
15 nection with works of improvement installed with the  
16 assistance of the commonwealth; (3) acquire, or provide  
17 assurance that landowners have acquired, such water rights,  
18 pursuant to the laws of the commonwealth, as may be needed  
19 in the installation and operation of the works of im-  
20 provement; and (4) obtain agreements to carry out recom-  
21 mended soil conservation measures and proper farm plans  
22 from owners of not less than fifty percent of the lands  
23 situated in the drainage area above each retention reservoir  
24 to be installed with the assistance of the commonwealth.

1 SECTION 9. Said chapter 21 is hereby further amended by  
2 striking out section 14, as amended by section 62 of chapter  
3 706 of the acts of 1975, and inserting in place thereof the  
4 following section:—

5 *Section 14.* At such time as the United States Secretary of  
6 Agriculture and the interested local organization have  
7 agreed upon a plan for works of improvement, the division  
8 may (1) assume such proportionate share of the nonfederal  
9 cost of installing any works of improvement involving  
10 federal assistance as it determines to be equitable in con-  
11 sideration of anticipated benefits from such improvements;  
12 provided, that no part of the construction cost for providing  
13 any capacity in structures for purposes other than flood  
14 prevention and features related thereto shall be borne by the  
15 commonwealth; and (2) make arrangements, through the  
16 local organization satisfactory to the said Secretary of  
17 Agriculture for defraying the costs of operating and main-  
18 taining such works of improvement, in accordance with  
19 regulations presented by the said Secretary of Agriculture.

20 In order to carry out the provisions of clause (1) the  
21 division shall be the contracting authority for the con-  
22 struction of any works of improvement involving assistance  
23 from the commonwealth, but shall designate the appropriate  
24 department or departments of the commonwealth or sub-  
25 division or subdivisions thereof as the agent or agents of the  
26 division for the purpose of making such contracts or per-  
27 forming the work of construction; provided, that whenever  
28 the said works of improvement involve stream clearance,  
29 channel improvement or construction of dams the division  
30 shall designate the division of waterways in the department  
31 of environmental management as the contracting agent,  
32 except that when the work to be done involves property under  
33 the care and control of the metropolitan district commission  
34 as the contracting agent.

35 In order to carry out the provisions of the above clause (2)  
36 the commission is authorized to assume such proportionate  
37 share of the costs of operation and maintenance of said works  
38 of improvement as it determines to be equitable in con-  
39 sideration of anticipated benefits from such improvements.

40 In order to insure the continued operation and maintenance

41 of any and all works of improvement that have been installed  
42 with the assistance of state funds, the division is authorized  
43 and directed to designate as its agent or agents for this  
44 purpose the department or departments of the com-  
45 monwealth or the subdivision or subdivisions thereof which  
46 constructed or contracted for the construction of said works  
47 of improvement.

1 SECTION 10. Said chapter 21 is hereby further amended by  
2 striking out section 15, as appearing in section 3 of chapter  
3 620 of the acts of 1956, and inserting in place thereof the  
4 following section:

5 *Section 15.* At such time as the United States Secretary of  
6 Agriculture and the interested local organizations have  
7 agreed upon a plan for works of improvement, and the local  
8 organization has met the requirements for receiving  
9 assistance from the commonwealth in installing, operating  
10 and maintaining the works of improvement as set forth in  
11 section fourteen, the commission shall request the general  
12 court to appropriate such sums of money as are needed to  
13 meet (1) the share of the nonfederal cost of installing the  
14 works of improvement and (2) the share of cost of operating  
15 and maintaining said works of improvement, which the  
16 division proposes to assume under the provisions of section  
17 fourteen.

18 Any funds received from local organizations or any other  
19 source, including funds made available by the federal  
20 government, shall be in addition to funds made available to  
21 the division by the general court.

22 With respect to all projects for which funds of the com-  
23 monwealth have been appropriated as partial or total  
24 payment of the nonfederal share of the costs of constructing,  
25 operating or maintaining the proposed works of im-  
26 provement, the division shall be the recipient of any federal,  
27 state, or local funds appropriated for such projects. Funds  
28 made available from any source for a specific project shall  
29 be held by the division for said project, and may not be  
30 allocated to any other project.

31 Nothing in this section or in section fourteen shall be  
32 construed to prevent or limit a local organization from

33 assuming the full amount of the nonfederal share of the cost  
34 of installing any works of improvement.

1 SECTION 11. Said chapter 21 is hereby further amended by  
2 striking out section 16, as most recently amended by section 5  
3 of chapter 572 of the acts of 1980, and inserting in place  
4 thereof the following section: —

5 *Section 16.* No person shall engage in the business of  
6 digging or drilling wells within the commonwealth unless he  
7 is registered with the division. Each person intending to  
8 engage in said business shall register annually with said  
9 division and upon payment of a fee determined annually  
10 by the commissioner of administration under the provisions  
11 of section three B of chapter seven shall be issued a cer-  
12 tificate indicating that he is so registered. Each registration  
13 shall be in force, unless sooner cancelled, suspended or  
14 revoked for violation of this section or any of the rules and  
15 regulations established under section eleven, until July first  
16 following the year of its issuance.

17 Within thirty days after completion of any well digging or  
18 drilling, the person engaged in the business of digging or  
19 drilling wells shall submit a report to the division setting  
20 forth such information as may be required under said rules  
21 and regulations.

22 Whoever engages in the business of digging or drilling  
23 wells without being registered or fails to submit a report  
24 upon the completion of a well shall be punished by a fine of  
25 not more than three hundred dollars.

1 SECTION 12. The first paragraph of section 2 of chapter 21A  
2 of the General Laws, as appearing in section 1 of chapter 806  
3 of the acts of 1974, is hereby amended by adding the following  
4 clause: —

5 (29) consistent with their statutory responsibilities, im-  
6 plement the coastal zone management program established  
7 pursuant to section four A.

1 SECTION 13. Said chapter 21A is hereby further amended  
2 by inserting after section 4 the following section: —

3 *Section 4A.* There is hereby established within the

4 executive office of environmental affairs a coastal zone  
5 management office which shall be administered by a  
6 director who shall be appointed and may be removed by the  
7 secretary. The director shall be a person of skill and ex-  
8 perience in the field of coastal zone management. The  
9 director shall appoint all necessary employees within his  
10 office, except as may be otherwise provided by law. The  
11 positions of director and of any employees of the office shall  
12 not be subject to the provisions of chapter thirty-one or  
13 section nine A of chapter thirty.

14 The secretary shall direct the coastal zone management  
15 office, consistent with state law, to adopt, and from time to  
16 time amend rules, regulations, procedures, standards,  
17 guidelines, and policies which shall constitute the  
18 Massachusetts coastal zone management program. The  
19 purpose of the program shall be to secure for the inhabitants  
20 of the commonwealth the objectives and benefits of the  
21 federal Coastal Zone Management Act, 16 USC1451 et seq.

1 SECTION 14. Said chapter 21A is hereby further amended  
2 by striking out section 7A, inserted by section 1A of chapter  
3 969 of the acts of 1977, and inserting in place thereof the  
4 following section:—

5 *Section 7A.* The commissioner of environmental  
6 management may appoint and remove a director of the  
7 division of waterways and the secretary may appoint and  
8 remove a professional geologist, who shall be the state  
9 geologist, and neither position shall be subject to chapter  
10 thirty-one or to section nine A of chapter thirty.

1 SECTION 15. The first paragraph of section 8 of said chapter  
2 21A, as most recently amended by section 1 of chapter 565 of  
3 the acts of 1982, is hereby further amended by striking out the  
4 first sentence and inserting in place thereof the following  
5 sentence:— The department of environmental quality  
6 engineering shall include the bureau of environmental  
7 sanitation and all the powers and duties assigned to said  
8 bureau which relate to environmental health, air pollution  
9 control, noise regulation, community sanitation, water  
10 supply and water quality, noisome trades and sanitary

11 landfills, and including those set forth in sections two B, two  
12 C, five E, five F, and five G, seventeen, twenty-three, twenty-  
13 four, thirty-one C, thirty-one D, one hundred and forty-two A  
14 to one hundred and forty-two E, inclusive, one hundred and  
15 forty-three, one hundred and forty-seven, one hundred and  
16 fifty A, one hundred and fifty-two, one hundred and fifty-nine,  
17 one hundred and sixty to one hundred and sixty-six, in-  
18 clusive, and one hundred and seventy-five of chapter one  
19 hundred and eleven, the division of water pollution control,  
20 the division of outdoor advertising, the outdoor advertising  
21 board, the division of mineral resources, the powers and  
22 duties of the department of natural resources contained in  
23 section forty of chapter one hundred and thirty-one.

1 SECTION 16. Said section 8 of said chapter 21A is hereby  
2 further amended by striking out the second paragraph, as  
3 appearing in section 1 of chapter 806 of the acts of 1974, and  
4 inserting in place thereof the following paragraph:—

5 The department of environmental management shall in-  
6 clude the bureau of solid waste disposal, the board of natural  
7 resources, the division of waterways, and the department of  
8 natural resources except for its division of fisheries and  
9 game, its division of law enforcement, its division of con-  
10 servation services, its division of marine fisheries, and its  
11 division of mineral resources.

1 SECTION 17. Said section 8 of said chapter 21A is hereby  
2 further amended by striking out the eighth paragraph, as  
3 most recently amended by section 8 of chapter 760 of the acts  
4 of 1981, and inserting in place thereof the following  
5 paragraph:—

6 The office of the secretary shall include the division of  
7 conservation services, including the committee for con-  
8 servation of soil, water and related resources, and the water  
9 resources commission and the Massachusetts coastal zone  
10 management office.

1 SECTION 18. Said chapter 21A is hereby further amended  
2 by inserting after section 8 the following six sections:—

3 *Section 8A.* There shall be established within the executive  
4 office at environmental affairs the water resources com-

5 mission hereinafter in this section and in sections eight B to  
6 eight F, inclusive, called the commission, which shall consist  
7 of the secretary of the executive office of environmental  
8 affairs, the commissioner of the department of en-  
9 vironmental quality engineering, the commissioner of the  
10 department of environmental management, the com-  
11 missioner of the metropolitan district commission, the  
12 commissioner of the department of fisheries, wildlife and  
13 recreational vehicles, the commissioner of the department of  
14 food and agriculture, and the secretary of the executive  
15 office of communities and development, all of whom shall  
16 serve ex officio, and six persons to be appointed by the  
17 governor.

18 The six members appointed by the governor for a term of  
19 three years shall each represent a major type of water user,  
20 have a demonstrated knowledge in at least one area of water  
21 resource management, have a demonstrated interest in  
22 statewide water resource issues, and an ability to address all  
23 issues at a level of expertise commensurate with the com-  
24 mission's mandate; provided, however, that one member so  
25 appointed shall be a member of the groundwater industry.  
26 The governor's appointments shall be made with appropriate  
27 consideration being given to a list of candidates provided by  
28 the secretary of environmental affairs.

29 In his initial appointments the governor shall designate two  
30 members to serve for one year, two for a term of two years  
31 and two for a term of three years and their successors shall  
32 serve for terms of three years.

33 *Section 8B.* The secretary shall be chairman of said com-  
34 mission. The responsibilities and duties of said commission  
35 shall include: —

36 (a) development of a water resources management policy  
37 framework within which the water resource policies, plans  
38 and management programs of the several agencies and  
39 departments under the secretary shall function;

40 (b) coordination of water resources planning and  
41 management functions among the several agencies and  
42 departments under the secretary;

43 (c) review and comment on all policies brought before the  
44 commission;

45 (d) annual review and comment on all programs relating to  
46 water resource management of the several agencies and  
47 departments under the secretary;

48 (e) establishment of criteria and priorities for all water  
49 resource-related cooperative programs with the federal  
50 government, with any other state, or with any executive  
51 office, department, or division of the commonwealth;

52 (f) development and periodic updating of comprehensive  
53 water resource management plans for river basins, giving  
54 consideration to regional and statewide needs and to in-  
55 tegration of waste-water management into water resource  
56 planning;

57 (g) development of water allocation criteria which takes  
58 into account demographic, hydrologic, and environmental  
59 characteristics;

60 (h) development of a management information system and  
61 data processing capability for the central collection, storage  
62 and retrieval of water resource management information.  
63 Further, the commission may be responsible for  
64 dissemination of said information to the several agencies and  
65 departments under the secretary, to other state agencies and  
66 to the public on request. A fee may be charged for retrieval of  
67 information from said system.

68 (i) development of an education program which en-  
69 couraged broad public participation at both municipal and  
70 regional levels, with emphasis on encouragement of long  
71 term water resource and wastewater planning and  
72 management by municipalities and by regional planning  
73 agencies.

74 *Section 8C.* The commission shall further be responsible  
75 for updating the Massachusetts water supply policy  
76 statement at intervals which shall not exceed five years. The  
77 commission shall incorporate any recommendations of  
78 municipalities and regional planning agencies as ap-  
79 propriate, and shall include, as appropriate, consideration of  
80 coordination of wastewater management, and shall submit a  
81 report of its findings to the clerk of the house of represen-  
82 tatives and to the clerk of the senate at the completion of each  
83 update of the policy statement.

84 *Section 8D.* The commission may establish rules and

85 regulations as may be necessary for the proper ad-  
86 ministration of sections eight A to eight F, inclusive, and  
87 shall annually submit to the budget commissioner the  
88 estimates required by sections three and four of chapter  
89 twenty-nine and shall file an annual report as required by  
90 sections thirty-two and thirty-three of chapter thirty.

91 *Section 8E.* The commission shall be staffed by a director  
92 appointed by the secretary, who shall not be subject to the  
93 provisions of chapter thirty-one nor the provisions of section  
94 nine A of chapter thirty, and by such technical and clerical  
95 staff as the secretary, subject to appropriation, may appoint  
96 in order to fulfill the requirements of this chapter. Said  
97 technical and clerical staff shall not be subject to the  
98 provisions of chapter thirty-one nor the provisions of section  
99 nine A of chapter thirty.

100 *Section 8F.* The commission shall meet at least once a  
101 month, on the second Monday, and may meet more often as  
102 the members may determine. The members shall be  
103 reimbursed for expenses incurred in connection with their  
104 duties and the appointed members of the commission shall,  
105 subject to appropriation, receive in addition to their ex-  
106 penses, fifty dollars per day for each day or part thereof of  
107 service to said commission.

1 SECTION 19. The General Laws are hereby amended by  
2 inserting after chapter 21E, inserted by section 5 of chapter 7  
3 of the acts of 1983, the following chapter: —

4 CHAPTER 21F.  
5 COASTAL FACILITIES IMPROVEMENT.

6 *Section 1.* The purposes of this chapter are:

7 (a) to ensure that adequate and well-maintained public  
8 facilities exist to support the commonwealth's fishing,  
9 marine, tourist, and recreational industry in the coastal  
10 zone;

11 (b) to provide flexible and affordable financial programs  
12 for the commonwealth's coastal cities and towns so that they  
13 can plan for, construct, reconstruct, maintain and improve  
14 public coastal facilities;

15 (c) to improve planning for coastal facilities consistent  
16 with the policies of the executive office of environmental  
17 affairs;

18 (d) to encourage greater cost sharing between the public  
19 and users of public facilities financed with public funds.

20 Section 2. As used in this chapter, the following words shall,  
21 unless the context clearly requires otherwise, have the  
22 following meanings: —

23 "Harbor facility," any existing or proposed public dredged  
24 channel, spoil disposal area, bulkheads, ripraps, piers,  
25 wharves, fill, docks, floats, beaches or other structures used  
26 for fishing, marine industry, or commerce, marine  
27 recreations or public access purposes.

28 "Waterfront facility," public upland platforms, public  
29 buildings containing harbor related facilities or public  
30 spaces or structures used for fish or vessel and related  
31 equipment handling or storage, and parking facilities and  
32 walkways necessary for access to said waterfront facility.

33 "Public," any structure or land owned and maintained by  
34 a coastal city or town or by the commonwealth.

35 "Improvements," a project or undertaking involving the  
36 planning, engineering, repair, construction or reconstruction  
37 of harbor or waterfront facilities.

38 "Card program", the state Commercial Area  
39 Revitalization District program established under chapter  
40 forty D.

41 "Substandard condition" physical deterioration, faulty  
42 arrangement or design, overcrowding, lack of access, or  
43 other factors which cause the condition of a harbor or  
44 waterfront facility to be detrimental to the public safety,  
45 health, morals, welfare or sound growth of a coastal city or  
46 town.

47 "Designated port area," any port area suitable for  
48 maritime-industrial uses and so designated in accordance  
49 with the procedures established by the Department of En-  
50 vironmental Quality Engineering under chapter ninety-one.

51 "Special assistance development area," an area identified  
52 by the Executive office of environmental affairs under  
53 chapter twenty-one A, having special development needs and  
54 significant resource areas which have development potential  
55 such as in ports, harbors and recreational areas.

56 Section 3. The executive office of environmental affairs  
57 shall define the terms "coastal city or town" and shall

58 designate such cities and town as so qualifying for the pur-  
59 pose of determining eligibility for project assistance.

60 *Section 4.* Any coastal city or town, acting by and through  
61 its mayor in the case of a city, the town manager in a town  
62 having a town council form of government and the board of  
63 selectmen in any other town, may apply to the secretary of  
64 environmental affairs for assistance to undertake a harbor  
65 or waterfront improvement. An application for assistance  
66 under this chapter shall represent no more than fifty percent  
67 of the estimated total cost of the improvement and in no case  
68 shall exceed one million dollars. The commonwealth shall  
69 reimburse no more than one million five hundred thousand  
70 dollars total to a city or town applying for funding for more  
71 than one harbor or waterfront project. The secretary of  
72 environmental affairs is authorized to utilize seventy percent  
73 of the funding provided for in this chapter, for public  
74 facilities used primarily for commercial purposes.

75 Said applicant must provide a cash or inkind match with a  
76 value equal to at least fifty percent of the total cost of the  
77 improvement which may originate from any source in-  
78 cluding grants, bequests, gifts, or contribution by the federal,  
79 state or municipal government or by an individual, cor-  
80 poration or association.

81 *Section 5.* To qualify for assistance under this chapter, a  
82 city or town shall comply with the following conditions:

83 (a) the improvement will be public for the duration of any  
84 debt obligation incurred by the commonwealth relative to  
85 such assistance pursuant to regulations to be adopted pur-  
86 suant to this chapter and shall be used principally for fishing,  
87 shellfishing, marine commerce or industry, or for marine  
88 recreation or public access purposes;

89 (b) the project site has been determined by the executive  
90 office of environmental affairs, to be in substandard con-  
91 ditions or is located within an approved Commercial Area  
92 Revitalization District or within a designated port area or an  
93 area designated as a special assistance development area by  
94 the Massachusetts coastal zone management program  
95 within the executive office of environmental affairs.

96 (c) that the city or town may seek to obtain reasonable fees  
97 from users of the improvement or related facilities, that this

98 income will be committed to the operation, maintenance,  
99 management and, if required, the retirement of any debt  
100 incurred under the provisions of this chapter.

101 *Section 6.* In making applications for assistance under this  
102 chapter, the city or town shall follow the rules and  
103 procedures developed by the secretary of environmental  
104 affairs to implement this chapter which shall include, but not  
105 be limited to the following findings:

106 (a) the proposed improvement will serve the public interest  
107 and is consistent with community wide needs and priorities;

108 (b) the project will have a significant economic impact on  
109 the fishing, marine, commercial or industrial, recreation or  
110 tourist industry or provide significant public benefits;

111 (c) there is a clear need for the improvement;

112 (d) the improvement is consistent with the guidelines set  
113 by the executive office of environmental affairs and that all  
114 required local, state and federal permits, approvals and  
115 licenses, have been sought or obtained in the case of an  
116 improvement requiring such;

117 (e) the funds required to complete the total improvement  
118 are or will be secured;

119 (f) the application for assistance has been approved by the  
120 mayor in the case of a city, the town manager in a town  
121 having a town counsel form of government and the board of  
122 selectmen in any other town;

123 (g) funds shall not be used for dredging projects.

124 *Section 7.* In addition to the conditions and requirements set  
125 forth in this chapter, the executive office of environmental  
126 affairs shall promulgate such rules and regulations as are  
127 deemed necessary to effectuate the purpose of this chapter.

1 SECTION 20. Section 1 of said chapter 91 is hereby amended  
2 by striking out the definition of "Department" and inserting  
3 in place thereof the following definition: —

4 "Department," the department of environmental quality  
5 engineering; provided, however, that in section two, two A,  
6 three, four, five, six, seven, eight, nine, nine A, ten, eleven,  
7 eighteen A, twenty-five, twenty-seven, twenty-nine, twenty-  
8 nine A, thirty-one, thirty-two, thirty-three, thirty-six, thirty-  
9 seven, thirty-eight, thirty-nine, forty, forty-one, forty-two,  
10 forty-three, forty-five, forty-six, forty-seven, forty-eight,

11 forty-nine, forty-nine A and fifty, the word "Department"  
12 shall mean the department of environmental management.

1 SECTION 21. Section 1 of chapter 91 of the General Laws is  
2 hereby amended by adding the following definitions:

3 "tidelands," present and former submerged lands and  
4 tidal flats lying below the historic mean high water mark.

5 "commonwealth tidelands," tidelands held by the com-  
6 monwealth in trust for the benefit of the public or held by  
7 another party by license or grant of the commonwealth  
8 subject to an express or implied condition subsequent that it  
9 be used for a public purpose.

10 "private tidelands," tidelands held by a private party  
11 subject to an easement of the public for the purposes of  
12 navigation and free fishing and fowling and of passing freely  
13 over and through the water.

14 "Water-dependent uses," those uses and facilities which  
15 require direct access to, or location in, marine or tidal waters  
16 and which therefore cannot be located inland, including but  
17 not limited to: marinas, recreational uses, navigational and  
18 commercial fishing and boating facilities, water-based  
19 recreational uses, navigation aids, basis, and channels, in-  
20 dustrial uses dependent upon waterborne transportation or  
21 requiring large volumes of cooling or process water which  
22 cannot reasonably be located or operated at an inland site.

1 SECTION 22. Section 2 of said chapter 91 is hereby amended  
2 by adding the following two paragraphs: —

3 In carrying out its duties under the provision of this  
4 chapter, the department shall act to preserve and protect the  
5 rights in tidelands of the inhabitants of the commonwealth by  
6 ensuring that the tidelands are utilized only for water-  
7 dependent uses or otherwise serve a proper public purpose.

8 The department of environmental quality engineering  
9 shall protect the interests of the commonwealth in areas  
10 described herein in issuing any license or permit authorized  
11 pursuant to this chapter. The activities of the department of  
12 environmental management pursuant to this chapter shall be  
13 subject to the licensing and permitting authority of the  
14 department of environmental quality engineering.

15 SECTION 23. Section 10 of said chapter 91, as appearing in  
16 the Tercentenary Edition, is hereby amended by adding the  
17 following sentence:— The department of environmental  
18 quality engineering shall protect the interests of the com-  
19 monwealth in areas described herein in issuing any license  
20 and permit authorized pursuant to this chapter.

1 SECTION 24. Section 14 of said chapter 91 is hereby  
2 amended by adding the following paragraph:—

3 Except as provided in section eighteen, no structures or fill  
4 may be licensed on private tidelands or commonwealth  
5 tidelands unless such structures or fill are necessary to  
6 accommodate a water dependent use; provided that for  
7 commonwealth tidelands said structures or fill shall also  
8 serve a proper public purpose and that said purpose shall  
9 provide a greater public benefit than public detriment to the  
10 rights of the public in said lands.

1 SECTION 25. Said chapter 91 is hereby further amended by  
2 striking out section 15, as appearing in the Tercentenary  
3 Edition, and inserting in place thereof the following sec-  
4 tion:—

5 *Section 15.* Every authority or license granted since  
6 eighteen hundred and sixty-eight or hereafter granted by the  
7 commonwealth to any person to build a structure or do other  
8 work in, over and under the Connecticut River or the nontidal  
9 part of the Merrimack River or in, over or under the waters  
10 of any great pond or at any outlet thereof below high water  
11 mark, or upon ground over which the tide ebbs and flows, or  
12 to fill up or to enclose the same, whether such ground is  
13 above or below low water mark, or within or beyond one  
14 hundred rods from high water mark, or whether private  
15 property or property of the commonwealth, shall be subject  
16 to the following conditions, whether expressed in the act,  
17 resolve or license granting the same or not. Said authority or  
18 license shall be revocable at the discretion of the general  
19 court or for noncompliance with the terms and conditions set  
20 forth therein. The license shall expire unless all work  
21 authorized or licensed is completed within five years from  
22 the date of such authorization or license; provided however,

23 that revocation by the general court for authorization of li-  
24 censes issued after January first, nineteen hundred and  
25 eighty-four for any reasons other than noncompliance or  
26 expiration requires compensation in accordance with the  
27 provisions of chapter seventy-nine for valuable structures,  
28 fillings or enclosures actually and in good faith built or made  
29 under said authorization or license during the term thereof.  
30 The grant of a license pursuant to this chapter shall not  
31 convey a property right, nor authorize any injury to property  
32 or invasion of other rights.

1 SECTION 26. Said chapter 91 is hereby further amended by  
2 striking out section 18, as amended by chapter 528 of the acts  
3 of 1956, and inserting in place thereof the following section: —

4 *Section 18.* Every license granted under this chapter shall  
5 be signed by the department, shall state the condition on  
6 which it is granted, including, but not limited to the specific  
7 use to which the license structure or fill is restricted, and  
8 shall specify by metes, bounds and otherwise the location,  
9 dimensions, and limits and mode of performing the work  
10 authorized thereby. Any changes in use or substantial  
11 structural alteration of a licensed structure or fill, whether  
12 said structure or fill first was licensed prior to or after the  
13 effective date of this section, shall require the issuance by the  
14 department of a new license in accordance with the  
15 provisions and procedures established in this chapter. Any  
16 unauthorized change in use or structural alteration shall  
17 render the license void. Licenses granted by the department  
18 pursuant to this chapter shall be revocable by the depart-  
19 ment for noncompliance with the conditions set forth therein.

20 Forty-five days before any license is granted pursuant to  
21 this chapter, the department shall give notice to the select-  
22 men of the town or the mayor of the city and the conservation  
23 commission of the town or city where the work is to be per-  
24 formed that they may be heard, except in the case of a  
25 proposed bridge, dam or similar structure across a river,  
26 cove, or inlet, the department shall give notice to the  
27 selectmen or mayor, and conservation commission of every  
28 municipality into which the tidewater of said river, cove or  
29 inlet extends, and the department shall cause said notice to

30 be published at the same time in a newspaper or newspapers  
31 having a circulation in the area affected by said license at the  
32 expense of the applicant.

33 A public hearing shall be held in the affected city or town  
34 on any license application for non-water dependent uses of  
35 tidelands. No structures or fill for non-water dependent uses  
36 of tidelands may be licensed unless a written determination  
37 by the department is made following a public hearing that  
38 said structures or fill shall serve a proper public purpose and  
39 that said purpose shall provide a greater public benefit than  
40 public detriment to the rights of the public in said lands and  
41 that the determination is consistent with the policies of the  
42 Massachusetts coastal zone management program. For  
43 those license applications where a public hearing is not  
44 mandated, a public hearing may be held, upon the request of  
45 the municipality or at the discretion of the department in the  
46 affected city or town.

47 Any person aggrieved by a decision by the department to  
48 grant a license pursuant to this chapter shall have the right to  
49 an adjudicatory hearing in accordance with chapter thirty A.

50 The department shall keep a record of each license and a  
51 plan of the work or structure. Said license shall be void  
52 unless, within sixth days after its date, it and the ac-  
53 companying plan are recorded in the registry of deeds for the  
54 county or district where the work is to be performed. Work or  
55 change in use authorized under the license shall not com-  
56 mence until said license is recorded and the department has  
57 received notification of said recordation.

58 No license shall be granted for private tidelands unless the  
59 application therefor contains a certification by the clerk of  
60 the affected cities or town that the work to be performed or  
61 changed in use is not in violation of local zoning ordinances  
62 and by-laws.

63 Each license granted shall contain a statement of the  
64 tidewater displacement assessments made with respect  
65 thereto and that payment has been received therefor, or that  
66 performance of other conditions in lieu of such payment has  
67 been completed to the satisfaction of the department and a  
68 statement of the assessment for occupation of com-  
69 monwealth tidelands, any, made with respect thereto for

70 which payment has been received or shall be required in  
71 accordance with regulations of the department.

1 SECTION 27. Said chapter 91 is hereby further amended by  
2 striking out sections 21 and 22 and inserting in place thereof  
3 the following sections:—

4 *Section 21.* The amount of tidewater displaced by any  
5 structure below high water mark, or any filling of flats, shall  
6 be ascertained by the department, which shall require the  
7 person, his heirs or assignees who are responsible for such  
8 displacement to make compensation therefor by excavating,  
9 under its direction, between high and low water mark in  
10 some part of the same harbor a basin for a quantity of water  
11 equal to that displaced; or by paying to the commonwealth,  
12 in lieu of such excation, an amount assessed by the depart-  
13 ment, or by improving the harbor in any other manner  
14 satisfactory to the department. The department shall by  
15 regulation determine a uniform rate of assessment to be  
16 charged pursuant to this section per cubic yard of water  
17 displaced. In determining said rate of assessment the  
18 department may consider the following factors: the costs  
19 incurred by the department in the licensing of tidelands; the  
20 costs typically associated with excavation or improvement of  
21 harbors or basins or permitted in lieu of payment of an  
22 assessment under this section; and the level of assessments  
23 historically charged in the commonwealth or in other states  
24 with respect to the displacement of tidewater. An assessment  
25 for the tidewater which has been displaced may be recovered  
26 in contract in the name of the state treasurer.

27 *Section 22.* If authority or a license is granted by the  
28 general court or by the department to a person to build a  
29 wharf or other structure upon, or to fill or otherwise occupy,  
30 land in tidewater, tide water, or to build or extend any  
31 structure or drive piles, fill land or make any obstruction,  
32 encroachment or excavation in, over or upon the waters of  
33 any great pond, he shall pay to the commonwealth such  
34 compensation for the rights granted in any land the title to  
35 which is in the commonwealth as shall be determined pur-  
36 suant to regulations of the department. The department shall  
37 by regulation provide for a uniform method for deter-

38 mination of such compensation which may in the depart-  
39 ment's discretion be based on either a uniform rate per  
40 square yard of commonwealth tidelands occupied or on an  
41 appraisal of the fair market value of the rights granted by the  
42 Commonwealth, and which may in the department's  
43 discretion be assessed either as a lump sum payable in full  
44 prior to issuance of the license or as a series of annual  
45 payments which shall be required as a condition of the  
46 license. This section shall not apply to authority granted to a  
47 county, city or town for the construction, widening or  
48 maintenance of a bridge constituting a part of a highway.

1 SECTION 28. Section 44 of chapter 253 of the General Laws,  
2 as appearing in chapter 722 of the acts of 1979, is hereby  
3 amended by striking out the first sentence and inserting in  
4 place thereof the following sentence: — In this section and in  
5 sections forty-five to forty-seven, inclusive, the term  
6 "commissioner" shall mean the commissioner of en-  
7 vironmental management or his designee.

1 SECTION 29. The general court hereby finds and declares  
2 that, in the interests of more efficient administration of  
3 government, that certain functions of the division of  
4 waterways, within the department of environmental quality  
5 engineering, shall be transferred to the department of en-  
6 vironmental management. The following functions of the  
7 division of waterways within the department of en-  
8 vironmental quality engineering as provided in chapters  
9 ninety-one and two hundred and fifty-three of the General  
10 Laws, are hereby transferred to the department of en-  
11 vironmental management: the authority to construct  
12 projects and facilities, the authority to dredge the waterways  
13 of the commonwealth, the ownership and management of the  
14 state piers, the ownership and management of certain land,  
15 and the dam maintenance and safety program. The functions  
16 of the division of waterways relating to licensing and per-  
17 mitting structures or activities within the tidelands of the  
18 commonwealth shall remain in the department of en-  
19 vironmental quality engineering.

1 SECTION 30. All rules, regulations, procedures, standards,

2 guidelines and policies duly made by the executive office of  
3 environmental affairs which relate to the Massachusetts  
4 coastal zone management program and are in force im-  
5 mediately prior to the effective date of this act, shall continue  
6 in force and the provisions thereof shall thereafter be en-  
7 forced, until superseded, revised, rescinded or cancelled in  
8 accordance with law, by the Massachusetts coastal zone  
9 management office.

1 SECTION 31. Upon the effective date of this act, all persons  
2 then employees of the department of environmental  
3 management and whose salaries are provided through  
4 budget account number 2130-0010 shall remain employees of  
5 the department of environmental management but may be  
6 temporarily transferred to the office of the secretary of the  
7 executive office of environmental affairs, without im-  
8 pairment of civil service status, seniority, retirement, or  
9 other rights, and without interruption of service under the  
10 provisions of chapter thirty A and section nine A of chapter  
11 thirty of the General Laws, and without reduction in com-  
12 pensation or salary grade notwithstanding any change in title  
13 or duties resulting from such transfer, and all such em-  
14 ployees of the commission shall have unrestricted right to  
15 take civil service examinations for and from the positions in  
16 which they are incumbent.

1 SECTION 32. Members of the water resources commission  
2 appointed by the governor and serving at the time of passage  
3 of this act shall continue to serve until the expiration of their  
4 present term and may be reappointed by the governor.

1 SECTION 33. Upon the effective date of this act, all em-  
2 ployees of the division of water resources shall become  
3 employees of the department of environmental management  
4 without impairment of civil service status, seniority,  
5 retirement or other rights, and without interruption of ser-  
6 vice under the provisions of chapter thirty-one and section  
7 nine A of chapter thirty of the General Laws, and without  
8 reduction in compensation or salary grade, notwithstanding  
9 any change in title or duties resulting from such transfer, and

10 all such employees of the division shall have unrestricted  
11 right to take civil service examinations for and from the  
12 positions in which they are incumbent.

1 SECTION 34. All employees whose duties are transferred to  
2 a department, commission, or other unit of state government  
3 by passage of this act, who, immediately prior to the ef-  
4 fective date of this act, hold positions related to the exercise  
5 of such powers or the performance of such duties and either  
6 hold permanent appointment in positions classified under  
7 chapter thirty-one of the General laws or have tenure in their  
8 positions by reason of section nine A of chapter thirty of the  
9 General laws, are hereby transferred to said department,  
10 commission, or other unit of state government to which said  
11 powers and duties are so transferred, every such transfer to  
12 be without impairment of civil service status, seniority,  
13 retirement or other rights of the employee and without in-  
14 terruption of service within the meaning of said chapter  
15 thirty-one of said section nine A and without reduction in  
16 compensation or salary grade notwithstanding any change in  
17 title or duties resulting from such transfer, subject to the  
18 provisions of said chapter thirty-one and the rules and  
19 regulations adopted thereunder.

20 All employees who, immediately prior to said effective  
21 date, hold positions related to the exercise of such powers or  
22 the performance of duties, as are transferred to a depart-  
23 ment, commission, or other unit of state government, but  
24 neither hold permanent appointment in such positions, nor  
25 have such tenure, are hereby transferred to said department,  
26 commission, or unit to which said powers and duties are so  
27 transferred, every such transfer to be without impairment of  
28 seniority, retirement and other rights of the employee, and  
29 without interruption of service within the meaning of said  
30 section nine A of chapter thirty and without reduction in  
31 compensation or salary grade, notwithstanding any change  
32 in title or duties resulting from such transfer.

33 Nothing in this section shall be construed to confer upon  
34 any employee any rights not held immediately prior to the  
35 effective date of this act or to prohibit any reduction of salary  
36 or grade, transfer, reassignment, suspension, discharge,

37 layoff, or abolition or position not prohibited prior to said  
38 effective date.

39 The status of the incumbent in any office or position placed  
40 within the classified civil service by this act shall be deter-  
41 mined pursuant to the provisions of section forty-seven A of  
42 said chapter thirty-one.

1 SECTION 35. All petitions, hearings and other proceedings  
2 duly brought before, and all prosecutions and legal and other  
3 proceedings duly begun by a department, commission, or  
4 other unit of state government, the powers and duties which  
5 are transferred by passage of this act, and which arise from  
6 or relate to the exercise of such powers or the performance of  
7 such duties, and which are pending immediatly prior to the  
8 effective date of this act, shall continue unabated and remain  
9 in force notwithstanding the passage of this act, and shall  
10 thereafter be completed before or by said department,  
11 commission, or other unit of state government to which said  
12 powers and duties are so transferred.

13 All orders, rules and regulations duly made, and all  
14 licenses, permits, certificates and approvals duly granted,  
15 by any department, commission, or unit of state government  
16 concerning the powers and duties which are transferred by  
17 this act, which arise from or relate to the exercise of such  
18 powers or the performance of such duties, and which are in  
19 force immediatly prior to the effective date of this act, shall  
20 continue in force and the provisions thereof shall thereafter  
21 be enforced, until superseded, revised, rescinded or can-  
22 celled in accordance with law, by the appropriate depart-  
23 ment, commission, or other unit of state government to  
24 which said powers and duties are so transferred.

25 All questions regarding the identification of such petitions,  
26 hearings, prosecutions, proceedings, orders, rules,  
27 regulations, licenses, permits, certificates and approvals,  
28 and of the agencies to which the completion or enforcement  
29 thereof is so transferred, shall be determined by the  
30 secretary of environmental affairs.

1 SECTION 36. All books, papers, records, documents,

2 equipment, lands, interests in land, buildings, facilities and  
3 other property, both personal and real, which, immediately  
4 prior to the effective date of this act, are in the custody of a  
5 department, commission, or other unit of state government,  
6 relating to powers and duties which are transferred by this  
7 act and which relate to or are maintained for the purpose of  
8 the exercise of such powers or the performance of such  
9 duties, are hereby transferred to the department, agency, or  
10 other unit of government to which said powers and duties are  
11 so transferred.

12 All questions regarding the identification of such property  
13 and of the agencies to which custody thereof is transferred  
14 shall be determined by the secretary of environmental af-  
15 fairs.

1 SECTION 37. All duly existing contracts, leases and  
2 obligations of any department, commission or other unit of  
3 state government concerning the powers and duties which  
4 are transferred by passage of this act, which relate to the  
5 exercise of such powers or the performance of such duties,  
6 and which are in force immediately prior to the effective date  
7 of this act, shall thereafter be performed by the department,  
8 commission, or other unit of state government to which said  
9 powers and duties are so transferred. No existing right or  
10 remedy of any character shall be lost, impaired or affected  
11 by the provisions of this act.

1 SECTION 38. All monies heretofore appropriated for a  
2 department, commission, or other unit of state government,  
3 concerning the powers and duties which are transferred by  
4 passage of this act, for the purpose of the exercise of such  
5 powers or the performance of said duties, and remaining  
6 unexpended on the effective date of this act, are hereby  
7 transferred to, and shall be available for expenditure by, said  
8 department, commission, or other unit of state government  
9 to which said powers and duties are so transferred, for the  
10 purposes for which such funds were originally appropriated.

11 All questions regarding the identification of such monies  
12 and of the agencies to which they are so transferred shall be  
13 determined by the secretary of environmental affairs.

1 SECTION 39. Wherever the name of a department, com-  
2 mission, or other unit of state government concerning the  
3 powers and duties which are transferred by passage of this  
4 act, appears in any general or special law, or in any order,  
5 rule, regulation or other document related to the exercise of  
6 such powers or the performance of such duties, such name  
7 shall mean and shall be construed as referring to the  
8 department, commission, or other unit of state government  
9 to which said powers and duties are so transferred.

1 SECTION 40. All powers, duties and other statutory  
2 provisions which prior to the effective date of this act were  
3 assigned to, or exercised by, a department, commission, or  
4 other unit of state government or were assigned to or exer-  
5 cised by any officer of any such unit shall continue to be  
6 exercised and performed by, and to be assigned to, such unit  
7 or officer except as such powers, duties or other statutory  
8 provisions are modified by this act.

1 SECTION 41. To meet the expenditures necessary in  
2 carrying out the provisions of section nineteen of this act, the  
3 state treasurer shall, upon request of the governor issue and  
4 sell bonds of the commonwealth to an amount to be specified  
5 by the governor from time to time, but not exceeding, in the  
6 aggregate, the sum of fifteen million dollars. All bonds issued  
7 by the commonwealth, as aforesaid, shall be designated on  
8 their face, Public Piers Reimbursement Loan, Act of 1983,  
9 and shall be issued for such maximum term of years, not  
10 exceeding twenty years, as the governor may recommend to  
11 the general court pursuant to Section 3 of Article LXII of the  
12 Amendments to the Constitution of the Commonwealth;  
13 provided, however, that all such bonds shall be payable not  
14 later than June thirtieth, two thousand and eight.

15 Bonds and interest thereon issued under the authority of  
16 this section shall, notwithstanding any other provisions of  
17 this act, be general obligations of the commonwealth.

1 SECTION 42. The state treasurer may borrow from time to  
2 time on the credit of the commonwealth such sums of money  
3 as may be necessary for the purpose of meeting payments

4 authorized by section nineteen of this act and may issue and  
5 renew from time to time notes of the commonwealth  
6 therefor, bearing interest payable at such time and at such  
7 rates as shall be fixed by the state treasurer. Such notes shall  
8 be issued and may be renewed one or more times for such  
9 terms, not exceeding one year, as the governor may  
10 recommend to the general court in accordance with Section 3  
11 of Article LXII of the Amendments to the Constitution of the  
12 Commonwealth, but the final maturities of such notes,  
13 whether original or renewal, shall not be later than June  
14 thirtieth, nineteen hundred and eighty-eight.

15 Notes and interest thereon issued under the authority of  
16 this section, notwithstanding any other provisions of this act,  
17 shall be general obligations of the commonwealth.

1 SECTION 43. The department of environmental  
2 management is hereby authorized to expend a sum not ex-  
3 ceeding ten million dollars for the acquisition and develop-  
4 ment and associated costs of land fronting on salt water,  
5 whether containing beaches or otherwise, for the purposes of  
6 continuing a long-term program of providing and ensuring  
7 public access to undeveloped saltwater front properties.  
8 Such funds shall be used for, but not limited to the purchase  
9 of properties in the towns of Bourne, Brewster, Edgartown,  
10 Gloucester, and the country of Nantucket. No such land shall  
11 be acquired until after a public hearing has been held in the  
12 city or town in which such land is situated and notice of such  
13 hearing has been given to the mayor and city council or  
14 board of selectmen, planning board and conservation  
15 commission, if any. No such funds shall be used to acquire  
16 land now owned by a corporation, trustee or other person for  
17 conservation purposes nor to acquire land owned by the  
18 commonwealth or any of its subdivisions. These funds shall  
19 be in addition to any funds previously appropriated for such  
20 purposes.

1 SECTION 44. The department of environmental  
2 management is hereby authorized to expend a sum not ex-  
3 ceeding three million dollars for the acquisition of land and  
4 the associated costs, in the counties of Barnstable, Dukes and  
5 Nantucket for conservation and recreation purposes.

1 SECTION 45. The department of environmental  
2 management is hereby authorized to expend a sum not ex-  
3 ceeding six hundred thousand dollars for a study, and the  
4 preparation of plans, if necessary, and for the construction  
5 of a recreational area at Halibut Point in Rockport, including  
6 but not limited to foot trails, restrooms, picnic areas and  
7 administrative complex, a visitors' center and parking;  
8 including the cost of furnishings and equipment.

1 SECTION 46. To meet the expenditures necessary in  
2 carrying out the provisions of sections forty-three, forty-four,  
3 and forty-five, the state treasurer shall, upon the request of  
4 the governor, issue and sell bonds of the commonwealth to an  
5 amount to be specified by the governor from time to time, but  
6 not exceeding in the aggregate, the sum of thirteen million  
7 six hundred thousand dollars.

8 All bonds issued by the commonwealth, as aforesaid, shall  
9 be designated on their face, "State Recreation Areas Loan,  
10 Act of 1983," and shall be issued for such maximum term of  
11 years, not exceeding twenty years, as the governor may  
12 recommend to the general court pursuant to Section 3 of  
13 Article LXII of the Amendments to the Constitution of the  
14 Commonwealth, provided, however, that all such bonds shall  
15 be payable not later than June thirtieth, two thousand and  
16 eight. All interest and payments on account of principal of  
17 such obligations shall be payable from the State Recreation  
18 Areas Loan Fund. Bonds and the interest thereon issued  
19 under the authority of this section shall, notwithstanding any  
20 other provisions of this act, be general obligations of the  
21 commonwealth.

1 SECTION 47. The division of fisheries and wildlife in the  
2 department of fisheries, wildlife and recreational vehicles is  
3 hereby authorized to expend a sum not exceeding one million  
4 dollars for acquisition of certain coastal streams for the  
5 purpose of protecting anadromous fish.

1 SECTION 48. To meet the expenditures necessary in  
2 carrying out the provisions of section forty-seven, the state  
3 treasurer shall, upon the request of the governor, issue and

4 sell bonds of the commonwealth to an amount to be specified  
5 by the governor from time to time, but not exceeding in the  
6 aggregate, the sum of one million dollars.

7 All bonds issued by the commonwealth, as aforesaid, shall  
8 be designated on their face, "Inland Fisheries and Game  
9 Loan Act of 1983," and shall be issued for such maximum  
10 term of years, not exceeding twenty years, as the governor  
11 may recommend to the general court pursuant to Section 3 of  
12 Article LXII of the Amendments to the Constitution of the  
13 Commonwealth, provided, however, that all such bonds shall  
14 be payable not later than June thirtieth, two thousand and  
15 eight. All interest and payments on account of principal of  
16 such obligations shall be payable from the Inland Fisheries  
17 and Game Fund. Bonds and the interest thereon issued under  
18 the authority of this section shall, notwithstanding any other  
19 provisions of this act, be general obligations of the com-  
20 monwealth.

1 SECTION 49. The metropolitan district commission is  
2 hereby authorized to expend a sum not exceeding two million  
3 five hundred dollars for the acquisition of coastal land and  
4 associated costs connected therewith in the metropolitan  
5 parks district. Said lands to include but not be limited to land  
6 within, abutting or adjacent to the Marina park, the Dor-  
7 chester Bay reservation, and the area known as Suffolk  
8 Services.

1 SECTION 50. The metropolitan district commission is  
2 hereby authorized to expend a sum not exceeding two  
3 million dollars for the acquisition of land and associated  
4 costs connected therewith in the metropolitan parks district.  
5 Said lands to include but not be limited to land within abut-  
6 ting or adjacent to river corridors and estuarine reser-  
7 vations. Provided that a sum not exceeding two hundred  
8 thousand dollars shall be used for the acquisition of the Belle  
9 Isle Marsh in the city of Boston.

1 SECTION 51. To meet the expenditures necessary in  
2 carrying out the provisions of sections forty-nine and fifty,  
3 the state treasurer shall, upon the request of the governor,  
4 issue and sell bonds of the commonwealth to an amount to be

5 specified by the governor from time to time, but not ex-  
6 ceeding in the aggregate, the sum of four million five hun-  
7 dred thousand dollars.

8 All bonds issued by the commonwealth, as aforesaid, shall  
9 be designated on their face, "Metropolitan Parks District  
10 Loan Act of 1983," and shall be issued for such maximum  
11 term of years, not exceeding twenty years, as the governor  
12 may recommend to the general court pursuant to Section 3 of  
13 Article LXII of the Amendments to the Constitution of the  
14 Commonwealth, provided, however, that all such bonds shall  
15 be payable not later than June thirtieth, two thousand and  
16 eight. All interest and payments on account of principal of  
17 such obligations shall be payable from the Metropolitan  
18 Parks District Fund. Bonds and the interest thereon issued  
19 under the authority of this section shall, notwithstanding any  
20 other provisions of this act, be general obligations of the  
21 commonwealth.

1 SECTION 52. The department of environmental  
2 management is hereby authorized to expend a sum not ex-  
3 ceeding seven million dollars for the development and  
4 associated costs in connection with the establishment at Long  
5 Wharf in the city of Boston of a mainland access point and  
6 waterfront component of the Boston Harbor Islands Park and  
7 for the purpose of entering into agreement with the Boston  
8 Redevelopment Authority and the city of Boston for  
9 development and associated costs in connection therewith.

1 SECTION 52A. The Boston Redevelopment Authority, is  
2 hereby authorized to receive and accept funds from the  
3 department of environmental management for the purpose  
4 of development and associated costs in connection with the  
5 establishment at Long Wharf in the City of Boston of a  
6 mainland access point and waterfront component of the  
7 Boston Harbor Islands State Park, subject to an agreement  
8 between said department and said authority relative to the  
9 use of such funds. All such funds shall be expended by said  
10 authority only in accordance with such agreement and all  
11 relevant laws. Any such expenditure shall be made from  
12 such funds as may from time to time be appropriated to the

13 department of environmental management by the general  
14 court or made available to said department pursuant to any  
15 federal funding program for said purpose, to be in addition to  
16 line 2270-8812 in section two of chapter 578 of the acts of 1980.

1 SECTION 53. The division of waterways in the department  
2 of environmental management is hereby authorized to ex-  
3 pend a sum not exceeding six hundred thousand dollars for a  
4 study, and the preparation of plans, if necessary, and for  
5 improvements to the East Boat Basin in the town of Sand-  
6 wich.

1 SECTION 54. To meet the expenditures necessary in  
2 carrying out the provisions of sections fifty-two and fifty-  
3 three of this act, the state treasurer shall, upon the request of  
4 the governor, issue and sell bonds of the commonwealth to an  
5 amount to be specified by the governor from time to time, but  
6 not exceeding in the aggregate, the sum of seven million six  
7 hundred thousand dollars.

8 All bonds issued by the commonwealth, as aforesaid, shall  
9 be designated on their face, "Coastal Area Improvement  
10 Loan, Act of 1983," and shall be issued for such maximum  
11 term of years, not exceeding twenty years, as the governor  
12 may recommend to the general court pursuant to Section 3 of  
13 Article LXII of the Amendments to the Constitution of the  
14 Commonwealth, provided, however, that all such bonds shall  
15 be payable not later than June thirtieth, two thousand and  
16 five. All interest and payments on account of principal of  
17 such obligations shall be payable from General Fund. Bonds  
18 and the interest thereon issued under the authority of this  
19 section shall, notwithstanding any other provisions of this  
20 act, be general obligations of the commonwealth.

1 SECTION 55. A portion of the funds provided in this act, not  
2 to exceed six percent of any appropriation, may be used for  
3 the costs associated with the acquisition and development of  
4 property. Such associated costs may include the cost of legal  
5 services, appraisals, design, engineering, and planning. No  
6 amounts authorized in this act shall be used for the payment  
7 of any salaries of permanent or temporary employees of the  
8 Commonwealth.





