

SENATE No. 345

The Commonwealth of Massachusetts

SENATE, February 4, 1931.

The committee on Bills in the Third Reading, to which was referred the Senate Bill relative to State forests and lands acquired by the Commonwealth for experiments in forest management (Senate, No. 142), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act relative to State Forests and Lands acquired by the Commonwealth for Reforestation and Experiment in Forest Management" (Senate, No. 345), and that, when so amended, the same will be correctly drawn.

For the committee,

NEWLAND H. HOLMES.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act relative to State Forests and Lands acquired by the Commonwealth for Reforestation and Experiment in Forest Management.

1 *Whereas*, The deferred operation of this act
2 would in part defeat its purpose, therefore it is
3 hereby declared to be an emergency law, neces-
4 sary for the immediate preservation of the pub-
5 lic convenience.

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 two of chapter one hun-
2 dred and thirty-two of the General Laws, as
3 amended by section one of chapter two hundred
4 and eighty-four of the acts of nineteen hundred
5 and twenty-four, is hereby further amended by
6 striking out the last two sentences and inserting
7 in place thereof the following:— The commis-
8 sioner may, subject to the approval of the deed
9 and title by the attorney general, accept on be-
10 half of the commonwealth gifts of land to be held
11 and managed for experiment and illustration in
12 forest management and for reforestation in
13 accordance with such rules and regulations as

14 the commissioner, with the approval of the gov-
15 ernor and council, may prescribe. A donor of
16 such land may reserve the right to buy back the
17 land in accordance with such terms and condi-
18 tions as may be agreed upon by and between
19 such donor and the commissioner; but in the
20 absence of such reservation in his deed of gift
21 he shall not have such right.

1 SECTION 2. Section thirty-one of said chapter
2 one hundred and thirty-two is hereby amended
3 by striking out, in the first line, the words “the
4 preceding section” and inserting in place thereof
5 the words:—section thirty or thirty-three,—
6 and by inserting after the word “forester”, in
7 the third line, the following sentence:—Lands
8 acquired by purchase for experiment and illus-
9 tration in forest management and for reforesta-
10 tion under the provisions of chapter four hundred
11 and seventy-eight of the acts of nineteen hun-
12 dred and eight and amendments thereof, or of
13 the corresponding provisions of later laws, as to
14 which the period limited for repurchase by their
15 original owners, or their heirs or assigns, in
16 accordance with said provisions, shall have ex-
17 pired without such repurchase, shall also be
18 known as state forests and shall be under the
19 control and management of the forester to the
20 same extent as if acquired under section thirty,
21 — so as to read as follows:—*Section 31.* Lands
22 acquired under section thirty or thirty-three
23 shall be known as state forests, and shall be

24 under the control and management of the fores-
25 ter. Lands acquired by purchase for experi-
26 ment and illustration in forest management and
27 for reforestation under the provisions of chapter
28 four hundred and seventy-eight of the acts of
29 nineteen hundred and eight and amendments
30 thereof, or of the corresponding provisions of
31 later laws, as to which the period limited for
32 repurchase by their original owners, or their
33 heirs or assigns, in accordance with said pro-
34 visions, shall have expired without such repur-
35 chase, shall also be known as state forests and
36 shall be under the control and management of
37 the forester to the same extent as if acquired
38 under section thirty. He shall reforest and de-
39 velop such lands, and may, subject to the ap-
40 proval of the commissioner and advisory council
41 of the department of conservation, make all
42 reasonable regulations which in his opinion will
43 tend to increase the public enjoyment and benefit
44 therefrom and to protect and conserve the water
45 supplies of the commonwealth.

1 SECTION 3. Section thirty-four A of said chap-
2 ter one hundred and thirty-two, inserted by sec-
3 tion three of chapter two hundred and eighty-
4 eight of the acts of nineteen hundred and twenty-
5 three, is hereby amended by striking out the
6 first paragraph and inserting in place thereof the
7 following: —

8 The commissioner, with the approval of the
9 governor and council, and after a public hearing,

10 may sell or exchange any land acquired by the
11 commonwealth under section thirty or thirty-
12 three, chapter three hundred and forty of the
13 acts of nineteen hundred and twenty-one, or
14 chapter four hundred and seventy-eight of the
15 acts of nineteen hundred and eight and amend-
16 ments thereof or corresponding provisions of
17 later laws, and may in like manner grant rights
18 of way for public highways over any such land,
19 if in his judgment such sale, exchange or grant is
20 advantageous to the commonwealth, and may
21 execute such deeds of conveyance or other papers
22 as may be necessary; and the commissioner
23 may also grant over or across any such lands
24 such locations as shall be found by order of the
25 department of public utilities after public hear-
26 ing to be required by public necessity or con-
27 venience for telephone, telegraph or electric light
28 or power transmission lines, and as in his judg-
29 ment are necessary and will serve the public
30 interest, and may execute such papers as may
31 be necessary; provided, that no sale or exchange
32 of any land or interest therein acquired by the
33 commonwealth under said chapter four hundred
34 and seventy-eight and its amendments or cor-
35 responding provisions of later laws, which is
36 subject to an option of repurchase, and that no
37 grant either of right of way or location over or
38 across the same shall be made unless the holder
39 of such option joins in the sale, exchange or
40 grant.

1 SECTION 4. Section ten of said chapter one
2 hundred and thirty-two, as amended by section
3 one of chapter two hundred and seventy-one of
4 the acts of nineteen hundred and twenty-one, is
5 hereby repealed.

1 SECTION 5. All lands acquired by the com-
2 missioner of conservation under the provisions
3 of said chapter four hundred and seventy-eight
4 and its amendments or of the corresponding pro-
5 visions of later laws, as to which the period
6 limited for their repurchase by their original
7 owners, or their heirs or assigns, in accordance
8 with said provisions, has not expired, shall con-
9 tinue to be held and managed, subject to re-
10 purchase and reconveyance, as therein provided,
11 but as the said period shall from time to time
12 expire in respect to any parcel of land so ac-
13 quired without repurchase and reconveyance,
14 said parcel shall become a state forest and shall
15 be subject to section thirty-one of said chapter
16 one hundred and thirty-two, as amended by
17 section two of this act.

SENATE, Feb. 4, 1931.

Passed to be engrossed.

Sent down for concurrence.

WILLIAM H. SANGER, *Clerk.*

