
By Mr. Silva, petition of Antone L. Silva that provision be made for the transfer of the Division of Waterways from the Department of Public Works to the Department of Natural Resources. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT TRANSFERRING THE DIVISION OF WATERWAYS FROM THE DEPARTMENT OF PUBLIC WORKS TO THE DEPARTMENT OF NATURAL RESOURCES.

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 five A of chapter sixteen of the General
2 Laws is hereby repealed.

1 SECTION 2. The last paragraph of section 7 of said chapter
2 16, as appearing in the Tercentenary Edition, is hereby
3 amended by striking out, in line 3, the words "waterways
4 and".

1 SECTION 3. The fourth paragraph of section 1 of chapter
2 21 of the General Laws is hereby amended by striking out the
3 first sentence, as appearing in section 1 of chapter 631 of the
4 acts of 1953, and inserting in place thereof the following sen-
5 tence: — The department shall consist of a division of forests
6 and parks, a division of marine fisheries, a division of water-
7 ways, and a division of law enforcement.

1 SECTION 4. The first sentence of section 13 of chapter 58
2 of the General Laws, as most recently amended by section 1
3 of chapter 593 of the acts of 1960, is hereby amended by strik-
4 ing out, in lines 12 and 13, the words "or the division of public
5 beaches in the department of public works".

1 SECTION 5. Section 1 of chapter 91 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby amended by
3 striking out the paragraph defining "Department" and insert-
4 ing in place thereof the following paragraph: — "Department",
5 the department of natural resources.

1 SECTION 6. Section 14 of said chapter 91, as so appearing,
2 is hereby amended by striking out, in line 1, the words "of
3 public works".

1 SECTION 7. Sections sixty, sixty-one and sixty-two of said
2 chapter ninety-one are hereby repealed.

1 SECTION 8. Said chapter 91 is hereby further amended by
2 adding at the end the following section: — *Section 63.* The
3 director of the division of waterways in the department of
4 natural resources may, with the approval of the commissioner
5 of natural resources and subject to the provisions of chapter
6 thirty A, make rules and regulations for the government and
7 use of the Salisbury Beach Reservation and all ocean beaches
8 under the control and supervision of the division. Violation of
9 any such rule or regulation shall be punished by a fine not ex-
10 ceeding twenty dollars. The director shall cause such rules
11 and regulations to be posted in one or more conspicuous places
12 in each area to which they apply and to be published at least
13 annually in a newspaper published in the county in which such
14 area is located. The sworn certificate of the director that
15 such rules and regulations have been so posted and published
16 shall be prima facie evidence thereof. Such posting and pub-
17 lication shall constitute sufficient notice of such rules and regu-
18 lations to all persons.

1 SECTION 9. The last paragraph of section 32 of chapter 92
2 of the General Laws, as appearing in the Tercentenary Edi-
3 tion, is hereby amended by striking out, in line 6, the words
4 "public works" and inserting in place thereof the words: —
5 natural resources.

1 SECTION 10. Section 43 of chapter 131 of the General Laws,
2 as appearing in section 2 of chapter 599 of the acts of 1941, is
3 hereby amended by striking out, in line 2, the words "public
4 works" and inserting in place thereof the words: — natural
5 resources.

1 SECTION 11. Section 4 of chapter 132A of the General Laws,
2 as most recently amended by section 10 of chapter 640 of the
3 acts of 1958, is hereby amended by striking out, in line 8, the
4 words "public works" and inserting in place thereof the
5 words: — natural resources.

1 SECTION 12. Chapter seven hundred and eighty-seven of
2 the acts of nineteen hundred and fifty is hereby repealed.

1 SECTION 13. The division of waterways in the department
2 of public works, established by section five A of chapter six-
3 teen of the General Laws, is hereby abolished and the func-
4 tions and duties and the real and personal property, including
5 the records, of said division are hereby transferred to the
6 division of waterways in the department of natural resources
7 established by section one of chapter twenty-one of the Gen-
8 eral Laws, as amended by section three of this act, which shall
9 be its legal successor.

10 All orders, rules and regulations, authority, licenses and
11 permits issued, made or granted by said division of waterways
12 in the department of public works prior to the effective date
13 of this act shall remain in full force and effect until revoked,
14 modified or amended in accordance with law after said effec-
15 tive date.

1 SECTION 14. All persons employed by said division of water-
2 ways in the department of public works upon the effective
3 date of this act who are subject to the civil service laws, ex-
4 cept the director, shall be transferred to and serve in said divi-
5 sion of waterways in the department of natural resources
6 without any impairment of their civil service, seniority, re-
7 tirement or other rights.

1 SECTION 15. Whenever reference is made in any statute,
2 order, rule or regulation to said division of waterways in the
3 department of public works it shall mean said division of
4 waterways in the department of natural resources.

1 SECTION 16. Funds available for expenditure by said divi-
2 sion of waterways in the department of public works shall be
3 available for expenditure by said division of waterways in the
4 department of natural resources.

1 SECTION 17. Notwithstanding any provision of law to the
2 contrary the position of conservation helper and bathhouse at-
3 tendant, and positions on the life guard staff, filled on a
4 seasonal basis in said division of waterways in the department
5 of natural resources, shall not be subject to the civil service
6 laws.