

*Be it enacted, etc., as follows:*

SECTION 1. In consideration of the release of two liens on real property of Ludovic O. Fournier in the town of Norwood held by the division of employment security, recorded in Norfolk county registry of deeds, book 3462, page 354 and book 3479, page 90 which were paid and which were released by an instrument dated May eighth, nineteen hundred and seventy-three, the commissioner of administration and finance, in the name of and in behalf of the commonwealth, is hereby authorized to convey to said Ludovic O. Fournier, by a deed, approved as to form by the attorney general, all right, title, interest and estate of the commonwealth in and to a certain parcel of land in the town of Norwood being the same premises conveyed to the commonwealth by the said Ludovic O. Fournier by deed dated January sixteenth, nineteen hundred and fifty-seven, recorded in said registry in book 3535 on page 503.

SECTION 2. This act shall take effect upon its passage.

*Approved December 7, 1973.*

**Chap. 1155.** AN ACT FURTHER REGULATING THE PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL RESOURCES OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

SECTION 1. Section 26 of chapter 9 of the General Laws, as most recently amended by chapter 643 of the acts of 1971, is hereby further amended by striking out the first five sentences and inserting in place thereof the following five sentences: — There shall be in the department of the state secretary a Massachusetts historical commission, hereinafter and in sections twenty-six A to twenty-seven C, inclusive, called the commission. Said commission shall consist of the state secretary, or an officer or employee from his department designated by him, who shall be the chairman; the commissioner of natural resources; the commissioner of commerce; two persons to be appointed by the governor; and seven persons to be appointed by the state secretary of whom one shall be selected from a list of three nominees submitted by the Bay State Historical League, one from a list of three nominees submitted by the Massachusetts Historical Society, one from a list of three nominees submitted by the Society for the Preservation of New England Antiquities, one from a list of three nominees submitted by The American Antiquarian Society, one from a list of three nominees submitted by The Trustees of Reservations, one from a list of three nominees submitted by the New England Historic Genealogical Society, and one from a list of three nominees submitted by The Massachusetts Archeological Society, Incorporated. Upon the expiration of the term of an appointive member his successor shall be appointed in like manner for a term of three years. The chairman shall appoint a state archeologist who shall be re-

sponsible for the preservation and protection of the archeological resources of the commonwealth as the commission may direct, and in accordance with the provisions of sections twenty-six A to twenty-seven C, inclusive, and who shall not be subject to chapter thirty-one or section nine A of chapter thirty. The commission and the state archeologist shall advise the state secretary on matters relating to the historical and archeological assets of the commonwealth.

SECTION 2. Said chapter 9 is hereby further amended by inserting after section 26 the following two sections: —

*Section 26A.* It shall be the duty of the state archeologist to:

(1) Compile and maintain an inventory of historical and archeological sites and specimens, which inventory shall be made available to such private organizations, agencies and political subdivisions of the commonwealth as the state archeologist deems appropriate.

(2) Conduct surveys and field investigations relative to the recovery and preservation of scientific, historical or archeological information regarding specimens or sites, and analyze and publish said information.

(3) Recommend such sites within the commonwealth or its political subdivisions as the state archeologist deems necessary for the protection of historical or archeological resources to be considered for state archeological landmarks or for the execution of preservation or conservation restrictions.

(4) Issue permits for exploration or field investigations of archeological or historical sites pursuant to section twenty-seven C, notifying any applicant for such permit whether the permit has been granted or denied within sixty days from receipt of his application.

The commission by written notice to the state secretary shall recommend the reservation from sale of any land owned by the commonwealth or a political subdivision, including any forfeited to a city or town for the nonpayment of taxes, on which sites or specimens are located or may be found, as designated by the state archeologist; provided, however, that the reservation of such lands from sale shall be confined to the actual location of the site or specimens. When said sites or specimens have been explored, excavated or otherwise examined to the extent desired by the state archeologist he shall file with the state secretary a statement that there is no longer cause for reserving such land from sale.

All agencies of the commonwealth or of any political subdivision thereof shall cooperate fully with the state archeologist in the preservation, protection, excavation and evaluation of specimens and sites.

*Section 26B.* The following definitions shall apply to section twenty-six A and to sections twenty-seven to twenty-seven C, inclusive:

“Field investigation”, the study of the traces of human culture or other remains at any land or water site by means of surveying,

digging, sampling, excavating or removing surface or subsurface objects, or the entrance onto a site with that intent.

"Site", any aboriginal mound, fort, earthwork, village, location, burial ground, historic or prehistoric ruin, quarry, cave or other location, one hundred and fifty years old or more, which is or may be the source of valuable archeological data.

"Specimens", all relics, artifacts, remains, objects, or any other evidence of a historical, prehistorical, archeological, anthropological or paleontological nature one hundred and fifty years old or more which may be found below or on the surface of the earth, and which have scientific, historical or archeological value, including but not limited to objects of antiquity, aboriginal, colonial or industrial relics, and archeological or paleontological samples.

SECTION 3. Section 27 of said chapter 9, as appearing in chapter 707 of the acts of 1965, is hereby amended by adding the following paragraph: —

The commission may request the state archeologist to examine certain sites in the commonwealth and to make recommendations concerning their archeological significance. Any such site deemed by the commission to be of substantial archeological significance to the commonwealth may, with the written consent of the person or persons claiming ownership, and such others having recorded interests as the commission shall deem necessary, be certified by the commission as an archeological landmark. In the case of landmarks owned by the commonwealth, such consent may be given by the governor. In the case of landmarks owned by a city, such consent may be given by its manager or, if there is no manager, its mayor, with the approval of its city council, and in the case of landmarks owned by a town, by its selectmen. No such certification shall take effect until a notice of such certification has been recorded in the registry of deeds in the county where such certified landmark is situated. The commission may establish standards for the care and management of such certified landmarks, and may withdraw such certification for failure to maintain such standards provided that a notice of such withdrawal is recorded as aforesaid. No person, corporation or municipality shall conduct a field investigation, as defined in section twenty-six A, of any site so certified without first obtaining a permit from the state archeologist, according to the provisions of section twenty-seven C. The superior court shall have jurisdiction in equity to enforce the provisions of this section and, on petition of any party in interest, may alter, amend or revoke the order of the commission.

SECTION 4. Said chapter 9 is hereby further amended by inserting after section 27B the following section: —

*Section 27C.* Any person, corporation, agency or authority of the commonwealth or any of its political subdivisions supervising any survey, excavation or construction on any lands of the commonwealth, its agencies or political subdivisions shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in the course of such

survey, excavation or construction, and shall take all reasonable steps to secure its preservation. No person, corporation, agency or authority of the commonwealth or any of its political subdivisions shall conduct field investigation activities on any land owned or controlled by the commonwealth, its agencies or political subdivisions or on any historic or archeological landmarks or on any lands restricted by section thirty-one of chapter one hundred and eighty-four of the General Laws without first securing a permit from the state archeologist. The state archeologist shall issue permits for exploration and field investigation to be undertaken on said lands, with the consent of the owner or agency in charge of said lands, to those persons or institutions which he deems to be qualified to conduct such activity, and subject to such rules and regulations as the commission may prescribe; provided, however, that any such activity shall be conducted with the objective of disseminating the knowledge gained by it; provided further, that a summary report of such activity, containing relevant maps, documents, drawings and photographs be submitted to the commission; and provided further, that all specimens collected through such activity shall be the permanent property of the commonwealth. The commission may make arrangements for the disposition or display of any such specimens in appropriate institutions located within the commonwealth. Information reported to the state archeologist pursuant to this section shall be regarded as confidential.

Any person, corporation, agency or authority of the commonwealth or any of its political subdivisions who shall conduct field investigations on any land owned or controlled by the commonwealth, its agencies, or any political subdivisions thereof or in which the commonwealth has an interest, without first obtaining a permit therefor as provided in this section, or any person, corporation or municipality who shall appropriate, deface, destroy or otherwise alter any site, specimen or landmark except in the course of activities authorized under said permit, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both. All specimens, objects and materials collected or excavated in violation of this section shall be forfeited to the commonwealth.

Any person, corporation, agency or authority of the commonwealth or any of its political subdivisions who shall reproduce, retouch, rework or forge any archeological, paleontological or historical object, or falsely label, describe, identify or offer for sale or exchange any object, with intent to represent said object as an original and genuine archeological, paleontological or historical specimen, or any person who shall offer for sale or exchange any object with knowledge that it has been previously collected or excavated in violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both. The superior court shall have jurisdiction in equity to enforce the provisions of this section and, on the petition of any party in interest,

may alter, amend or revoke any order of the commission or state archeologist.

SECTION 5. Section 14A of chapter 36 of the General Laws, added by section 2 of chapter 697 of the acts of 1963, is hereby amended by inserting after the word "historic", in line 1, the words: — or archeological.

SECTION 6. Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (56), inserted by section 3 of chapter 697 of the acts of 1963, and inserting in place thereof the following clause: —

(56) To mark, preserve, promote and develop historical or archeological sites and landmarks and to establish and maintain an historical commission.

SECTION 7. Section 8D of said chapter 40 is hereby amended by striking out the first three sentences, as appearing in section 4 of chapter 697 of the acts of 1963, and inserting in place thereof the following four sentences: — A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of an archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C.

SECTION 8. Chapter 79 of the General Laws is hereby amended by striking out section 5A, as appearing in section 5 of chapter 697 of the acts of 1963, and inserting in place thereof the following section: —

Section 5A. No historical or archeological landmark certified under the provisions of section twenty-seven of chapter nine and no property owned, preserved and maintained by any historical organization or society as an ancient landmark or as property of historical or antiquarian interest shall be taken without leave of the general court specially obtained.

SECTION 9. Section 7M of chapter 81 of the General Laws is hereby amended by adding the following sentence: — The words "historic site" as used in this section shall include archeological sites as defined and regulated by sections twenty-six A to twenty-seven C of chapter nine.

SECTION 10. The first sentence of section 13B of said chapter 81, as appearing in chapter 397 of the acts of 1967, is hereby amended by inserting after the word "historic," in line 7, the following words: — or archeological.

SECTION 11. The second paragraph of section 31 of chapter 184 of the General Laws, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by striking out, in line 7, the word "or" —, and by striking out clause (d) and inserting in place thereof the following two clauses: — (d) field investigation, as defined in section twenty-six A of chapter nine, without a permit as provided by section twenty-seven C of said chapter, or (e) other acts or uses detrimental to appropriate preservation of the structure or site.

SECTION 12. The first sentence of section 1 of chapter 765 of the acts of 1972 is hereby amended by inserting after the word "easements", in line 7, the words: —, archeological and paleontological studies and salvage. *Approved December 7, 1973.*

**Chap. 1156.** AN ACT IMPOSING CERTAIN PENALTIES FOR PUBLISHING CREDIT CARD NUMBERING OR CODING SYSTEMS.

*Be it enacted, etc., as follows:*

Chapter 266 of the General Laws is hereby amended by inserting after section 37C the following section: —

Section 37D. Whoever publishes or causes to be published the number or code of an existing, canceled, revoked, expired, or non-existent credit card issued by a public utility company or the numbering or coding system which is employed in the issuance of such credit cards, or any method, scheme, instruction or information on how to fraudulently avoid payment for telecommunication services, with the intent that such number or coding system or information be used or with knowledge that such system or information are to be used to fraudulently avoid the payment of any lawful charges imposed by a public utility company shall be punished by a fine not exceeding two thousand dollars or by imprisonment for not more than twelve months, or both.

As used in this section, "publishes" means the communication of information to any one or more persons, either orally, in person, or by telephone, radio, or television, or in a writing of any kind, including a letter or memorandum, circular, poster, or handbill, newspaper or magazine article, or book with the intent that such information be used or employed in violation of this section.

*Approved December 7, 1973.*

**Chap. 1157.** AN ACT IMPOSING CERTAIN PENALTIES FOR FRAUDULENTLY AVOIDING CHARGES FOR TELECOMMUNICATION SERVICES.