

By Mr. Gaudette of New Bedford, petition of Donald R. Gaudette, Bruce H. Zeiser and Ronald C. MacKenzie relative to establishing a land record advisory committee for the purpose of advising and assisting in the administration of a land record improvement program. Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT PROVIDING FOR IMPROVEMENT OF LAND RECORDS IN THE COMMONWEALTH.

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 4 of Chapter 7 of the General Laws, as
2 amended by Chapter 704 of the Acts of 1969, is hereby amended
3 by striking the semi-colon after the word "commonwealth" in line
4 15 of the second paragraph and inserting in place thereof the
5 following:— and, in matters affecting coordination of procedures
6 for mapping and for keeping of public records affecting land, of
7 units of the county and municipal governments of the com-
8 monwealth;

1 SECTION 2. Chapter 7 of the General Laws is further
2 amended by inserting at the end thereof the following new
3 section:—

4 *Section 39.* To advise and assist the commissioner and the
5 judge of the land court in the administration of a land records
6 improvement program, there is hereby established in the
7 executive office of administration and finance the land records
8 advisory committee consisting of fifteen members, including as
9 ex-officio members with full voting privileges the following eight
10 officers of the commonwealth or their designees: president of the
11 senate, speaker of the house of representatives, judge of the land
12 court, attorney general, secretary of the commonwealth, secretary
13 of environmental affairs, commissioner of corporations and

14 taxation, and director of the office of state planning; and
 15 including seven members to be appointed by the governor, one of
 16 whom shall be a representative of the registers of deeds, one of
 17 whom shall be a representative of the conveyancing profession,
 18 one of whom shall be a representative of the surveying profession,
 19 one of whom shall be a representative of the municipal assessors,
 20 and one of whom shall be a representative of consumer interests
 21 in real estate. The governor, after consultation with the judge of
 22 the land court, shall designate the chairman and the vice-
 23 chairman from among his seven appointees to the advisory
 24 committee. Members or officers of the advisory committee
 25 appointed by the governor will serve until removed by him or
 26 until three months after the end of his term of office.

27 The duties of the land records advisory committee shall be to
 28 advise and assist the commissioner and the judge of the land court
 29 in the administration of a land records improvement program,
 30 which shall include the following:—

31 (a) reports and recommendations by the commissioner and
 32 the judge of the land court to the governor, the chief justice and
 33 the general court on or before December 1, 1977, and revisions of
 34 said reports and recommendations following the end of each
 35 fiscal year thereafter, including evaluations of results of previous
 36 recommendations, on the following subjects:

37 (b) procedures for improving the storage and retrieval of
 38 public records relating to real estate by the use of uniform and
 39 combined indexes thereto based upon a geographic system using
 40 numbers, letters or other symbols or devices relating to units of
 41 land as alternative to systems based upon the names of persons;

42 (2) changes in the laws and customs relating to the recording of
 43 deeds and other instruments that may be necessary or desirable to
 44 accomplish the foregoing;

45 (3) changes in other laws relating, substantially or procedural-
 46 ly, to the creation, ownership and transfer of rights in real estate,
 47 including chapter 185 of the General Laws, that might, without
 48 undue prejudice to the purposes of such laws, reduce the length
 49 and the expense of title examination and the risks inherent in
 50 purchases of real estate.

51 (b) plans, guidelines and standards established by the
 52 commissioner for improvement of maps and land records in the

53 commonwealth, and evaluation of their results, including the
54 following, among others:

55 (1) guidelines for each agency of the commonwealth that
56 administers regulations affecting land parcels, relative to
57 maintenance of its assigned elements of the land parcel data base;

58 (2) management standards for the surveying and geodetic
59 control operations of the commonwealth;

60 (c) minimum standards for the mapping of extended areas by
61 any state agency, and guidelines for at least the following types of
62 maps, to provide for their coordinated use as elements of a state-
63 wide map system, using a hierarchy of map scales that facilitates
64 conversion from one scale to another: land registry or cadastral
65 maps; property index maps; land use maps; and natural resources
66 maps;

67 (4) evaluation of the requirements of the state tax commission
68 for the maintenance of land parcel maps and records by
69 municipal assessors;

70 (5) guidelines for maintenance of records concerning or-
71 dinances, bylaws, regulations or permits of local governments
72 affecting the zoning, subdivision, development or conditions of
73 public health of individual land parcels; and

74 (6) organization, work program, and federal funding required
75 for conduct of a pilot project to test and demonstrate the benefits
76 and costs, public and private, in dollars and working time, of an
77 integrated land and resources information system based on the
78 records of land parcels at the registries of deeds.

79 All departments, divisions, boards, bureaus, commissions and
80 agencies of the commonwealth and every county, city and town
81 are authorized to make available to the advisory committee such
82 data as they have which the committee may seek, and to execute
83 agreements with the chairman of the committee for doing or
84 sharing work or expense in furtherance of the purposes of both
85 parties. The committee may hold public hearings. The chairman
86 of the committee may appoint task forces to advise and assist it in
87 its work or particular aspects thereof. The chairman and vice-
88 chairman may receive compensation for such part-time duties as
89 may be assigned by the commissioner, subject to appropriation.
90 All other members of the advisory committee and its task forces
91 shall serve without compensation, but may be reimbursed for
92 expenses incurred by them in the performance of their duties.

1 SECTION 3. The commissioner of administration shall
2 assume responsibility for the reports and files of the land records
3 commission funded in the department of community affairs by
4 chapters 363 and 423 of the Acts of 1974. The commissioner shall
5 consider continuity with the prior work of said commission as an
6 objective in his recommendations regarding membership of the
7 land records advisory committee and staffing of the land records
8 improvement program.

1 SECTION 4. Chapter 36 of the General Laws is hereby
2 amended by inserting after Section 13B the following new
3 section:—

4 *Section 13C.* Any city or town which accepts this section may
5 submit index maps of its territory to the land court in accordance
6 with regulations established from time to time by the court,
7 together with such information as the court may require. If it
8 determines that the maps are adequate for the purpose, and that
9 the register of deeds for the registry district in which the city or
10 town lies has offered evidence that he is prepared to maintain a
11 geographic index, the court may assign an identifier to each grid
12 rectangle or parcel thereon, as the case may be.

13 Upon such assignment, sets of the maps, bearing the identifiers,
14 shall be delivered to the city or town and to said register of deeds,
15 who shall post a notice of such receipt in his registry, and the city
16 or town may send to each owner of land therein, whether or not
17 exempt from taxation, a copy of the map, or portion thereof, that
18 shows his land.

19 Such regulations may prescribe (1) methods of preparing and
20 distributing index maps that show the locations of units of land in
21 relation to either a rectangular coordinate grid or the boundaries
22 of a hierarchy of parcels and groups of parcels, (2) methods of
23 subsequently altering, prospectively, the size of the rectangles on
24 any grid map or the size and shape of parcels on any parcel map,
25 if such parcels are incorrectly depicted or altered by agreement,
26 (3) methods of changing from grid to parcel maps and vice versa,
27 and (4) methods of abolishing index maps and reverting to
28 grantor-grantee indexes. Parcel maps shall be admissible as
29 rebuttable evidence of the boundaries of the parcels shown
30 thereon.

1 SECTION 5. The first sentence of Section 14 of chapter 36 of
2 the General Laws is hereby amended to read as follows:—

3 When he has received one or more index maps from the land
4 court, pursuant to Section 13C, he shall add a seventh column,
5 with the heading "Geographic Identifier."

1 SECTION 6. Section 25 of chapter 36 is hereby amended by
2 adding the following paragraph:—

3 When he has received one or more index maps from the land
4 court, pursuant to Section 13C, he shall keep a geographic index,
5 divided into seven columns, with headings as follows:—

Date of Reception	Town Where the Land Lies	Geographic Identifier	Grantors	Grantees	Book	Page
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1 SECTION 7. Section 26 of chapter 36 is hereby amended to
2 read as follows:—

3 Unless a deed or other instrument which he is by law required
4 to record bears a recital or an endorsement by the party
5 presenting it from which it appears that all the land affected
6 thereby is in a town or city for which there are index maps, he
7 shall, and notwithstanding any such recital or endorsement he
8 may, within twenty-four hours after it is left for record, cause the
9 name of each grantor, the grantee or other party thereto to be
10 entered at length and alphabetically in the appropriate index, and
11 in the appropriate column, if any, the name of the town where the
12 land described in the instrument lies, if the same is therein
13 disclosed. Within a reasonable time after such instrument has
14 been recorded, he shall affix to such entry the number of the book
15 and leaf or page where recorded.

16 If it appears that any of the land affected is shown on an index
17 map, he shall, within such twenty-four hours, cause the foregoing
18 entries to be made in the geographic index, arranged
19 alphabetically and numerically according first to the city or town
20 and then to the grid or parcel identifiers.

1 SECTION 8. The first sentence of Section 28 of chapter 36 is
2 hereby amended to read as follows:—

3 Each register shall annually, at the expense of the county, cause

4 competent persons to make copies of the indexes of the preceding
5 year. Indexes of grantors and grantees shall be classified by their
6 respective surnames in alphabetical order, and arranged
7 thereunder in the order in which the deeds and other conveyances
8 to which they refer were left for record. He may also cause the
9 Christian names of the grantors and grantees, as well as their
10 surnames, to be arranged in alphabetical order in such lists. Such
11 copies shall in other respects be in the form required for the
12 original indexes.

13 A geographic index shall list all instruments affecting land
14 shown on index maps alphabetically and numerically according
15 first to the city or town and then to the grid or parcel identifiers,
16 and may be consolidated with geographic indexes of preceding
17 years where appropriate.

SECTION 9. Section 29 of chapter 36 of the General Laws is
1 hereby amended by adding the following words at the end of the
2 first sentence:—
3 and of the index maps or any part thereof.

1 SECTION 10. Section 4 of chapter 183 of the General Laws is
2 hereby amended by adding the following paragraph at the end:
3 No instrument presented for record more than sixty days after
4 the posting of notice of an index map, as provided in Section 13C
5 of chapter 36, shall, whether or not accepted for record, be valid
6 as against any person except as aforesaid, with respect to any land
7 shown on such index map, unless, and only to the extent that, it
8 bears on its face the appropriate grid or parcel identifier or
9 identifiers of tracts having boundaries that contain said land or lie
10 within ten meters of said land. Where said land is indicated as
11 rural on said map, said instrument may be valid with respect to
12 land that lies within twenty meters of said boundaries.

1 SECTION 11. The first sentence in the first subparagraph of
2 Section 38 of chapter 262 of the General Laws is amended to read
3 as follows:—

4 If the paper contains more than one page, at the rate of one
5 dollar for each page after the first; if it contains the names of
6 more than two parties thereto other than spouses of parties, an

7 additional fee of seventy-five cents each shall be charged for
8 indexing the names of the additional parties, and if the paper
9 contains one or more grid or parcel identifiers, an additional fee
10 of seventy-five cents each shall be charged for indexing the paper
11 in the geographic index.

1 SECTION 12. The provisions of sections four through eleven
2 of this act shall be deemed severable from sections one, two and
3 three. If any of the provisions of either portion of this act shall be
4 held unconstitutional by a court of competent jurisdiction, the
5 provisions of the remaining portion of this act shall continue in
6 full force and effect.

