
By Mr. Doane, a petition (accompanied by bill, Senate, No. 1197) of Paul W. Doane for legislation to clarify the status of land subject to erosion and accretion. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT TO CLARIFY THE STATUS OF LAND SUBJECT TO EROSION AND ACCRETION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Wherever real property is situated so as at the time of
2 recorded ownership there exists definable frontage and direct
3 access to a body of water subject to title action or other
4 natural events that would alter such frontage or access, it
5 shall therefore be established that where any diminution of
6 such property in part or full through natural erosion by the
7 actions of the tides, currents, or winds occurs such action
8 shall not serve to forever remove such direct access or front-
9 age.

10 In the case of where property, as a result of natural
11 erosion, becomes fully or partially submerged and then at a
12 later date, due to natural action, such as accretion, such
13 property is and exists above mean low water, such a property
14 shall continue with all rights, as existed with the original
15 owner, prior to any submersion or erosion resulting from
16 natural causes. Any accretion that occurs to such restored
17 property which exceeds the original seaward dimensions of
18 such property, shall accrue to the original owner.

19 The effect of this provision is to insure that property, once
20 in existence and definable, is recorded by legal deed or other
21 valid instrument, shall exist in perpetuity, even when it may
22 temporarily cease to exist in part or in full, due to its being
23 submerged, even at the period of extreme low tide.

The Department of Education

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