

# SENATE . . . . . No. 1110

By Mr. Costello, a petition (accompanied by bill, Senate, No. 1110) of Nicholas J. Costello, Thomas G. Palumbo, Barbara Hildt and Larry F. Giordano for legislation to establish tidal and freshwater boundary markers for the purpose of fisheries and wildlife law enforcement. Natural Resources and Agriculture.

## The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH TIDAL AND FRESHWATER BOUNDARY MARKERS FOR THE PURPOSE OF FISHERIES AND WILDLIFE LAW ENFORCEMENT.

*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 1 of chapter 131 of the General Laws,  
2 as most recently amended by chapter 706 of the acts of 1975, is  
3 hereby amended by deleting the definition "Coastal waters" and  
4 replacing it with the following new definition: —

5 "Coastal waters", all waters of the commonwealth within the  
6 rise and fall of the tide and the marine limits of the jurisdiction  
7 of the commonwealth, but not waters within or above any fishway  
8 or dam nor waters above any jurisdictional boundary legally  
9 established pursuant to section five of chapter one hundred and  
10 thirty of the General Laws in rivers and streams flowing into the  
11 sea.

1 SECTION 2. Section 4 of chapter 131 of the General Laws,  
2 as most recently amended by chapter 572 of the acts of 1981, is  
3 hereby further amended by striking out clause (12) and inserting  
4 in place thereof the following clause: —

5 (12) for the purpose of this chapter and of chapter one hundred  
6 and thirty, establish suitable markers designating the jurisdic-  
7 tional bounds established pursuant to section five of chapter one  
8 hundred and thirty. Thereupon, the director shall file a plan or

9 maps showing the location of said markers with the clerk of the  
10 city or town wherein the marker has been established. A person  
11 shall not alter, remove or destroy any marker so established by  
12 the director.

1 SECTION 3. Section 1 of chapter 130 of the General Laws, as  
2 most recently amended by chapter 336 of the acts of 1981, is hereby  
3 further amended by deleting the definition “Coastal waters” and  
4 replacing it with the following new definition: —

5 “Coastal waters”, all waters of the commonwealth within the  
6 rise and fall of the tide and the marine limits of the jurisdiction  
7 of the commonwealth, but not waters within or above any fishway  
8 or dam nor waters above any jurisdictional boundary legally  
9 established pursuant to section five of chapter one hundred and  
10 thirty of the General Laws in rivers and streams flowing into the  
11 sea.

1 SECTION 4. Chapter 130 of the General Laws is hereby  
2 amended by adding the following new section: —

3 Section 5. The director and the director of the division of  
4 fisheries and wildlife, shall from time to time determine and  
5 establish the jurisdictional boundaries of each agency in rivers and  
6 streams flowing into the sea. Said jurisdictional boundaries may  
7 be based upon existing, man-made, natural, geographic or other  
8 known landmarks, or determined and established by other  
9 appropriate methods or means.

10 The determination and establishment of any jurisdictional  
11 boundary made pursuant to this section shall serve to distinguish  
12 the jurisdiction of the division from the division of fisheries and  
13 wildlife for purposes of fisheries management authority, shall be  
14 prima facie the jurisdiction of each respective agency, and shall  
15 have no other independent legal significance.

16 The director and the director of the division of fisheries and  
17 wildlife may prepare plans and maps delineating said jurisdic-  
18 tional boundaries, and shall file a copy thereof with the secretary  
19 of state and the director of the division of law enforcement.