

ACTS, 1983. - Chaps. 428, 429

Chap. 428. AN ACT RELATIVE TO THE DOCKING OF CERTAIN COMMERCIAL VESSELS.

Be it enacted, etc., as follows:

Chapter 91 of the General Laws is hereby amended by inserting after section 10B the following section:-

Section 10C. Notwithstanding any contrary provision of law, the harbormaster of a city or town or whomsoever is so empowered by said city or town may authorize by written permit the stationing of commercial vessels to a public commercial dock, pier, wharf, float, raft or mooring, fixed or otherwise, within the territorial jurisdiction of such city or town upon such terms, conditions and restrictions as he shall deem necessary. He shall act on application for such permits within a period of seven days from his receipt thereof.

Such application may be left at the office of the city or town clerk by the master of such commercial vessel.

If the harbormaster or whomever is so empowered fails to act within such period, such permit shall then be deemed to have been granted. Any refusal to grant such permits within such period shall be in writing by the harbormaster or whomever is so empowered by said city or town and shall include the reasons for such refusal.

Any person aggrieved by the decision of the harbormaster of said city or town or whomever is so empowered by said city or town relative to such stationing may appeal to the division of waterways of the department within thirty days of such decision.

Said division shall review the circumstances resulting in such appeal and shall render a ruling either confirming the decision, setting such decision aside, or amending such decision and imposing conditions and restrictions deemed necessary by said division.

Actions by a harbormaster or said division of waterways under the provisions of this section shall be subject to applicable laws administered by the division of motor boats, the division of marine fisheries, the United States Coast Guard and the United States Corps of Engineers.

Approved October 18, 1983.

Chap. 429. AN ACT RELATIVE TO RIGHTS OF APPEAL BY CERTAIN PERSONS AGGRIEVED BY DECISIONS OF HISTORIC DISTRICT COMMISSIONS.

Be it enacted, etc., as follows:

ACTS, 1983. - Chap. 430.

SECTION 1. Section 5 of chapter 40C of the General Laws, as appearing in section 1 of chapter 359 of the acts of 1971, is hereby amended by inserting after the word "fixtures", in line 15, the words:- ; the words "person aggrieved" mean the applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

SECTION 2. Section 12 of said chapter 40C, as amended by chapter 168 of the acts of 1974, is hereby further amended by striking out, in line 3, the word "applicant" and inserting in place thereof the word:- person.

SECTION 3. Said chapter 40C is hereby further amended by striking out section 12A, as amended by said chapter 168, and inserting in place thereof the following section:-

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

Approved October 18, 1983.

**Chap. 430. AN ACT RELATIVE TO THE REPORTING OF
STOLEN LEASED OR RENTAL MOTOR VEHICLES.**

Be it enacted, etc., as follows: