

HOUSE No. 1373

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 28, 1923.

The committee on Harbors and Public Lands, to whom was referred the petition (accompanied by bill, House, No. 352) of Frank B. Phinney that provision be made by the Department of Public Works for public access to the great ponds of the Commonwealth, report the accompanying bill.

For the committee,

EDWARD N. EAMES.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Three.

AN ACT

To provide Access for the Public to Great Ponds.

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

1 Chapter ninety-one of the General Laws is hereby
2 amended by inserting after section eighteen thereof the
3 following new section:—

4 *Section 18A.* Upon petition of ten citizens of the com-
5 monwealth that in their opinion public necessity requires
6 the establishment of a right of way for public access to
7 any great pond within the commonwealth, the division of
8 waterways and public lands of the department of public
9 works and the attorney-general or a representative desig-
10 nated by him sitting jointly shall hold a public hearing
11 and receive such evidence thereon as may be presented
12 to them. The joint board may make such additional in-
13 vestigation as they deem desirable and if it appears to
14 them that such a right of way reasonably exists they shall
15 present said petition to the land court for determination.
16 If it appears that no right of way exists they shall submit
17 a report, together with recommendations thereon, to the
18 general court on or before January first of each year.
19 This section shall not apply to any body of water used as
20 a source of water supply by cities and towns, nor shall it

21 affect the right of any city or town to the use and control
22 of the waters of any such pond for purposes of a water
23 supply, nor affect, nor diminish any existing right to the
24 use of the water of any such ponds for mercantile or
25 manufacturing purposes.

