

HOUSE No. 1152.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 28, 1907.

The committee on Harbors and Public Lands, to whom was referred the twenty-eighth annual report of the Board of Harbor and Land Commissioners (Pub. Doc. No. 11), report, in part, the accompanying bill.

For the committee,

NATHANIEL P. SOWLE.

HOUSE OF REPRESENTATIVES, March 5, 1907.

The committee on Ways and Means, to whom was referred the bill to provide for supervising the transportation and dumping of material in the tide waters of the Commonwealth, report that the same ought to pass.

For the committee,

GEORGE A. GILES.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seven.

AN ACT

To provide for supervising the Transportation and Dumping of Material in the Tide Waters of 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. The board of harbor and land com-
2 missioners is hereby authorized and required to
3 supervise the transportation and dumping of all
4 material dredged in the tide waters of the Com-
5 monwealth or of any other material, which may
6 be placed in scows or boats to be transported and
7 dumped in tide water, and may employ such in-
8 spectors as it may deem necessary therefor, who
9 shall accompany the material while in transit,
10 either upon the scows containing the material or
11 the boats towing them, upon which they shall be
12 provided with proper and suitable quarters and
13 board by the owner of the boat. The cost of such
14 supervision shall, in the first instance, be paid from
15 the treasury of the Commonwealth and shall be

16 repaid to the Commonwealth monthly by the own-
17 ers of the dredges or other machines doing the ex-
18 cavation when the material is dredged in tide wa-
19 ter and, in the case of other material, by the own-
20 ers of the scows in which it is transported, the
21 monthly amount due from each owner to be deter-
22 mined and certified to the treasurer of the Com-
23 monwealth by the board of harbor and land com-
24 missioners.

1 SECTION 2. Every license or permit hereafter
2 issued to any person to dredge in the tide waters
3 of the Commonwealth shall contain a provision that
4 the transportation and dumping of the dredged
5 material shall be done under the supervision of
6 the board of harbor and land commissioners, as
7 provided in section one, and that the licensee shall
8 be held liable to pay the cost of said supervision
9 whenever the owner of the dredge or excavating
10 machine fails to pay for the same within ten days
11 after notification in writing from the treasurer of
12 the Commonwealth that the same is due.

1 SECTION 3. Every contractor or other person
2 shall, at least three days before commencing any
3 piece of dredging in tide water, give notice in writ-
4 ing to the board of harbor and land commissioners
5 of the location and amount of the proposed work,
6 and the time at which it is expected work will be-
7 gin and, except with the written assent of the board
8 of harbor and land commissioners, no dredged
9 material or other material, which it is proposed to
10 dump in tide water, shall be transported or dumped
11 within the tide waters of the Commonwealth, un-

12 less there is present on board the scows containing
13 the material, or the boat towing the same, an in-
14 spector employed for that purpose by the board
15 of harbor and land commissioners; and no such
16 material shall, in any event, be dumped within the
17 limits of any channel, which has been deepened
18 by dredging, nor in any other portion of the tide
19 waters of the Commonwealth, except where duly
20 authorized.

1 SECTION 4. The treasurer of the Commonwealth
2 may bring an action of contract to recover of any
3 person the cost of supervision determined as herein
4 provided.

1 SECTION 5. Any person violating any of the
2 terms of any license granted under this act,
3 shall, upon complaint by said board or its
4 agent to the superior court, be subject to a fine of
5 not exceeding five hundred dollars, to be paid upon
6 the judgment or order of the court to the treasurer
7 of the Commonwealth.

1 SECTION 6. This act shall not apply to the dredg-
2 ing, transporting and dumping of material by the
3 United States, its officers or duly authorized agents.

1 SECTION 7. This act shall take effect upon its
2 passage.