

Substituted by the House, on motion of Mr. Kuss of Fall River, for a Bill establishing a division of mineral resources within the Department of Natural Resources (House, No. 4582). June 1.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT ESTABLISHING THE MASSACHUSETTS GEOLOGICAL COMMISSION.

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. Chapter 21 of the General Laws is hereby
2 amended by adding after section 25 the following sec-
3 tions:—

4 *Section 26.* There shall be in the department but not
5 subject to its direction a geological commission, to be known
6 as the Massachusetts geological commission, in this and in
7 sections twenty-seven, twenty-eight, and twenty-nine
8 referred to as the commission, which shall consist of the
9 commissioner of natural resources who shall be the chairman,
10 the commissioner of commerce and development, the director
11 of the division of water resources, the commissioner of public
12 works and five members to be appointed by the governor for
13 a term of five years, one of whom shall be a professional
14 engineer skilled in industrial engineering, one of whom shall
15 be a geologist from the staff of the University of Massachu-
16 setts, and one of whom shall be a geologist from the staff of
17 another institution of higher education in the commonwealth
18 and one of whom shall be a representative of the marine
19 fisheries industry. Appointive members of the commission
20 may be reimbursed for expenses incurred in connection with
21 their duties.

22 *Section 27.* The commission shall meet at regular intervals,
23 and at the call of the chairman, to consult on geological

24 matters including minerals and natural deposits, and shall
25 oversee the development of a state geological program. It
26 shall act as the coordinating agency on geological matters
27 between all departments of the commonwealth and shall
28 cooperate with the agencies of the federal government, and
29 with other states when appropriate, on matters within its
30 jurisdiction. It shall advise and assist the political subdivi-
31 sions of the commonwealth, and other interested organiza-
32 tions, concerning applications of geological science and the
33 conservation, utilization and regulation of minerals and
34 natural deposits. The commission shall conduct an investiga-
35 tion and study of the exploration and extraction of under-
36 water mineral resources as it affects the coastal land and
37 waters of the commonwealth. The commission shall encour-
38 age and support basic and applied research in geology, shall
39 recommend legislation necessary to promote the conservation
40 and effective utilization of the geological and mineral re-
41 sources of the commonwealth, and shall file an annual report
42 as required by sections thirty-two and thirty-three of chapter
43 thirty.

44 *Section 28.* Under the commission a division of mineral
45 resources shall be established in but not subject to the
46 department of natural resources. The commission shall
47 appoint a director of the division of mineral resources, who
48 shall not be subject to the provisions of chapter thirty-one.
49 Such division shall be responsible for the services and regula-
50 tory and administrative functions of the commission.

51 The director may, with the approval of the commission,
52 appoint such employees, experts and consultants as he deems
53 necessary to carry out his responsibilities. The employees of
54 said division shall be subject to the provisions of chapter
55 thirty-one. He shall, with the approval of the commission,
56 (a) license orderly exploration for mineral and natural
57 deposits on, in and under waters of the commonwealth; (b)
58 lease exclusive rights to areas after discovery of mineral
59 deposits subject to the approval of the governor and legisla-
60 ture; (c) adopt such rules and regulations relating to the
61 exploration and extraction of mineral deposits as will insure
62 the proper utilization of such resources consistent with the
63 harvesting and propagation of other valuable natural

64 resources and the general safety, welfare and convenience of
65 the commonwealth and will protect the coastal lands and
66 waters of the commonwealth.

67 At least thirty days prior to the issuance of a lease or license
68 or the adoption of rules or regulations under this section the
69 commission shall hold a public hearing reasonable notice of
70 which, including a copy of the proposed action, shall be given
71 to the mayor or selectmen of each coastal municipality in
72 the commonwealth.

73 The director of mineral resources shall cooperate with all
74 departments, boards, officials and institutions of the com-
75 monwealth or its subdivisions that may, in any way, be
76 concerned with matters under its supervision. He shall coop-
77 erate and consult with adjoining states and with the United
78 States of America, or any agency thereof. He may enter into
79 agreements relative to the federal administration and en-
80 forcement of off-shore exploration and extraction beyond the
81 marine jurisdiction of the commonwealth. The division may
82 apply for, receive and expend federal grants or reimburse-
83 ments or private grants as may be available therefor in
84 carrying out the purposes of this section. The director is
85 authorized to contract with the state geologist as provided for
86 in section thirty A of chapter seventy-five of the General
87 Laws to carry out such research, surveys and studies as he
88 may require and subject to appropriation therefor.

89 *Section 29.* No person shall explore by seismic, electronic or
90 any other methods for mineral deposits, in any waters where
91 the commonwealth shall have jurisdiction, without a license
92 from the director. No person shall, except for purposes of
93 exploration permitted under a license, extract mineral
94 deposits from waters over which the commonwealth shall
95 have jurisdiction without a lease. Any person violating any
96 provision of this section shall be penalized by a fine of not
97 more than one thousand dollars and, in addition thereto, any
98 equipment, vehicles, boats and appurtenances used in said
99 violation shall be liable to seizure and forfeiture. Any person
100 violating any rule or regulation of the director shall be
101 punished by a fine of not more than one hundred dollars.
102 Violations committed within the coastal waters may be
103 prosecuted in any district or superior court which shall have

104 venue over coastal cities and towns. The division of law
105 enforcement shall enforce the laws, rules and regulations
106 relating to mineral deposits.

107 A city or town may appeal the issuance of any license for a
108 proposed exploration site in waters bordering on or con-
109 tiguous to such city or town.

110 The commission upon receipt of such appeal shall hold a
111 public hearing in the city or town nearest to the site of the
112 proposed exploration. Notice of such hearing shall be adver-
113 tised at least seven days before date of said hearing.

114 The commission shall within fourteen days after such
115 hearing give notice before adopting, amending, modifying or
116 repealing any such license.

117 No action by the director of the division under this act,
118 shall prohibit, restrict or impair the exercise or performance
119 of the powers and duties conferred or imposed by laws on the
120 department of public works, the metropolitan district com-
121 mission, the state reclamation board, or any mosquito control
122 or other project operating under or authorized by chapter two
123 hundred and fifty-two.

1 SECTION 2. Chapter 75 of the General Laws is hereby
2 amended by inserting after section 30 the following sec-
3 tion:—

4 *Section 30A.* There shall be in the university a state
5 geologist who shall be appointed by the trustees and who
6 shall be responsible for applied geological research. The state
7 geologist shall conduct such research, surveys and studies as
8 he may deem necessary. The trustees shall establish a state
9 geological survey.

1 SECTION 3. Of the members of the Massachusetts geological
2 commission first appointed by the governor under section
3 twenty-six of chapter twenty-one of the General Laws,
4 inserted by section one of this act, one shall be appointed for
5 a one year term, one for a two year term, one for a three year
6 term, one for a four year term and one for a five year term.
7 Thereafter, as the term of any such member expires, his
8 successor shall be appointed for the term set forth in said
9 section twenty-six.