

HOUSE No. 751

By Mr. Dolan of Ipswich, petition of John F. Dolan for legislation to establish a division of mineral resources within the Department of Natural Resources, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING A DIVISION OF MINERAL RESOURCES WITHIN THE DEPARTMENT OF NATURAL RESOURCES.

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 first sentence of the fourth paragraph of
2 section 1 of chapter 21 of the General Laws, as amended by
3 section 2 of chapter 664 of the acts of 1963, is hereby further
4 amended by inserting after the word "fisheries", in line 3, the
5 words:—, a division of mineral resources.

1 SECTION 2. Said chapter 21 is hereby further amended by
2 adding the following four sections:—

3 *Section 51.* The division of mineral resources shall be under
4 the administrative supervision of a director who shall be re-
5 sponsible for the administration of the laws, rules and regu-
6 lations relating to the mineral resources of the commonwealth.
7 The director may, with the approval of the commissioner,
8 appoint such employees, experts and consultants as he deems
9 necessary to carry out his responsibilities. The employees
10 of said division shall be subject to the provisions of chapter
11 thirty-one. He shall, with the approval of the commissioner,
12 (a) license orderly exploration for mineral and natural de-
13 posits on, in and under lands and waters of the commonwealth;

14 (b) lease exclusive rights to areas after discovery of mineral
15 deposits; (c) establish charges and fees for licenses and leases
16 which will permit a fair profit for the licensee and lessee; and,
17 (d) adopt such rules and regulations relating to the exploration
18 and extraction of mineral deposits as will insure the proper
19 utilization of such resources consistent with the harvesting
20 and propagation of other valuable natural resources and the
21 general safety, welfare and convenience of the commonwealth.
22 *Section 52.* There shall be in the University of Massachu-
23 setts a state geologist who shall be appointed by the university
24 and who shall be responsible for applied geological research.
25 The state geologist shall conduct such research, surveys and
26 studies as he may deem necessary and the director of mineral
27 resources is authorized to contract with the state geologist
28 to carry out such research, surveys and studies as he may
29 require and subject to appropriations therefor.

30 *Section 53.* The director of mineral resources shall cooper-
31 ate with all departments, boards, officials and institutions of
32 the commonwealth or its subdivisions that may, in any way,
33 be concerned with matters under its supervision. It shall
34 cooperate and consult with adjoining states and with the United
35 States of America, or any agency thereof. It may enter into
36 agreements relative to the federal administration and enforce-
37 ment of off-shore exploration and extraction beyond the marine
38 jurisdiction of the commonwealth. The division may apply
39 for, receive and expend federal grants or reimbursements or
40 private grants as may be available therefor in carrying out the
41 purposes of this section.

42 *Section 54.* No person shall explore by seismic, electronic or
43 any other methods for mineral deposits in any lands, without
44 a license from the director, whether or not covered by water,
45 within the commonwealth, or in any lands or waters where
46 the commonwealth shall have jurisdiction. No person shall,
47 except for purposes of exploration permitted under a license,
48 extract mineral deposits from lands, whether or not covered
49 by water, over which the commonwealth shall have jurisdic-
50 tion without a lease issued by the director of mineral resources.
51 Any person violating any provision of this section shall be
52 penalized by a fine of not more than ten thousand dollars and,
53 in addition thereto, any equipment, vehicles, boats and ap-

54 purtenances used in said violation shall be liable to seizure
55 and forfeiture. Any person violating any rule or regulation
56 of the director shall be punished by a fine of not more than
57 one thousand dollars. Violations committed within the coastal
58 waters may be prosecuted in any district or superior court
59 which shall have venue over coastal cities and towns. The
60 division of law enforcement shall enforce the laws, rules and
61 regulations relating to mineral deposits.

