

By Mr. Saltonstall, a petition of William L. Saltonstall and another for legislation to establish a division of offshore archeological resources in the Department of Natural Resources. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT ESTABLISHING A DIVISION OF OFFSHORE ARCHEOLOGICAL RESOURCES IN 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. Chapter 21 of the General Laws is hereby
2 amended by adding the following sections: —

3 *Section 59.* The division of offshore archeological resources
4 shall be under the administrative supervision of a director
5 who shall administer the laws, rules and regulations relating
6 to the offshore archeological resources of the Commonwealth.
7 The term "offshore archeological resources", as used in this
8 section and in sections sixty and sixty-one, shall mean any
9 properties, artifacts, treasure trove, sunken and abandoned
10 ships which are unclaimed, and any other objects of antiquity
11 located inside, upon or around said ships, in coastal waters,
12 as defined in section one of chapter one hundred and thirty of
13 the General Laws, or upon lands thereunder. Said director
14 may, with the approval of the board of natural resources,
15 appoint such employees, experts and consultants as he deems
16 necessary to carry out his duties. He may, with the approval of
17 the Commissioner of Natural Resources, (a) license orderly
18 exploration of offshore archeological resources after the
19 division has been notified of an initial discovery; (b) lease
20 exclusive rights for any extraction or removal of such off-
21 shore archeological resources as have been discovered; (c)
22 establish an annual fee of not less than one hundred dollars
23 for said licenses and such reasonable charges for said leases

24 as the director shall determine which, additionally, will permit
25 the licensee or lessee a profit not to exceed seventy-five per-
26 cent of the value of the resource and the remainder of such
27 value being paid over to the Commonwealth; and, (d) adopt,
28 after an initial public hearing, such rules and regulations
29 relating to the exploration and extraction or removal of off-
30 shore archeological resources, and the transportation thereof
31 in or over the coastal waters of the Commonwealth, as will
32 insure the proper utilization of such resources consistent with
33 the harvesting and propagation of other valuable natural
34 resources and the general safety, welfare, and convenience of
35 the discoverer and Commonwealth. Said rules and regulations
36 may provide for reasonable exemptions from the require-
37 ments of section sixty-one relative to the extraction or
38 removal of offshore archeological resources.

39 *Section 60.* Said director, with the approval of the Com-
40 missioner, shall cooperate with all departments, boards,
41 officials and institutions of the Commonwealth and its political
42 subdivisions that may in any way be concerned with matters
43 under its supervision; cooperate and consult with the members
44 of the Massachusetts Historical Commission, the State Archeo-
45 logist and the State Archivist; cooperate and consult with
46 adjoining states and with the federal government, or any
47 agency thereof; enter into agreements relative to the federal
48 administration and enforcement of offshore exploration and
49 extraction or removal of said resources beyond the marine
50 jurisdiction of the Commonwealth; and may apply for, receive
51 and expend such federal funds or private grants as may be
52 available therefor in carrying out the duties of the division.

53 *Section 61.* No person shall explore by any method any off-
54 shore archeological resources in coastal waters or lands there-
55 under after an initial discovery without a license from said
56 director, unless specifically exempted therefrom. No person
57 shall, except for purposes of exploration permitted under a
58 license, extract or remove offshore archeological resources
59 from said coastal waters or lands thereunder without a lease
60 or license issued by the director. Any person violating a pro-
61 vision of this section shall be punished by a fine of not more

62 than one thousand dollars and, in addition thereto, forfeit
63 said resources. Any person violating any rule or regulation of
64 the director shall be punished by a fine of not more than one
65 hundred dollars, and his license or lease, if any, shall be sub-
66 ject to revocation or suspension. Violations committed within
67 the coastal waters of the Commonwealth may be prosecuted
68 in any district which has venue over the coastal waters. The
69 division of law enforcement shall enforce the laws, rules and
70 regulations relating to offshore archeological resources, and
71 protect the initial discoverer of the resource from extraction
72 or removal by others after a license or lease has been granted.
73 The director may determine reasonable fees for such protec-
74 tion, if such protection is extended beyond two months. In the
75 case of an initial discovery, no person shall explore off-shore
76 archeological resources without notifying the director of the
77 division of offshore archeological resources at least thirty
78 days after the discovery is made.

1 SECTION 2. Section 1 of Chapter 21 of the General Laws,
2 as most recently amended by Chapter 736 of the Acts of 1969,
3 is hereby further amended by inserting after the word "law
4 enforcement", in line 3, the words: — a division of offshore
5 archeological resources"

1 SECTION 3. This act shall take effect upon its passage.

