

# HOUSE . . . . . No. 5135

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 14, 1972.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, Senate, No. 595) of William L. Saltonstall and another for legislation to establish a division of offshore archeological resources in the Department of Natural Resources, report recommending that the accompanying bill (House, No. 5135) ought to pass.

For the committee,

ROBERT E. CAHILL

**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 after Section 56, the following new  
3 sections:—  
4 *Section 56A.* The Director of Mineral Resources shall admin-  
5 ister all laws, rules and regulations relating to the offshore  
6 archeological resources of the Commonwealth. The term  
7 “offshore archeological resources”, as used in this section and in  
8 sections fifty-six B and fifty-six C, shall mean any properties,  
9 artifacts, treasure trove, sunken and abandoned ships which are  
10 unclaimed, and any other objects of antiquity located inside,  
11 upon or around said ships, in coastal waters, as defined in section  
12 one of chapter one hundred and thirty of the General Laws or  
13 upon lands thereunder. Said director may, with the approval of  
14 the board of natural resources, appoint such employees, experts  
15 and consultants as he deems necessary to carry out his duties. He  
16 may, with the approval of the Commissioner of Natural  
17 Resources, (a) license orderly exploration of offshore archeolog-  
18 ical resources after the division has been notified of an initial  
19 discovery; (b) lease exclusive rights for any extraction or removal  
20 of such offshore archeological resources as have been discovered;  
21 (c) establish an annual fee of not less than one hundred dollars  
22 for said licenses and such reasonable charges for said leases as the  
23 director shall determine which, additionally, will permit the  
24 licensee or lessee a profit not to exceed seventy-five percent of  
25 the value of the resource and the remainder of such value being  
26 paid over to the Commonwealth; and, (d) adopt, after an initial  
27 public hearing, such rules and regulations relating to the  
28 exploration and extraction or removal of offshore archeological

29 resources, and the transportation thereof in or over the coastal  
30 waters of the Commonwealth, as will insure the proper utiliza-  
31 tion of such resources consistent with the harvesting and  
32 propagation of other valuable natural resources and the general  
33 safety, welfare, and convenience of the discoverer and Com-  
34 monwealth. Said rules and regulations may provide for reason-  
35 able exemptions from the requirements of section fifty-six C  
36 relative to the extraction or removal of offshore archeological  
37 resources.

38 *Section 56B.* Said director, with the approval of the Com-  
39 missioner, shall cooperate with all departments, boards, officials  
40 and institutions of the Commonwealth and its political sub-  
41 divisions that may in any way be concerned with matters under  
42 its supervision; cooperate and consult with the members of the  
43 Massachusetts Historical Commission, the State Archeologist and  
44 the State Archivist; cooperate and consult with adjoining states  
45 and with the federal government, or any agency thereof; enter  
46 into agreements relative to the federal administration and  
47 enforcement of offshore exploration and extraction or removal  
48 of said resources beyond the marine jurisdiction of the Com-  
49 monwealth; and may apply for, receive and expend such federal  
50 funds or private grants as may be available therefor in carrying  
51 out the duties of the division.

52 *Section 56C.* No person shall explore by any method any  
53 offshore archeological resources in coastal waters or lands  
54 thereunder after an initial discovery without a license from said  
55 director, unless specifically exempted therefrom. No person shall,  
56 except for purposes of exploration permitted under a license,  
57 extract or remove offshore archeological resources from said  
58 coastal waters or lands thereunder without a lease or license  
59 issued by the director. Any person violating a provision of this  
60 section shall be punished by a fine of not more than one  
61 thousand dollars and, in addition thereto, forfeit said resources.  
62 Any person violating any rule or regulation of the director shall  
63 be punished by a fine of not more than one hundred dollars, and  
64 his license or lease, if any, shall be subject to revocation or  
65 suspension. Violations committed within the coastal waters of  
66 the Commonwealth may be prosecuted in any district which has  
67 venue over the coastal waters. The division of law enforcement

68 shall enforce the laws, rules, and regulations relating to offshore  
69 archeological resources, and protect the initial discoverer of the  
70 resource from extraction or removal by others after a license or  
71 lease has been granted. The director may determine reasonable  
72 fees for such protection if such protection is extended beyond  
73 two months. In the case of an initial discovery, no person shall  
74 explore off-shore archeological resources without notifying the  
75 director of the division of offshore archeological resources at  
76 least thirty days after the discovery is made.

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1 SECTION 2. Section 1 of Chapter 21 of the General Laws, as  
2 most recently amended by Chapter 736 of the Acts of 1969, is  
3 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.