

[Similar Matter Filed During Past Session —  
See Senate No. 743 of 1992.]

**SENATE . . . . . No. 768**

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By Mr. Morrissey, petition (accompanied by bill, Senate, No. 768) of Michael W. Morrissey and Joseph C. Sullivan for legislation relative to petitioning the Land Court for a determination of certain public rights. The Judiciary.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Three.

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AN ACT ALLOWING FOR MEMBERS OF THE PUBLIC TO PETITION THE LAND COURT FOR A DETERMINATION OF THEIR PUBLIC RIGHTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 185 of the General Laws, as appearing in the 1990  
2 Official Edition, is hereby amended by adding after section 114  
3 the following section: —

4 **ENFORCEMENT OF PUBLIC EASEMENTS.**

5 Section 114A. Any five members of the public may file a  
6 complaint with the court to enjoin the interference with a public  
7 easement which appears in a certificate of title and the court may  
8 make a binding declaration of the rights, duties and status under  
9 said certificate in the same manner as provided in Chapter 231A  
10 of the General Laws. The plaintiffs shall serve notice of the  
11 complaint upon the owners of the land described in said certificate  
12 of title, the attorney general and the mayor of the city and upon  
13 one of the selectmen of the town or towns wherein the land  
14 described in the certificate of title lies. The court may also cause  
15 other or further notice of this motion to be given.

