

By Mr. Goyette of New Bedford, petition of Roger R. Goyette and Mary Jeanette Murray for legislation to establish the tidal boundaries of the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH TIDAL BOUNDARIES OF THE COMMONWEALTH IN ORDER TO RECTIFY AN INTER-AGENCY DISPUTE.

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. Section 1 of chapter 131 of the General Laws, as
2 most recently amended by chapter 706 of the Acts of 1975, is
3 hereby further amended by deleting the definition "Coastal waters"
4 and replacing it with the following new definition:

5 "Coastal waters", all waters of the commonwealth within the rise
6 and fall of the tide and the marine limits of the jurisdiction of the
7 commonwealth, but not waters within or above any fishway or
8 dam nor waters above any tidal boundary legally established pur-
9 suant to section 5 of chapter 130 of the General Laws in rivers and
10 streams flowing into the sea.

1 SECTION 2. Section 1 of chapter 130 of the General Laws, as
2 most recently amended by chapter 119 of the Acts of 1978, is
3 hereby further amended by deleting the definition "Coastal waters"
4 and replacing it with the following new definition:

5 "Coastal waters", all waters of the commonwealth within the rise
6 and fall of the tide and the marine limits of the jurisdiction of the
7 commonwealth, but not waters within or above any fishway or
8 dam nor waters above any tidal boundary legally established pur-
9 suant to section 5 of chapter 130 of the General Laws in rivers and
10 streams flowing into the sea.

1 SECTION 3. Chapter 130 of the General Laws is hereby
2 amended by adding the following new section: —

3 *Section 5.* The director and the director of the division of fisher-
4 ies and wildlife, shall from time to time determine and establish the
5 tidal boundaries of rivers and streams flowing into the sea. Said
6 tidal boundaries may be based upon existing man-made, natural,
7 geographic or other known landmarks, or determined and estab-
8 lished by other appropriate methods or means.

9 The determination and establishment of any tidal boundary
10 made pursuant to this section shall serve to distinguish the jurisdic-
11 tion of the division from the division of fisheries and wildlife for
12 purposes of fisheries management authority, and shall be *prima*
13 *facie* the jurisdiction of each respective agency.

14 The director and the director of the division of fisheries and
15 wildlife may prepare reports and maps delineating said tidal bound-
16 aries, and shall file a copy thereof with the department of environ-
17 mental quality engineering and the director of the division of law
18 enforcement.