

HOUSE No. 5510

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 23, 1977.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, House, No. 1466) of Richard J. Dwinell relative to increasing the powers and duties of the Public Access Board, report recommending that the accompanying bill (House, No. 5510) ought to pass.

For the committee,

RICHARD J. DWINELL

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE POWERS AND DUTIES OF PUBLIC ACCESS BOARD.

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 17A of chapter 21 of the General Laws as most recently
2 amended by section 64 of chapter 706 of the Acts of 1975 is
3 hereby further amended by striking out said section 17A and
4 inserting in place thereof the following section: —

5 *Section 17A.* There shall be in the department of fisheries,
6 wildlife and recreational vehicles a board to be known as the
7 public access board composed of the director of the division of
8 fisheries and wildlife, the director of the division of marine and
9 recreational vehicles, the director of the division of marine
10 fisheries, and the director of the division of forests and parks, and
11 the chief engineer of the division of waterways or their respective
12 designees and the chairmanship of said board shall rotate
13 annually amongst said members.

14 The board shall meet at the call of the chairman and shall by
15 majority vote designate locations of public access to great ponds,
16 and coastal waters within the commonwealth and locations of
17 trails and paths for swimming, nature studies, snowmobiling,
18 hiking, skiing, or other uses; provided, however, that no location
19 shall be so designated except after a public hearing in the city or
20 town in which it is situated. Notice of such hearing shall be given
21 in the case of a city, to its mayor and in the case of a town, to its
22 board of selectmen at least twenty days before the date of the
23 hearing. The department shall, after receiving written notice of
24 such designation, acquire by purchase, gift or lease, or with the
25 consent of the Governor, by eminent domain such land and water
26 areas, including but not limited to shorelines of great ponds and
27 coastal waters or interests and easements therein, which have
28 been designated by said board for the purpose of providing such
29 public access and support facilities to public access, trails and

30 related facilities, or it may utilize public lands with the consent of
31 the department or other public agency in charge thereof. The
32 department may construct such roads, parking areas, docks,
33 ramps, trails, shelters, comfort stations and related facilities as
34 may be designated by said board and shall maintain, operate and
35 improve such facilities and associated land and water areas,
36 provided the department shall designate the department of
37 fisheries, wildlife and recreational vehicles as its contracting agent
38 for the design and construction of public access to water; and
39 provided, further, that the department may enter into agreements
40 with other public agencies to transfer operation of such areas of
41 said agency. The department may adopt, after public hearing,
42 regulations governing the use of land and water areas under this
43 section, violation of which may be punished by a fine of not more
44 than one hundred dollars and which may be enforced by any
45 employee of the commonwealth, or of a city or town, having
46 police powers. The cost of such acquisition, construction,
47 maintenance, operation and improvement, and the administrative
48 and other expenses, including planning, incurred by the
49 department in connection with the activities authorized by this
50 section shall be chargeable to the Public Access Fund. The board
51 may purchase from sums appropriated from the Public Access
52 Fund snowmobiles and other safety, rescue, patrol and
53 maintenance equipment appropriate for winter use and may
54 transfer the same to agencies of the Commonwealth having
55 responsibilities for law enforcement or management of public
56 lands.

