

By Mr. DiMasi of Boston, petition of Salvatore F. DiMasi for legislation to create a Commonwealth register of historic places. State Administration.

The Commonwealth of Massachusetts

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

AN ACT CREATING A COMMONWEALTH REGISTER OF HISTORIC PLACES.

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. *Purpose*, The legislature finds that the spirit and
2 direction of the commonwealth are founded upon and reflected in
3 its historic and cultural heritage. This heritage is represented in the
4 existence of irreplaceable historic and cultural places which should
5 be preserved as a living part of our communities.

6 The legislature further finds that preservation programs to en-
7 sure future generations a real opportunity to appreciate and enjoy
8 the rich heritage of our state require the dedicated and cooperative
9 efforts of all levels of government and private agencies and individ-
10 uals.

1 SECTION 2. Chapter 9 of the General Laws is hereby amended
2 by adding the following sections: —

3 *Section 26C*. The state secretary shall establish and maintain a
4 State Register of Historic Places, called the Register. This Register
5 shall be administered by and under the control of the Commission.
6 The Executive Director of the Commission shall serve as Registrar
7 and Keeper of the Register.

8 Said Register shall include:

9 1. All districts, sites, buildings, structures and objects which are
10 listed or determined eligible for listing on the National Register of
11 Historic Places, either before or after passage of this act;

12 2. All local historical districts established pursuant to chapter

13 40C or a special act;

14 3. All landmarks designated under local ordinance or by-law;

15 4. All buildings subject to preservation restrictions pursuant to
16 the General Laws or easements;

17 5. All landmarks certified pursuant to chapter 9, sections 27 and
18 27A;

19 6. All additional sites, districts, cultural landscapes, structures,
20 buildings, and areas, above or below the surface of the earth
21 whether on land or in the waters of the state, together with any
22 designated improvements thereon, significant in the history, archi-
23 tecture, or culture of the commonwealth, its communities or the
24 nation, which the Commission qualifies for listing on the Register.

25 *Section 26D.* The Commission shall have the power and duty
26 to:

27 1. Determine the eligibility of sites, districts, cultural land-
28 scapes, structures, buildings, and areas for listing in the Register
29 pursuant to section 26C;

30 2. Approve the removal of places from the Register where war-
31 ranted;

32 3. Publish notice of listings of places in the Register in the
33 Massachusetts Register or otherwise notify interested parties.

34 *Section 26E.* Any person may petition the Commission to have
35 a site, district, cultural landscape, structure, building, or area
36 considered for listing in the Register by submitting a completed
37 application on a form provided by the Commission.

38 Any person may petition the Commission to have a place consid-
39 ered for removal from the Register by submitting a completed
40 application on a form provided by the Commission. The petitioner
41 must include information showing changed conditions or error in
42 the original determination that the place was eligible for listing in
43 the Register.

44 *Section 26F.* The Commission shall notify in writing the
45 owner(s) of record of any site, district, cultural landscape, struc-
46 ture, building, or area to be considered for listing in or removal
47 from the Register of the proposed action at least twenty days prior
48 to the Commission meeting at which the action will be considered.
49 The notice shall include:

- 50 1. The date, time, and place of meeting;
51 2. The location where information in support of the proposed
52 action is available for inspection;
53 3. A statement that the property owner(s) may comment on the
54 proposed action.

55 *Section 26G.* No agency, executive office, department, board,
56 commission, bureau, division, or authority of the commonwealth
57 shall undertake, fund, or license any activity which may encroach
58 upon, damage, or destroy, physically, visually, or environmentally,
59 any place listed in the Register without first taking into account the
60 effect the proposed activity may have on any place listed in the
61 Register and notifying the Commission of the proposed activity
62 and obtaining the advice of the Commission or its designee. The
63 Commission shall advise the party proposing to undertake, fund,
64 or license an activity which may affect a place in the Register of its
65 opinion in writing together with any maps, drawings, photographs,
66 or material necessary to explain or support its advice. If written
67 advice is not given within sixty (60) days of receipt of notice of a
68 proposed activity and such information as is necessary to render an
69 advisory, the Commission shall be deemed to approve the propos-
70 al. If more than sixty (60) days are needed to evaluate a proposed
71 activity and render an advisory, arrangements for a reasonable
72 extension may be made by the Commission and the party propos-
73 ing the undertaking, funding, or licensing.

74 *Section 26H.* Advisories rendered by the Commission on any
75 proposed activity adversely affecting a place listed in the Register
76 shall be followed unless there are no prudent and feasible alterna-
77 tives and the public interest would be served by the proposed
78 activity. In such cases, a statement of such alternatives and the
79 public interest, together with a copy of the Commission's advisory,
80 shall be submitted to the Governor for final determination.

1 SECTION 3. The provisions of this act are severable. If any
2 part of this act is declared unconstitutional, such declaration shall
3 not affect the part which remains.

The first of these is the fact that the American people are becoming more and more interested in the health of their children. This is a natural result of the fact that the children of the future will be the workers of the future, and the health of the workers is a matter of national importance. The second fact is that the American people are becoming more and more interested in the health of their own families. This is a natural result of the fact that the health of the family is a matter of personal importance. The third fact is that the American people are becoming more and more interested in the health of their communities. This is a natural result of the fact that the health of the community is a matter of public importance. The fourth fact is that the American people are becoming more and more interested in the health of their country. This is a natural result of the fact that the health of the country is a matter of national importance. The fifth fact is that the American people are becoming more and more interested in the health of the world. This is a natural result of the fact that the health of the world is a matter of international importance. The sixth fact is that the American people are becoming more and more interested in the health of the universe. This is a natural result of the fact that the health of the universe is a matter of cosmic importance. The seventh fact is that the American people are becoming more and more interested in the health of the future. This is a natural result of the fact that the health of the future is a matter of temporal importance. The eighth fact is that the American people are becoming more and more interested in the health of the past. This is a natural result of the fact that the health of the past is a matter of historical importance. The ninth fact is that the American people are becoming more and more interested in the health of the present. This is a natural result of the fact that the health of the present is a matter of contemporary importance. The tenth fact is that the American people are becoming more and more interested in the health of the future, the past, the present, and the universe. This is a natural result of the fact that the health of the future, the past, the present, and the universe is a matter of universal importance.