SENATE DOCKET, NO. 2113 FILED ON: 10/6/2011

SENATE . . . . . No. 2053

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to certain projects referred to the Massachusetts historical commission for consultation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	☐ *[District]* ☐
David B. Sullivan	*6th Bristol*
Steven S. Howitt	*4th Bristol*
Marc R. Pacheco	☐ *[District]* ☐
Kevin Aguiar	*7th Bristol*
Christopher M. Markey	*9th Bristol*
Paul A. Schmid, III	*8th Bristol*
Patricia A. Haddad	*5th Bristol*
Keiko M. Orrall	*12th Bristol*
Antonio F. D. Cabral	*13th Bristol*

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SENATE . . . . . No. 2053

By Mr. Rodrigues, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No.) of Michael J. Rodrigues, David B. Sullivan, Steven Howitt, Marc R. Pacheco and other members of the General Court for legislation relative to certain projects referred to the Massachusetts historical commission for consultation. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

An Act relative to certain projects referred to the Massachusetts historical commission for consultation.

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

SECTION 1. The first paragraph of section 27C of chapter 9 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following 3 sentences:- If a determination of adverse effect has been made on any property, site or structure listed in the state register of historic places, the state body undertaking the project or the private entity proposing the project shall adopt all prudent and feasible means to eliminate, minimize or mitigate the adverse effects. If a determination of adverse effect has been made on any property, site or structure not listed in the state register of historic places, the state body undertaking the project or the private entity proposing the project shall consider, but need not adopt, the commission's recommendations to eliminate, minimize or mitigate any adverse effects the commission has determined to exist, if such recommendations are issued within 30 days of such determination. Under no circumstances shall such a state body or private entity be required to adopt the commission's recommendations relative to a site or structure not listed in the state register of historic places.

SECTION 2. This act shall apply to projects referred to the Massachusetts historical commission, pursuant to section 27C of chapter 9 of the General Laws, on and after the effective date of this act. This act shall apply to such projects referred to said commission, pursuant to said section 27C of said chapter 9, before the effective date of this act if: (i) either a determination relative to adverse effect or the results of consultation or consideration following a determination of adverse effect is pending on the effective date of this act; (ii) said commission has issued recommendations to the state body undertaking the project or the private entity proposing the project but such recommendations have not yet been adopted on the effective date of this act; or (iii) projects for which a copy of an environmental notification form prepared pursuant to section 62A of chapter 30 is provided to the Massachusetts historical commission, or

24 for which a project notification form is filed with said commission, pursuant to section 27C of
25 chapter 9 of the General Laws.