

**HOUSE . . . . . No. 254**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Frank I. Smizik***

*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 adoption of the accompanying bill:

An Act preserving public trust rights in land affected by ocean erosion..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/13/2011</i>

**HOUSE . . . . . No. 254**

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By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 254) of Frank I. Smizik relative to preserving public trust rights in land affected by ocean erosion. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4725 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act preserving public trust rights in land affected by ocean erosion..

*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 35 of Chapter 91 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by inserting, after the last sentence of the first paragraph, the  
3 following: -

4 Where sea level rise, storms, or other natural processes have caused the landward or  
5 lateral movement of a barrier beach into an area which was previously occupied by the bottom of  
6 any Great Pond or onto any other public land, the portion of the barrier beach relocated into the  
7 former bottom of the Great pond or onto other public land shall be and remain in public  
8 ownership.