

HOUSE No. 1694

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to historic stone walls..

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. Chapter 266 of General laws is hereby amended by striking section 105
2 and inserting in placed thereof the following section:-

3 Section 105. Whoever will fully and without the consent of the owner pulls down or
4 removes any position of a stone wall or fence of another shall be punished by imprisonment in a
5 house of correction for not more than 6 months or by a fine of not more than \$500 or not more
6 than 3 times the value of the property so pulled down or removed, whichever is greater, or both
7 such imprisonment and fine, and shall also be required to pay for the replacement or
8 reconstruction of such stone wall or fence; provided, however, that when a fine is levied pursuant
9 to the value of the property pulled down or removed, the court shall, after conviction, conduct an
10 evidentiary hearing to ascertain the cost for the replacement or reconstruction of such stone wall
11 or fence.

12 A police officer may arrest any person for commission of the offenses prohibited by this
13 section without a warrant if said police officer has probable cause to believe that said person has
14 committed the offenses prohibited by this section.

15 Upon conviction for said offense, the individual's driver's license shall be suspended for
16 1 year. If the individual convicted of pulling down or removing such stone wall or fence is under
17 the age of 16, 1 year shall be added to the minimum age for driving of said individual.