

HOUSE No. 4913

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 25, 2024.

The committee on Ways and Means, to whom was referred the Bill preserving public trust rights in land affected by ocean erosion (House, No. 807), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4913).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 Chapter 91 of the General Laws is hereby amended by inserting after section 19A the
2 following section:-

3 Section 19B. (a) For the purposes of this section, the term “barrier beach” shall have the
4 same meaning as defined in 310 CMR 10.29(2) or any successor regulations.

5 (b) For areas of the commonwealth where sea level rise, storms or other natural processes
6 have caused the landward or lateral movement of a barrier beach into an area that was previously
7 occupied by the bottom of any great pond, the portion of the barrier beach relocated into the
8 former bottom of the great pond shall be and shall remain in public ownership; provided,
9 however, that this section shall not convert ownership of any portion of private property to public
10 ownership; and provided further, that no actions taken pursuant to this section shall be in
11 violation of Article X of Part the First of the Constitution of the Commonwealth of
12 Massachusetts or the Fourteenth Amendment of the United States Constitution.

13 (c) Upon petition of 10 citizens of the commonwealth that a dispute exists with respect to
14 the location of the former bottom of any great pond or other facts relevant to this section, the
15 department and the attorney general, or a representative designated by the attorney general, shall
16 hold a public hearing and receive such evidence thereon as may be presented and proceed in a
17 manner consistent with the procedures set forth in section 18A.