HOUSE DOCKET, NO. 3319 FILED ON: 1/20/2023

HOUSE . . . . . No. 807

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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:
Sean Garballey	*23rd Middlesex*	*1/20/2023*

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HOUSE . . . . . No. 807

By Representative Garballey of Arlington, a petition (accompanied by bill, House, No. 807) of Sean Garballey relative to preserving public trust rights in certain land affected by ocean erosion. Environment and Natural Resources.

The Commonwealth of Massachusetts

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:

Section 35 of Chapter 91 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, after the last sentence of the first paragraph, the following-

Where sea level rise, storms, or other natural processes have caused the landward or lateral movement of a barrier beach into an area which was previously occupied by the bottom of any Great Pond, the portion of the barrier beach relocated into the former bottom of the Great Pond shall be and remain in public ownership. It being the intent of the foregoing sentence that the application thereof to any property not be in violation of either Article 10 of the Massachusetts Declaration of Rights or the Fourteenth Amendment of the United States Constitution, the foregoing sentence shall not convert ownership of any private property to public ownership, and, to the extent that applying the foregoing sentence to any private property would have such an effect, the foregoing sentence shall not apply to such private property. As used herein, “barrier beach” shall have the meaning ascribed thereto in Section 10.29 of Title

310 of the Code of Massachusetts Regulations or successor regulations. Upon petition of ten citizens of the Commonwealth that a dispute exists with respect to the location of the former bed of any Great Pond or other facts relevant to this section, the department and the attorney general or a representative designated by the attorney general shall hold a public hearing and receive such evidence thereon as may be presented to them and otherwise proceed in a manner consistent with the procedures set forth in Section 18A of this Chapter.