

APPENDIX A-1

• MASSACHUSETTS GENERAL LAWS

The Massachusetts General Laws, Annotated, are in a conveniently arranged group of volumes accompanied by the addendae to update them. These books contain all of the General Laws and amendments (to a particular date), legal data and comments, references, tables of contents, indexes, etc. The Chapters are numbered 1 through 281, and are grouped under superior titles of TITLE and PART.

On the following pages there will be presented a partial list of the General Laws which are of interest to surveying. Those marked with an asterisk will be further detailed at the end of this section. This presentation should be considered informative, not legally authoritative, as it was compiled by a surveyor (not a lawyer).

"IGNORANCE OF THE LAW IS NO EXCUSE" is a statement chiseled in granite over the entrance of a courthouse in Massachusetts.

PART I	ADMINISTRATION OF THE GOVERNMENT (Chap. 1 - 182)
TITLE II	EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH (Chap. 6 - 28A)
	Chap. 13 Department of Civil Service and Registration
	Chap. 26 Department of Public Works
TITLE III	LAWS RELATING TO STATE OFFICERS (Chap. 29 - 30A)
TITLE IV	CIVIL SERVICE, RETIREMENTS, AND PENSIONS (Chap. 31 - 32B)
TITLE VI	COUNTIES AND COUNTY OFFICERS (Chap. 34 - 38)
	Chap. 36 Register of Deeds (Other county functions also, as Probate)
TITLE VII	CITIES, TOWNS, AND DISTRICTS (Chap. 39 - 49A)
	Chap. 40A Zoning Regulations
	Chap. 42 Boundaries of cities and towns (Town boundaries are fixed by statute.) (Selectmen must erect permanent stone monuments at every angle in a town line and where highways cross. Note: Surveyors find many highway stones to be inaccurate.) (Changes in boundaries: Vote of towns, review by Mass. D.P.W., ratification by General Court.) (Disputes are referred to the Land Court.)
	Chap. 49 Fence Viewers, Pounds, and Field Drivers (Laws on fences, walls, and fence viewer authority. Note: The fence viewer can make judgement and can order a survey to be made due to disputes.)
TITLE X	PUBLIC RECORDS (Chap. 66 only)
TITLE XIII	EMINENT DOMAIN AND BETTERMENTS (Chap. 79-80A)
TITLE XIV	PUBLIC WAYS AND WORKS (Chap. 81 - 92)
	Chap. 81 State Highways
	Chap. 82 The Laying out, Alteration, Relocation and Discontinuance of Public Ways and Specific Repairs Thereon
	Chap. 83 Sewers, Drains, and Sidewalks
	Chap. 84 Ways and Bridges
	Chap. 85 Regulations and By-laws Relative to Ways and Bridges
	Chap. 86 Boundaries of Highways and other Public Places and Encroachment Thereon
	Chap. 87 Shade trees
	Chap. 88 Ferries, Canals, and Public Landings
	Chap. 89 Law of the Road
	Chap. 90 Motor Vehicles and Aircraft
	Chap. 90A The Highway Safety Act
	Chap. 90B Motorboats and other Vessels
	Chap. 91 Waterways
	Chap. 91A Port of Boston Commission
	Chap. 92 Metropolitan Sewers, Waters, and Parks
TITLE XV	REGULATION OF TRADE (Chap. 93 - 110B)
	Chap. 97 Surveying of Land (Several sections not generally known)
	Chap. 99 The Metric System of Weights and Measures

TITLE XVI	PUBLIC HEALTH (Chap. 111 - 114)
Chap. 112	Registration of Certain Professions and Occupations (includes engineers and surveyors)
Chap. 113	(Willful cutting of timber, etc., punishable)
PART II	REAL AND PERSONAL PROPERTY AND DOMESTIC RELATIONS (Chap. 183 - 210)
TITLE I	TITLE TO REAL PROPERTY (Chap. 183 - 189)
Chap. 185	The Land Court and Registration of Title to Land
TITLE II	DESCENT AND DISTRIBUTION, WILLS, ESTATES OF DECEASED PERSONS, ETC. (Chap. 211 - 262)
PART III	COURTS, JUDICIAL OFFICERS, AND PROCEEDINGS IN CRIMINAL CASES (Chap. 211 - 262)
PART IV	CRIMES, PUNISHMENTS, AND PROCEEDINGS IN CRIMINAL CASES (Chap. 263 - 281)
TITLE I	CRIMES AND PUNISHMENTS
Chap. 266	Crimes against Property
Sec. 120	Private property; entry after being forbidden; penalty; arrest
Sec. 120A	Motor vehicle; parking in private way; prosecution; evidence
Sec. 120B	Entry on land by abutting property owner not constituting trespass (Note: under certain conditions)
Sec. 120C	Entry upon adjoining lands by surveyors not constituting trespass (Note: N/A to surveyors working for public authority, public utility, or railroad.)

Chapter 266 of the General Law is hereby amended by inserting after Section 120B the following section:

Section 120C: Whenever a land surveyor registered under chapter one hundred and twelve deems it reasonably necessary to enter upon adjoining lands to make surveys of any description included under "Practice of land surveying", as defined in section eighty-one D of said chapter one hundred and twelve, for any private person, excluding any public authority, public utility or railroad, the land surveyor or his authorized agents or employees may, after reasonable notice, enter upon lands, waters, and premises, not including buildings, in the Commonwealth, within a reasonable distance from the property line, of the land being surveyed, and such entry shall not deem a trespass. Nothing in this act shall relieve a land surveyor of liability for damage caused by entry to adjoining property, by himself or his agents or employees.

Chapter 81 Section #7F.

Entry on private land for purpose of surveys, soundings and drillings.

Whenever the department deems it necessary to make surveys,

soundings, drillings or examinations to obtain information for or to expedite the construction of state highways or other projects under its jurisdiction, the department, its authorized agents or employees may, after due notice by registered or certified mail, enter upon any lands, waters and premises, not including buildings, in the commonwealth for the purpose of making surveys, soundings, drillings, and examinations as they may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The department shall make reimbursement for any injury or actual damage resulting to such lands, waters and premises caused by any act of its authorized agents or employees and shall so far as possible restore such lands to the same condition as prior to the making of such surveys, soundings, drillings, or examinations.

Chapter 86 Section #1

Erection of monuments. The county commissioners, aldermen, selectmen or road commissioners shall cause permanent bounds to be erected at the termini and angles of all ways laid out by them. Such bounds shall be of stone, Portland cement or concrete not less than three feet long, two feet of which at least shall be set in the ground, or of stone not less than three feet long with holes drilled therein and filled with lead placed a few inches below the travelled part of the way, or if stone, Portland cement or concrete bounds are impractical, a heap of stones, a living tree, a permanent rock, or the corner of a building, or such other permanent bounds as said officers may determine. If they neglect to establish such monuments after being notified so to do by an owner of land abutting on such way, the county or city, if it is a highway, or the town if it is a town road, shall forfeit to him fifty dollars for each month during which such neglect continues.

Chapter 86 Section #2

Buildings or fences as boundaries. If buildings or fences have been erected and continued for more than twenty years, fronting upon or against a highway, town way, private way, training field, burying place, landing place, street, lane or alley, or other land appropriated for the general use or convenience of the inhabitants of the commonwealth, or of a county, city, town or parish, and from the length of time or otherwise the boundaries thereof are not known and cannot be made certain by the records or by monuments, such buildings or fences shall be taken to be the true boundaries thereof.

Chapter 97

Section 1

The posts or pillars erected pursuant to chapter two hundred and eighty-six of the acts of eighteen hundred and seventy to indicate the true meridian lines shall remain the property of the respective

counties in which they are situated, under the care of the county commissioners, and shall be accessible to any surveyor or civil engineer residing in the same county or engaged in surveying therein, for the purposes of testing the variation of the compass for the time being. Whoever willfully displaces, alters, defaces, destroys, or otherwise injures any of the aforesaid posts or the fixtures thereof, shall be punished by a fine of not more than two hundred dollars, to be divided between the complainant and the county.

Section 2

Every land surveyor shall, at least once in every year, adjust and verify his compass by the meridian line so established in the county in which his surveys are to be made, insert in his field notes both the true and magnetic bearings of the lines of his surveys and the days on which such lines were run and shall enter in a book open to public inspection, to be provided by the commissioners of each county and kept by the clerk of courts, or by a person appointed by the commissioners therefor, the variation of his compass from the true meridian, whether east or west, and shall sign and make oath to such entry.

Section 3

Every land surveyor shall use only a tape that has been standardized against a tape that has been examined by the United States Bureau of Standards and has had its exact length established, and shall maintain in his office or principal place of business a record of the date, the name of the person making the comparison, and the number of the United States Bureau of Standards test which established the length of the standardizing tape, or the number of the tape. Such comparisons shall be made as frequently as required by good practice, but at least once every year. Said record shall be exhibited upon demand to the sealer of weights and measures for the town where such surveyor has his office or principal place of business. Whoever violates any provision of this section shall be punished by a fine of not more than twenty dollars.

Section 7

A surveyor who violates the provision of section two, if he used his compass to measure an angle in surveying within the year preceding, shall be punished by a fine of ten dollars, to be divided between the complainant and the county.

Chapter 248

AN ACT FURTHER REGULATING THE SURVEYING OF LAND.

Be it enacted, etc., as follows:

Chapter 97 of the General Laws is hereby amended by striking out

sections 8, 9, 10, 11, 12, and 13 and inserting in place thereof the following ten sections:

Section 8

The system of plane rectangular coordinates shall be the North American Datum of 1983 as established by the National Ocean Services / National Geodetic Survey (NOS/NGS), or its successors for defining and stating the geographic positions or locations of points on the surface of the earth within the commonwealth and shall be known as the Massachusetts Coordinate System North American Datum (NAD), 1983.

For the purposes of the use of said system the commonwealth is hereby divided into a mainland zone and an island zone.

The area now included in the following counties shall constitute the mainland zone: Barnstable, Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester.

The area now included in the counties of Dukes County and Nantucket shall constitute the island zone.

Section 9

As established for use in the mainland zone, said system shall be named, and in any land description in which it is used it shall be designated, the "Massachusetts Coordinate System, NAD 1983, Mainland Zone".

As established for use in the island zone, said system shall be named, and in any land description in which it is used it shall be designated, the "Massachusetts Coordinate System, NAD 1983, Island Zone".

Section 10

The plane rectangular coordinates of a point on the earth's surface, shall be used in expressing the position or location of such point in the appropriate zone of said system, and shall consist of two distances, either expressed in meters and decimals of meters or in the United States survey feet and decimals of a foot. One of these distances, to be known as the easting or "X" coordinate shall give the position in an east-west direction; the other to be known as the northing or "Y" coordinate shall give the position in a north-south direction. Such coordinates shall be made to depend upon and conform to the plane rectangular metric coordinates values for the horizontal control stations of the North American Horizontal, Geodetic Control Network as published by said National Ocean Service, National Geodetic Survey or its successors, and whose plane coordinates have been computed on the systems defined in this chapter.

Section 11

Nothing contained in this chapter shall prohibit the conversion of the coordinates on the metric system to the United States Survey Foot nor shall the use of distances in feet and decimals of a foot be prohibited from any map, report of survey, deed, or other document. For conversion of meters to United States survey feet, the meters shall be multiplied by 39.37 and divided by 12 which results in a constant multiplier having a value of 3.28083333333 to 12 significant figures.

Section 12

For the purpose of more precisely defining said system:

1. The Massachusetts Coordinate System, NAD, 1983, Mainland Zone, Federal Zone Code M2001, is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north 41 degrees 43 minutes and 42 degrees 41 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of meridian 71 degrees 30 minutes west of Greenwich and the parallel 41 degrees 00 minutes north latitude. The origin shall have the coordinates North (Y) = 750,000 meters and East (X) = 200,000 meters.
2. The Massachusetts Coordinate System, NAD, 1983, Island Zone, Federal Zone Code M2002, is a Lambert conformal conic projection of the North American Datum of 1983, having standard parallels at north 41 degrees 17 minutes and 41 degrees 29 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of meridian 70 degrees 30 minutes west of Greenwich and the parallel 41 degrees 00 minutes north latitude. The origin shall have the coordinates North (Y) = 0 meters and East (X) = 500,000 meters.

Section 13

The use of the term "Massachusetts Coordinate System" on any map, report of survey, or deed or other document, shall be limited to coordinates based on the Massachusetts State Plane Coordinate System as defined in sections eight to thirteen, inclusive.

Section 14

The coordinate system based upon the North American Datum of 1927 which prior to the enactment of this statute was defined as the Massachusetts Coordinate System shall now be designated the Coordinate System, North American Datum of 1927, (NAD 1927), and can continue in use for the preparation of any maps, reports of survey, or other documents, until such time as the Board of Registration of Professional Engineers and Land Surveyors declares, with the concurrence of the chief engineer of the Massachusetts department of public works, by regulation that said Coordinate System, (North American Datum of 1927), shall no longer be used

except for interpreting existing maps, reports of surveys, deeds or other documents. For the Coordinate System, North American Datum, 1927, the commonwealth is divided into the same two zones defined in section eight.

Section 15

The plane rectangular coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate zone of said system, shall consist of two distances, expressed feet and decimals of a foot. One of these distances, to be known as the "X" coordinate, shall give the position in an east-west direction; the other to be known as the Y" coordinate shall give the position in a north-south direction. Such coordinates shall be referred to the appropriate origin as defined in section sixteen, and shall be made to depend upon and conform to the plane rectangular coordinates of the triangulation and traverse stations of the former United States Coast and Geodetic Survey within the commonwealth, as these coordinates had been determined by said survey.

Section 16

The Coordinate System, North American Datum of 1927, Mainland Zone, consists of a Lambert conformal projection of the Clarke spheroid of eighteen hundred and sixty-six, having standard parallels at north 41 degrees 43 minutes and 42 degrees 41 minutes, along which parallels the scale shall be exact. The origin of coordinates for this zone is at the intersection of the meridian 71 degrees 30 minutes west longitude and the parallel 41 degrees 00 minutes north latitude. The origin is given the coordinates X=600,000 feet; Y=0 feet.

The NAD 1927 Coordinate System, North American Datum of 1927, Island Zone, consists of a Lambert conformal projection of the Clarke spheroid of eighteen hundred and sixty-six, having the standard parallels at north latitudes 41 degrees 17 minutes and 41 degrees 29 minutes, along which parallels the scale shall be exact. The origin of coordinates for this zone is at the intersection of meridian 70 degrees 30 minutes west longitude and the parallel 41 degrees 00 minutes north latitude. The origin is given the coordinates: X=200,000 feet; Y=0 feet.

The position of said system shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the former United States Coast and Geodetic Survey for first-order and second-order work, whose geodetic positions had been rigidly adjusted on the North American Datum of nineteen hundred and twenty-seven, and whose plane coordinates have been computed on the system herein defined. Any such station may be used for establishing a survey connection with said NAD 1927 coordinate system.

Section 17

For the purpose of describing the location of any survey station or land boundary point in the commonwealth it shall be a complete, legal and satisfactory description of such location to give the position of said survey station or land boundary point on the Massachusetts Coordinate System. Nothing contained in sections eight to seventeen, inclusive, shall be interpreted as requiring any purchaser or mortgagee to rely exclusively on a description based on said system.

Approved October 8, 1991