

**Massachusetts General Law, Chapter 40, Section 8D –
Historical commission; establishment; powers and duties**

Note: The original text for this law can be found at

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8D>

That text is presented in one long paragraph which can be difficult to read. What follows is a reformatted version of that text. The only changes are formatting and inclusion broad categories.

A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town.

Such commission shall:

- conduct researches for places of historic or archeological value
- shall cooperate with the state archeologist in conducting such researches or other surveys, and
- shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and
- may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.

Historic or Archaeological Landmarks

- For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark.
- It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and
- shall apply for permits necessary pursuant to said section twenty-seven C.
- Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record.

Contracts / Assets

- The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program;
- may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program;
- may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program;
- may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section.

Record Keeping

- It shall keep accurate records of its meetings and actions and
- shall file an annual report which shall be printed in the case of towns in the annual town report.

Employees

The commission may appoint such clerks and other employees as it may from time to time require.

Commission Composition / Membership / Alternates / Other

- The commission shall consist of not less than three nor more than seven members.
- In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and
- in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen.
- Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members.
- In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman.
- When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each.
- Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority.
- A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment.
- Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

Title II, Chapter 9, Section 27: Certification of historic or archeological landmarks; standards for care and management; alteration of landmarks; field investigation of sites

- Section 27C Projects; notice; adverse effect; review – Pertains to state permit requirements for projects