

HOUSE No. 02009

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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 passage of the accompanying bill:

An Act to protect the right whale

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Paul Mark</i>	<i>2nd Berkshire</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>

HOUSE No. 02009

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2009) of Turner and others relative to the protection of right whales within the coastal waters of the Commonwealth Joint Committee on Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 761 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to protect the right whale

□.

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 29 of the General Laws is hereby amended by inserting after section 2JJJ
- 2 the following section:-
- 3 Section 2KKK. There shall be established and set up on the books of the commonwealth a
- 4 separate fund to be known as the Right Whale Research and Protection Fund, the funds of which
- 5 shall be expended by the division of coastal zone management within the executive office of
- 6 environmental affairs for the purpose of funding efforts to diminish fatalities of right whales in
- 7 Massachusetts coastal waters, including support of efforts by the northeast implementation team.
- 8 Said division shall establish a grant program to expend said funds and shall give priority to

9 companies, public institutions of higher education and non-profit corporations located within the
10 Commonwealth, including, but not limited to woods hole oceanographic institute, the center for
11 coastal studies, new england aquarium and other entities with established records of right whale
12 research. Said division shall prioritize the expenditure of said funds on developing data related to
13 the interaction of northern right whales and vessels transitting cape cod bay and the great south
14 channel, improvements to the mandatory ship reporting system, improvements to fishing and
15 lobstering gear, improvements to the remote monitoring of right whales and the development of
16 acoustical and optical systems to diminish right whale fatalities.

17 The Right Whale Research and Protection Fund shall receive monies from: (1) gifts, grants,
18 appropriations and donations from public or private sources; (2) federal reimbursements and
19 grants-in-aid; (3) any interest earned from the fund; and (4) the proceeds of special obligation
20 bond sales by the commonwealth, denoted as the Right Whale Research and Protection Loan Act
21 of 2012. The state treasurer shall receive, deposit and invest funds held in such a manner as to
22 ensure the highest interest rate available consistent with the safety of the fund. The books and
23 records of the fund shall be subject to an annual audit by the state auditor. The division of coastal
24 zone management may expend such funds, in addition to appropriation, and no expenditure from
25 the fund shall cause it to be in deficiency at the close of a fiscal year. The director of coastal zone
26 management shall report annually to the house and senate committees on ways and means and
27 the joint committee on natural resources and agriculture on income received into the fund and the
28 sources of that income, any expenditures from the fund and their purposes and fund balances.

29 SECTION 2. To meet a portion of the expenditures necessary in carrying out the provisions of
30 section 2KKK of chapter 29 of the General Laws, the state treasurer shall, upon request of the
31 governor, issue and sell bonds of the commonwealth in an amount to be specified by the

32 governor from time to time, but not exceeding in the aggregate the sum of \$2,000,000 to be in
33 addition to those bonds previously authorized and which authorizations remain uncommitted or
34 unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid
35 shall be designated on their face, Commonwealth of Massachusetts and the Executive Office of
36 Environmental Affairs Right Whale Research and Protection Loan Act of 2012, and shall be
37 issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to
38 the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of
39 the Commonwealth; provided, however, that all such bonds shall be payable not later than June
40 30, 2032. All interest and payments on account of principal of such obligations shall be payable
41 from the General Fund. Bonds and interest thereon issued under the authority of this section
42 shall be general obligations of the commonwealth.