

SENATE No. 2287

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 to preserve the Schooner Ernestina-Morrissey.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>6/18/2019</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>6/14/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>6/14/2019</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>6/18/2019</i>

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 2287) (subject to Joint Rule 12) of Mark C. Montigny, Antonio F. D. Cabral, Viriato M. deMacedo, David T. Vieira and others for legislation to preserve the Schooner Ernestina-Morrissey. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to preserve the Schooner Ernestina-Morrissey.

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 6 of the General Laws, as so appearing in the 2016 Official Edition,
2 is hereby amended by striking sections 182A through 182C in their entirety and inserting in
3 place thereof the following three sections:-

4 Section 182A. Schooner Ernestina-Morrissey advisory board. There shall be an advisory
5 board to be known as the Schooner Ernestina-Morrissey advisory board, to consist of nine
6 persons to be appointed by the governor, one of whom shall be the commissioner of the
7 department of conservation and recreation or his designee, one of whom shall be the president of
8 the Massachusetts Maritime Academy or his designee; one of whom shall be the director of the
9 office of travel and tourism or his designee, one of whom shall be the commissioner of the
10 department of education or his designee, one of whom shall be a resident of New Bedford, one of
11 whom shall be a member of the Schooner Ernestina-Morrissey Association, Inc. or its successor
12 organization, the three remaining persons shall be any person whose expertise would be an asset

13 to the advisory board and the Schooner Ernestina-Morrissey or have particular expertise in the
14 Cape Verdean history as it relates to said schooner, or history of said ship as the Effie M.
15 Morrissey. Of the initial appointment, three shall be for a term of one year, three shall be for a
16 term of two years and three shall be for a term of three years. Thereafter, all appointments shall
17 be for terms of three years. Said advisory board shall annually thereafter elect from among its
18 members a chairman and a vice-chairman. The members of said advisory board shall serve
19 without compensation. Said advisory board shall meet not less than biannually and shall
20 additionally meet upon the request of the Massachusetts Maritime Academy to advise said
21 academy on matters pertaining to the vessel. It is the responsibility of the Massachusetts
22 Maritime Academy to establish all policies relative to the operation of the vessel.

23 Section 182B. Powers and duties in maintaining the Schooner Ernestina-Morrissey. The
24 Massachusetts Maritime Academy is hereby authorized and empowered:-

25 (a) to hold, administer, operate, preserve and maintain said vessel for educational and
26 training purposes. Said vessel shall serve as the official vessel of the commonwealth and it may
27 participate in tourism activities in cooperation with the advisory commission on vacation travel;

28 (b) to authorize the vessel to ply the oceans, seas, and all navigable waters and to fly the
29 flag of the commonwealth; provided, however, that said vessel shall not be used for commercial
30 fishing;

31 (c) to charge fees or tuition to students, trainees, sailing cadets or others who are carried
32 on voyages or trips for educational or training purposes;

33 (d) to charge fees to passengers for excursions and tours;

34 (e) to develop educational programs, including exhibitions and dockside tours of the
35 vessel and to charge and receive admission fees from the public for the provisions of such
36 services;

37 (f) to retain and expend any fees, tuitions and revenues received under the provisions of
38 clauses (c), (d) and (e) to ensure the continued operation, preservation, and maintenance of the
39 Schooner Ernestina-Morrissey. All monies retained and expended shall be reported to the
40 secretary of administration and finance and the house and senate committees on ways and means;

41 (g) to receive and expend from both municipal and federal agencies, as well as private
42 foundations, grants to support the operations, preservation and maintenance of said vessel and to
43 receive and accept contributions from any source of either money, property, labor or other things
44 of value, to be used for the purposes for which said grants and contributions may be made;

45 (h) and to hire, as needed, professional staff to assist with the operation of the vessel;

46 Section 182C. Schooner Ernestina-Morrissey home berth; permitted travels. The
47 Massachusetts Maritime Academy shall ensure that operational and managerial responsibilities
48 authorized and empowered to the academy herein follow state policies. The home berth of said
49 vessel shall be in the port of the city of New Bedford and displayed as such on the vessel. Said
50 vessel shall be berthed in the city of New Bedford for an aggregate of not less than 90 days per
51 calendar year on a 3-year rolling average and at no cost to the Academy; provided, however, that
52 said vessel may be berthed from time to time at various locations in the Commonwealth,
53 including the academy's campus in Buzzards Bay, and abroad, as determined by the academy
54 with the advice of the advisory board.

55 SECTION 2. Massachusetts Maritime Academy shall, upon accepting delivery of the
56 Schooner Ernestina-Morrissey, incorporate the operation of said vessel as a sail training ship into
57 its curriculum for a period not less than 15 years provided the continued support of the
58 Commonwealth. Said academy shall collaborate with the advisory board, city of New Bedford,
59 Cape Verdean Association in New Bedford, Inc., and other interested stakeholders to ensure the
60 vessel is made available to local public school children and residents of New Bedford at no cost
61 during cultural events and education programs when said vessel is not actively deployed as a sail
62 training ship to learn the history of said vessel and concepts of seamanship and marine
63 technology.

64 SECTION 3. Notwithstanding any general or special law to the contrary, all duly existing
65 contracts, approvals, permits and obligations of the department of conservation and recreation
66 pertaining to the Schooner Ernestina-Morrissey shall continue in effect but shall be assumed by
67 the Massachusetts Maritime Academy; provided that, the department may fund and complete
68 existing contracts for the restoration of the Schooner Ernestina-Morrissey within present capital
69 or trust authorizations for fiscal year 2019 that otherwise would have been available before the
70 effective date of this act to support the Schooner Ernestina-Morrissey. No existing right or
71 remedy of any character shall be lost, impaired or affected by this act.

72 SECTION 4. Notwithstanding any general or special law to the contrary, all sums held
73 pursuant to clauses (c), (d), (e), (f) and (g) of section 182B of chapter 6 as of the effective date of
74 this act shall remain available to the department for restoration purposes under section 3. Until
75 June 30, 2019 or at such time as the vessel has been fully restored and has been fully verified by
76 the United States Coast Guard, the department may continue to accept gifts, grants or
77 contributions for deposit in the Conservation Trust, established in section 1 of chapter 132A, and

78 expend such funds for restoration purposes under section 3. Following the close of fiscal year
79 2019 or at such time as the vessel has been fully restored and has been fully verified by the
80 United States Coast Guard, the amount of any funds identified in this section that remain
81 unexpended by the department for such restoration purposes shall be certified by the department
82 to the secretary of administration and finance. Following review and approval by the secretary,
83 the secretary shall transfer the funds to the Massachusetts Maritime Academy, and the funds
84 shall be held in trust and expended by the academy for the purposes of section 182B of chapter 6.