

HOUSE No. 4804

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 22, 2020.

The committee on Ways and Means, to whom was referred the Senate Bill to preserve the Schooner Ernestina-Morrissey (Senate, No. 2328), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4804.

For the committee,

AARON MICHLEWITZ.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:—

1 SECTION 1. Chapter 2 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 61 the following section:-

3 Section 62. The Schooner Ernestina-Morrissey shall be the official vessel of the
4 commonwealth.

5 SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out sections
6 182A to 182C, inclusive, as so appearing, and inserting in place thereof the following 3
7 sections:-

8 Section 182A. There shall be a Schooner Ernestina-Morrissey advisory board that shall
9 consist of the following members: the commissioner of conservation and recreation or a
10 designee; the president of the Massachusetts Maritime Academy or a designee; the executive
11 director of the office of travel and tourism or a designee; the secretary of education or a
12 designee; and 5 members appointed by the governor, 1 of whom shall be a resident of the city of
13 New Bedford, 1 of whom shall be a member of the Schooner Ernestina-Morrissey Association,
14 Inc. or its successor organization and 3 of whom shall have expertise relevant to the mission of

15 the advisory board, expertise in Cape Verdean history as it relates to the Schooner-Ernestina-
16 Morrissey or expertise in the history of the ship as the Effie M. Morrissey.

17 Each appointed member of the advisory board shall serve for a term of 3 years. The
18 advisory board shall annually elect, from among its members, a chair and a vice-chair. The
19 members of the board shall serve without compensation. The board shall meet not less than
20 biannually and shall meet upon the request of the Massachusetts Maritime Academy to advise
21 the academy on matters that relate to the Schooner Ernestina-Morrissey.

22 Section 182B. The Massachusetts Maritime Academy shall hold, administer, operate,
23 preserve and maintain the Schooner Ernestina-Morrissey for educational and training purposes
24 and may participate in tourism activities in cooperation with the advisory board on vacation
25 travel. The Massachusetts Maritime Academy shall establish all policies relative to the operation
26 of the vessel.

27 The Massachusetts Maritime Academy may:

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

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

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

34 (iv) develop educational programs, including exhibitions and dockside tours of the
35 Schooner Ernestina-Morrissey and charge and receive admission fees from the public for
36 providing such services;

37 (v) retain and expend any fees, tuitions and revenues received under this section to ensure
38 the continued operation, preservation and maintenance of the Schooner Ernestina-Morrissey;
39 provided, however, that all monies retained and expended shall be reported annually to the
40 secretary of administration and finance and the house and senate committees on ways and means;

41 (vi) receive and expend grants from municipal and federal agencies and private
42 foundations to support the operation, preservation and maintenance of the Schooner Ernestina-
43 Morrissey and to receive and accept contributions, including, but not limited to, money, property
44 and labor, from any source to be used for the purposes for which the grants and contributions are
45 made; and

46 (vii) hire, as needed, professional staff to assist with the operation of the Schooner
47 Ernestina-Morrissey.

48 Section 182C. The home berth of the Schooner Ernestina-Morrissey shall be in the port
49 of New Bedford, located in the city of New Bedford, and displayed as such on the vessel. The
50 Schooner Ernestina-Morrissey shall be berthed in the city of New Bedford for an aggregate of
51 not less than 90 days per calendar year on a 3-year rolling average and at no cost to the
52 Massachusetts Maritime Academy; provided, that a berth space shall be designated for the
53 Schooner Ernestina-Morrissey at the state pier by the department of conservation and recreation
54 or the Massachusetts Development Finance Agency while said vessel is docked in the city of
55 New Bedford; provided, however, that the vessel may be berthed from time to time at various

56 locations in the commonwealth, including, the Massachusetts Maritime Academy campus in
57 Buzzards bay, and abroad, as determined by the Massachusetts Maritime Academy with the
58 advice of the Schooner Ernestina-Morrissey advisory board.

59 SECTION 3. The Massachusetts Maritime Academy shall, upon accepting delivery of the
60 Schooner Ernestina-Morrissey, incorporate the operation of the vessel as a sail training ship into
61 its curriculum for a period not less than 15 years, subject to appropriation. The Massachusetts
62 Maritime Academy shall collaborate with the Schooner Ernestina-Morrissey advisory board, the
63 city of New Bedford, the Cape Verdean Association in New Bedford, Inc. and other interested
64 stakeholders to ensure the vessel is made available to local public school children and residents
65 of the city of New Bedford to learn the history of the vessel and concepts of seamanship and
66 marine technology. The availability shall be at no cost during cultural events and educational
67 programs and when the vessel is not actively deployed as a sail training ship.

68 SECTION 4. Notwithstanding any general or special law to the contrary, all valid
69 contracts, approvals, permits and obligations of the department of conservation and recreation
70 pertaining to the Schooner Ernestina-Morrissey that are in force on the effective date of this act
71 shall be assumed by the Massachusetts Maritime Academy; provided, however, that the
72 department of conservation and recreation shall fund and complete existing contracts for the
73 restoration of the Schooner Ernestina-Morrissey within present capital or trust authorizations for
74 fiscal year 2020 that otherwise would have been available before the effective date of this act to
75 support the Schooner Ernestina-Morrissey. No existing rights or remedies shall be extinguished
76 or otherwise impaired by this act.

77 SECTION 5. Notwithstanding any general or special law to the contrary, all sums held
78 pursuant to section 182B of chapter 6 of the General Laws, as of the effective date of this act,
79 shall remain available to the department of conservation and recreation for restoration and
80 maintenance purposes pursuant to section 4. Until June 30, 2020 or such other time that the
81 Schooner Ernestina-Morrissey has been fully restored and verified by the United States Coast
82 Guard, the department of conservation and recreation may continue to accept gifts, grants or
83 contributions for deposit in the Conservation Trust established in section 1 of chapter 132A of
84 the General Laws and expend such funds for restoration and maintenance purposes under said
85 section 4. Following the close of fiscal year 2020 or such other time that the vessel has been fully
86 restored and verified by the United States Coast Guard, the amount of any funds identified in this
87 section that remain unexpended by the department of conservation and recreation for such
88 restoration and maintenance purposes shall be certified by the department of conservation and
89 recreation to the secretary of administration and finance. Following review and approval by the
90 secretary of administration and finance, the secretary shall transfer the funds to the
91 Massachusetts Maritime Academy and the funds shall be held in trust and expended by the
92 Massachusetts Maritime Academy for the purposes of said section 182B of said chapter 6.

93 SECTION 6. Notwithstanding section 182A of chapter 6 of the General Laws, 2 of the
94 governor's initial appointees to the Schooner Ernestina-Morrissey advisory board shall serve for
95 a term of 1 year, 2 of the governor's initial appointees shall serve for a term of 2 years and 1 of
96 the governor's initial appointees shall serve for a term of 3 years.