

# **HOUSE . . . . . No. 5211**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 22, 2020.

The committee on Ways and Means, to whom was referred the Bill authorizing the lease of Commonwealth property in the town of Oak Bluffs to the Martha's Vineyard Shellfish Group, Inc. for the property's continued use for shellfish propagation and other fisheries resources research and management activities (House, No. 4885), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5211).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 5211**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act authorizing the lease of certain land in the town of Oak Bluffs to the Martha's Vineyard Shellfish Group, Inc. for shellfish propagation and other fisheries resources research and management activities.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize the lease of certain land in the town of Oak Bluffs to the Martha's Vineyard Shellfish Group, Inc. for shellfish propagation and other fishery resource research and management activities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
2 Laws, or any other special or general laws to the contrary, the commissioner of the capital asset  
3 management and maintenance, in consultation with the commissioner of fish and game through  
4 its division of marine fisheries, may lease for a term of 15 years to the Martha's Vineyard  
5 Shellfish Group, Inc., a parcel of land with the buildings thereon, commonly known as the John  
6 T. Hughes hatchery and research station, currently under the care and control of the division of  
7 marine fisheries within the department of fish and game, situated on the easterly shore of Lagoon  
8 pond at the mouth of Brush pond in the town of Oak Bluffs. The parcel of land is described in a  
9 deed recorded with the Dukes county registry of deeds in book 209, page 404 and shown on a

10 plan of land entitled “Proposed Lobster Hatchery Site Oak Bluffs, Mass.” prepared by Swift and  
11 Learned, Inc., which is on file in the office of the town clerk in the town of Oak Bluffs.

12 SECTION 2. The consideration for such lease shall be an agreement by the Martha’s  
13 Vineyard Shellfish Group, Inc. to continue to use of the property and buildings thereon for the  
14 conduct of shellfish propagation and other fishery resource research and management activities.

15 SECTION 3. The Martha’s Vineyard Shellfish Group, Inc. shall assume all costs  
16 associated with the operation, maintenance and repair of the property and buildings thereon, and  
17 subject to such additional terms and conditions consistent with this act as the commissioner of  
18 capital asset management and maintenance may prescribe in consultation with the commissioner  
19 of fish and game during the term of the lease.

20 SECTION 4. Notwithstanding any general or special law to the contrary, the Martha’s  
21 Vineyard Shellfish Group, Inc. shall be responsible for all costs and expenses including, but not  
22 limited to, costs associated with any engineering, surveys, appraisals and deed preparation  
23 related to the lease authorized in this act as those costs may be determined by the commissioner  
24 of capital asset management and maintenance.