

HOUSE No. 743

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>

HOUSE No. 743

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 743) of Peter V. Kocot, Jason M. Lewis and Ellen Story relative to the protection of right whales within the coastal waters of the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE
□ , NO. 2009 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 the
2 following section:-

3 "Section 2GGGG Right Whale Research and Protection Fund."

4 Section 2. There shall be established and set up on the books of the commonwealth a
5 separate fund to be known as the Right Whale Research and Protection Fund, the funds of which
6 shall be expended by the division of coastal zone management within the executive office of
7 energy and environmental affairs for the purpose of funding efforts to diminish fatalities of right
8 whales in Massachusetts coastal waters, including support of efforts by the Northeast
9 Implementation Team and its member organizations. Said division shall establish a grant
10 program to expend said funds and shall give priority to companies, public institutions of higher
11 education and non-profit corporations located within the Commonwealth, including, but not
12 limited to woods hole oceanographic institute, the center for coastal studies, new england
13 aquarium and other entities with established records of right whale research. Said division shall
14 prioritize the expenditure of said funds on developing data related to the interaction of northern
15 right whales and vessels transitting cape cod bay and the great south channel, improvements to

16 the mandatory ship reporting system, improvements to fishing and lobstering gear,
17 improvements to the remote monitoring of right whales and the development of acoustical and
18 optical systems to diminish right whale fatalities.

19 The Right Whale Research and Protection Fund shall receive monies from: (1) gifts,
20 grants, appropriations and donations from public or private sources; (2) federal reimbursements
21 and grants-in-aid; (3) any interest earned from the fund; and (4) the proceeds of special
22 obligation bond sales by the commonwealth, denoted as the Right Whale Research and
23 Protection Loan Act of 2014. The state treasurer shall receive, deposit and invest funds held in
24 such a manner as to ensure the highest interest rate available consistent with the safety of the
25 fund. The books and records of the fund shall be subject to an annual audit by the state auditor.
26 The division of coastal zone management may expend such funds, in addition to appropriation,
27 and no expenditure from the fund shall cause it to be in deficiency at the close of a fiscal year.
28 The director of coastal zone management shall report annually to the house and senate
29 committees on ways and means and the joint committee on natural resources and agriculture on
30 income received into the fund and the sources of that income, any expenditures from the fund
31 and their purposes and fund balances.

32 SECTION 3. To meet a portion of the expenditures necessary in carrying out the
33 provisions of section 2GGGG of chapter 29 of the General Laws, the state treasurer shall, upon
34 request of the governor, issue and sell bonds of the commonwealth in an amount to be specified
35 by the governor from time to time, but not exceeding in the aggregate the sum of \$2,000,000 to
36 be in addition to those bonds previously authorized and which authorizations remain
37 uncommitted or unobligated on the effective date of this act. All bonds issued by the
38 commonwealth as aforesaid shall be designated on their face, Commonwealth of Massachusetts
39 and the Executive Office of Environmental Affairs Right Whale Research and Protection Loan
40 Act of 2014, and shall be issued for a maximum term of years, not exceeding 20 years, as the
41 governor may recommend to the general court pursuant to Section 3 of Article LXII of the
42 Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds
43 shall be payable not later than June 30, 2034. All interest and payments on account of principal
44 of such obligations shall be payable from the General Fund. Bonds and interest thereon issued
45 under the authority of this section shall be general obligations of the commonwealth.