

HOUSE No. 761

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:

Peter v. Kocot

DISTRICT/ADDRESS:

1st Hampshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 785 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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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 the
2 following section:-

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

16 The Right Whale Research and Protection Fund shall receive monies from: (1) gifts, grants, appropriations and
17 donations from public or private sources; (2) federal reimbursements and grants-in-aid; (3) any interest earned from
18 the fund; and (4) the proceeds of special obligation bond sales by the commonwealth, denoted as the Right Whale
19 Research and Protection Loan Act of 2009. The state treasurer shall receive, deposit and invest funds held in such a
20 manner as to ensure the highest interest rate available consistent with the safety of the fund. The books and records
21 of the fund shall be subject to an annual audit by the state auditor. The division of coastal zone management may
22 expend such funds, in addition to appropriation, and no expenditure from the fund shall cause it to be in deficiency
23 at the close of a fiscal year. The director of coastal zone management shall report annually to the house and senate
24 committees on ways and means and the joint committee on natural resources and agriculture on income received
25 into the fund and the sources of that income, any expenditures from the fund and their purposes and fund balances.

26 SECTION 2. To meet a portion of the expenditures necessary in carrying out the provisions of section 2KKK of
27 chapter 29 of the General Laws, the state treasurer shall, upon request of the governor, issue and sell bonds of the

28 commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate
29 the sum of \$2,000,000 to be in addition to those bonds previously authorized and which authorizations remain
30 uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid
31 shall be designated on their face, Commonwealth of Massachusetts and the Executive Office of Environmental
32 Affairs Right Whale Research and Protection Loan Act of 2009, and shall be issued for a maximum term of years,
33 not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII
34 of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be
35 payable not later than June 30, 2029. All interest and payments on account of principal of such obligations shall be
36 payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall be
37 general obligations of the commonwealth.