

House No. 4613

Message from His Excellency the Governor recommending legislation relative to ensuring the proper conservation of Muskeget Island.

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

4/8/2010

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act to Ensure the Proper Conservation of Muskeget Island."

Senator O'Leary, Representative Madden and the Nantucket Board of Selectmen have requested that I file this special legislation on behalf of the Town, regarding conservation land on Muskeget Island. Chapter 47 of the Acts of 2009, the result of a Home Rule petition filed in the last legislative session, is part of a several year comprehensive Muskeget conservation plan involving the two Muskeget landowners – the Town and the Snow family.

The Snows agreed to grant a conservation restriction on their 189 acres of property to the Nantucket Land Council, Inc., a private non-profit whose mission includes the protection of natural resources, if the Town would, in turn, grant a conservation restriction on its Muskeget property to said Council.

As it stands, Chapter 47 of the Acts of 2009 does not explicitly reference the grant of the restriction to the Land Council and thus the Town cannot grant a conservation restriction as planned to the Council prior to the transfer of the land to the Land Bank. This legislation is sought to cure this problem by amending Chapter 47 to make direct reference to the granting of a conservation restriction to the Land Council.

I urge your early and favorable consideration of this bill.

Sincerely,

DEVAL L. PATRICK,

Governor.

The Commonwealth of Massachusetts

—
In the Year Two Thousand and Ten
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An Act relative to ensuring the proper conservation of Muskeget Island.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 47 of the Acts of 2009 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Notwithstanding any general or special law to the contrary, the town of Nantucket, acting by and through its board of selectmen, may convey to the Nantucket Islands Land Bank the fee, a conservation restriction or lesser interests and to the Nantucket Land Council, Inc. a conservation restriction in all or any portion of parkland being that part of Nantucket known as Muskeget Island described in an instrument of taking authorized by chapter 442 of the Acts of 1895 dated November 25, 1895 and recorded at the Nantucket registry of deeds in book 79 page 266.

SECTION 2. This act shall take effect upon its passage.