

**HOUSE . . . . . No. 4351**

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**The Commonwealth of Massachusetts**

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The committee on Ways and Means to whom was referred the Bill relative to the leasing of the lifesaving station in the town of Westport to the Westport Fisherman's Association (House, No. 4184), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4351).

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FOR THE COMMITTEE,

Charles A. Murphy.

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## An Act RELATIVE TO THE LEASING OF THE LIFESAVING STATION IN THE TOWN OF WESTPORT TO THE WESTPORT FISHERMAN'S ASSOCIATION.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the lease of the lifesaving station in the town of Westport to the Westport Fisherman's Association, 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.** Section 44 of chapter 85 of the Acts of 1994, as most recently amended by  
2 section 14 of chapter 312 of the acts of 2008, is hereby amended by striking out the words  
3 "environmental management", in line 2, and inserting in place thereof the following words:-  
4 "conservation and recreation".

5           **SECTION 2.** Said section 44 of said chapter 85 is hereby further amended by inserting after the  
6 word "forest", in line 44, the following words:- Horseneck Point Lifesaving Station in the  
7 Horseneck Beach State Reservation.

8           **SECTION 3.** Notwithstanding the provisions of sections 40F to 40J, inclusive, of chapter 7 of  
9 the General Laws, or section 44 of chapter 85 of the acts of 1994 or any other special law or rule  
10 or regulation to the contrary, the commissioner of the department of conservation and recreation  
11 may lease certain land and the building thereon to the Westport Fisherman's Association. The  
12 parcel, the exact boundaries of which shall be established prior to such conveyance by a survey  
13 commissioned by said commissioner, is located at the corner of West Beach and East Beach  
14 roads at Gooseberry Neck in the Town of Westport and known as the Horseneck Point  
15 Lifesaving Station. Notwithstanding any other provision of law, the term of such lease shall be  
16 25 years, subject to extension for another 10 year term at the discretion of the commissioner.  
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18 **SECTION 4.** Notwithstanding any general or special law to the contrary, the parcel described in  
19 section 3 of this act shall be leased subject to a restriction limiting the use of the parcel to  
20 operating a lifesaving museum and promoting the appreciation of the Horseneck Point  
21 Lifesaving Station and historic resources. If at any time the property ceases to be used for the  
22 purposes described in this section or should the commissioner of the department of conservation  
23 and recreation determine that the Westport Fishermen’s Association has failed to comply with  
24 the terms of the lease entered into between said department and the Westport Fishermen’s  
25 Association, the commissioner shall give written notice to the lessee of the unauthorized use. The  
26 lessee shall, upon receipt of the notice, have 30 days to respond and a reasonable time to  
27 establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter  
28 established, the lease of the parcel, upon the recording of a notice thereof by the commissioner in  
29 the appropriate registry of deeds, shall terminate and any further disposition of the property shall  
30 be subject to chapter 7 of the General Laws.

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32 **SECTION 5.** Notwithstanding any general or special law, or any rule or regulation to the  
33 contrary, the commissioner of the division of capital asset management and maintenance shall,  
34 30 days before the execution of any lease authorized by this act, or any subsequent amendment  
35 thereto, submit the proposed lease or amendment and a report thereon to the inspector general for  
36 his review and comment. The inspector general shall issue his review and comment within 15  
37 days of receipt of the proposed lease or amendment. The commissioner of the division of capital  
38 asset management and maintenance shall submit the proposed lease or amendment, and the  
39 reports and the comments of the inspector general, if any, to the house and senate committees on  
40 ways and means and the joint committee on state administration and regulatory oversight at least  
41 15 days before execution of said lease.

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43 **SECTION 6.** Notwithstanding any general or special law to the contrary, the lessee shall be  
44 responsible for all costs associated with the lease of the property under this act including but not  
45 limited to, costs associated with any engineering, surveys and legal or recording fees as such  
46 costs may be determined by the commissioner of the division of capital asset management and  
47 maintenance. During the term of the lease, the lessee shall be solely responsible for all costs,  
48 liabilities and expenses of any nature and kind for the development, maintenance and operation  
49 of the leased property.

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51 **SECTION 7.** Use of the Horseneck Lifesaving Station shall be in compliance with all  
52 applicable statutes, regulations and executive orders, including, but not limited to, laws relating  
53 to environmental protection and the Westport Fishermen’s Association shall secure all necessary  
54 approvals and permits. Failure to obtain or maintain compliance with said statutes, regulations  
55 and executive orders or to obtain and maintain permits and approvals shall constitute cause for  
56 termination of said lease and the notice and right to cure provisions of section 4 shall apply.

57 **SECTION 8.** The use of the Horseneck Point Lifesaving Station shall not interfere with the  
58 commonwealth’s use and operation of adjacent property as a state park.