

**HOUSE . . . . . No. 4885**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Dylan A. Fernandes***

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*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 adoption of the accompanying bill:

An Act 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.

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PETITION OF:

NAME:

*Dylan A. Fernandes*

DISTRICT/ADDRESS:

*Barnstable, Dukes and Nantucket*

**HOUSE . . . . . No. 4885**

By Mr. Fernandes of Falmouth, a petition (subject to Joint Rule 12) of Dylan A. Fernandes that the commissioner of Capital Asset Management and Maintenance be authorized to lease a certain parcel of land to the Martha’s Vineyard Shellfish Group, Inc. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act 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.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize the lease of Commonwealth-owned property in the Town of Oak Bluffs to the Martha’s Vineyard Shellfish Group, Inc., a non-profit organization comprised of the six municipal shellfish departments on Martha’s Vineyard, to allow the continued use of the property and buildings thereon for the conduct of 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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the  
2 General Laws, or any other special or general laws to the contrary, the commissioner of the  
3 division of capital asset management and maintenance, in consultation with the commissioner of  
4 the department of fish and game through its division of marine fisheries, on behalf of the  
5 Commonwealth of Massachusetts, is hereby authorized to lease for a term of fifteen (15) years to  
6 the Martha’s Vineyard Shellfish Group, Inc., the parcel of land with the buildings thereon,

7 known as the John T. Hughes Hatchery and Research Station, currently under the care and  
8 control of the department's division of marine fisheries and situated on the easterly shore of  
9 Lagoon Pond at the mouth of Brush Pond in the Town of Oak Bluffs, Dukes County. The  
10 property is described in the deed recorded at Book 209, Page 404 in the Dukes County Registry  
11 of Deeds and shown on a plan entitled "Proposed Lobster Hatchery, Surveyed for the Town of  
12 Oak Bluffs, Mass. Scale 1 in – 120 Ft., Dec. 16, 1941, Swift and Learned, Inc., Vineyard Haven,  
13 Mass.," on file in the office of the Town Clerk at Oak Bluffs, Mass.

14 (b) The consideration for such lease is the agreement by the Martha's Vineyard Shellfish  
15 Group, Inc. to continue to use of the property and buildings thereon for the conduct of shellfish  
16 propagation and other fishery resource research and management activities.

17 (c) The Martha's Vineyard Shellfish Group, Inc. shall assume all costs associated with  
18 the operation, maintenance and repair of the property and buildings thereon, and subject to such  
19 additional terms and conditions consistent with this act as the commissioner of capital asset  
20 management and maintenance may prescribe in consultation with the commissioner of the  
21 department of fish and game during the course of any such lease.

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

27 SECTION 2. This Act shall take effect upon its passage.