

**SENATE . . . . . No. 2328**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court**  
**(2019-2020)**  
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SENATE, September 5, 2019

The committee on Ways and Means to whom was referred the Senate Bill to preserve the Schooner Ernestina-Morrissey (Senate, No. 2287),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2328).

For the committee,  
Michael J. Rodrigues

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**In the One Hundred and Ninety-First General Court  
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An Act to preserve the Schooner Ernestina-Morrissey.

*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 2 of the General Laws is hereby amended by adding the following  
2 section:-

3           Section 64. The Schooner Ernestina-Morrissey shall be the official vessel of the  
4 commonwealth.

5           SECTION 2. Chapter 6 of the General Laws is hereby amended by striking out sections  
6 182A to 182C, inclusive, as appearing in the 2018 Official Edition, and inserting in place thereof  
7 the following 3 sections:-

8           Section 182A. There shall be a Schooner Ernestina-Morrissey advisory board that shall  
9 consist of: the commissioner of conservation and recreation or a designee; the president of the  
10 Massachusetts Maritime Academy or a designee; the director of the office of travel and tourism  
11 or a designee; the secretary of education or a designee; and 5 members appointed by the  
12 governor, 1 of whom shall be a resident of the city of New Bedford, 1 of whom shall be a  
13 member of the Schooner Ernestina-Morrissey Association, Inc. or its successor organization and

14 3 of whom shall have expertise relevant to the mission of the advisory board, expertise in Cape  
15 Verdean history as it relates to the Schooner Ernestina-Morrissey or expertise in the history of  
16 the ship as the Effie M. Morrissey.

17 Each appointed member of the advisory committee shall serve for a term of 3 years. The  
18 advisory board shall annually elect from among its members a chair and a vice-chair. The  
19 members of the board shall serve without compensation. The board shall meet not less than  
20 biannually and shall meet upon the request of the Massachusetts Maritime Academy to advise  
21 the academy on matters that relate to the Schooner Ernestina-Morrissey. The Massachusetts  
22 Maritime Academy shall establish all policies relative to the operation of the vessel.

23 Section 182B. The Massachusetts Maritime Academy shall hold, administer, operate,  
24 preserve and maintain the Schooner Ernestina-Morrissey for educational and training purposes  
25 and may participate in tourism activities in cooperation with the advisory commission on  
26 vacation travel.

27 The Massachusetts Maritime Academy may:

28 (i) authorize the Schooner Ernestina-Morrissey to ply the oceans, seas and all navigable  
29 waters and to fly the flag of the commonwealth; provided, however, that the vessel shall not be  
30 used for commercial fishing;

31 (ii) charge fees or tuition to students, trainees, sailing cadets or others who are carried on  
32 voyages or trips for educational or training purposes;

33 (iii) charge fees to passengers for excursions and tours;

34 (iv) develop educational programs, including exhibitions and dockside tours of the  
35 Schooner Ernestina-Morrissey, and charge and receive admission fees from the public for  
36 providing such services;

37 (v) retain and expend any fees, tuitions and revenues received under this section to ensure  
38 the continued operation, preservation and maintenance of the Schooner Ernestina-Morrissey;  
39 provided, however, that all monies retained and expended shall be reported annually to the  
40 secretary of administration and finance and the house and senate committees on ways and means;

41 (vi) receive and expend grants from municipal and federal agencies and private  
42 foundations to support the operation, preservation and maintenance of the Schooner Ernestina-  
43 Morrissey and to receive and accept contributions from any source, including, but not limited to,  
44 money, property and labor, to be used for the purposes for which the grants and contributions are  
45 made; and

46 (vii) hire, as needed, professional staff to assist with the operation of the Schooner  
47 Ernestina-Morrissey.

48 Section 182C. The home berth of the Schooner Ernestina-Morrissey shall be in the port  
49 of the city of New Bedford and displayed as such on the vessel. The Schooner Ernestina-  
50 Morrissey shall be berthed in the city of New Bedford for an aggregate of not less than 90 days  
51 per calendar year on a 3-year rolling average and at no cost to the academy; provided, however,  
52 that the vessel may be berthed from time to time at various locations in the commonwealth,  
53 including the academy's campus in Buzzards bay, and abroad, as determined by the academy  
54 with the advice of the Schooner Ernestina-Morrissey advisory board.

55 SECTION 3. The Massachusetts Maritime Academy shall, upon accepting delivery of the  
56 Schooner Ernestina-Morrissey, incorporate the operation of the vessel as a sail training ship into  
57 its curriculum for a period not less than 15 years, contingent upon the continued support of the  
58 commonwealth. The academy shall collaborate with the Schooner Ernestina-Morrissey advisory  
59 board, the city of New Bedford, the Cape Verdean Association in New Bedford, Inc. and other  
60 interested stakeholders to ensure the vessel is made available to local public school children and  
61 residents of the city of New Bedford to learn the history of the vessel and concepts of  
62 seamanship and marine technology. The availability shall be at no cost during cultural events and  
63 educational programs and when the vessel is not actively deployed as a sail training ship,

64 SECTION 4. Notwithstanding any general or special law to the contrary, all valid  
65 contracts, approvals, permits and obligations of the department of conservation and recreation  
66 pertaining to the Schooner Ernestina-Morrissey that are in force on the effective date of this act  
67 shall be assumed by the Massachusetts Maritime Academy; provided, however, that the  
68 department shall fund and complete existing contracts for the restoration of the Schooner  
69 Ernestina-Morrissey within present capital or trust authorizations for fiscal year 2020 that  
70 otherwise would have been available before the effective date of this act to support the Schooner  
71 Ernestina-Morrissey. No existing rights or remedies shall be extinguished or otherwise impaired  
72 by this act.

73 SECTION 5. Notwithstanding any general or special law to the contrary, all sums held  
74 pursuant to section 182B of chapter 6 of the General Laws as of the effective date of this act  
75 shall remain available to the department of conservation and recreation for restoration and  
76 maintenance purposes under section 4. Until June 30, 2020 or such other time that the vessel has  
77 been fully restored and verified by the United States Coast Guard, the department may continue

78 to accept gifts, grants or contributions for deposit in the Conservation Trust established in section  
79 1 of chapter 132A of the General Laws and expend such funds for restoration and maintenance  
80 purposes under said section 4. Following the close of fiscal year 2020 or such other time that the  
81 vessel has been fully restored and verified by the United States Coast Guard, the amount of any  
82 funds identified in this section that remain unexpended by the department for such restoration  
83 and maintenance purposes shall be certified by the department to the secretary of administration  
84 and finance. Following review and approval by the secretary, the secretary shall transfer the  
85 funds to the Massachusetts Maritime Academy and the funds shall be held in trust and expended  
86 by the academy for the purposes of said section 182B of said chapter 6.

87           SECTION 6. Notwithstanding section 182A of chapter 6 of the General Laws, 2 of the  
88 governor's initial appointees to the Schooner Ernestina-Morrissey advisory board shall serve for  
89 a term of 1 year, 2 of the governor's initial appointees shall serve for a term of 2 years and 1 of  
90 the governor's initial appointees shall serve for a term of 3 years.