SENATE DOCKET, NO. 3302 FILED ON: 6/18/2024

SENATE . . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

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 relative to the Historic Connecticut River Water Trail.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*
Lindsay N. Sabadosa	*1st Hampshire*

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SENATE . . . . . No.

By Mr. Oliveira, a petition (accompanied by bill) (subject to Joint Rule 12) of Jacob R. Oliveira and Lindsay N. Sabadosa for legislation relative to the Historic Connecticut River Water Trail. Environment and Natural Resources.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to the Historic Connecticut River Water Trail.

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. (a) There is hereby established a Historic Connecticut River Water Trail Marking Trust Fund. The trust fund is established given that the unique nature of the Connecticut River Water Trail has precluded it from benefiting from conventional sources of funding that would be utilized to ensure safe navigable passage and recreation.

(b) The Historic Connecticut River Water Trail shall be defined as the portion of the Connecticut River beginning at the Holyoke Dam located at river mile 83.4, and ending at the northern border of the municipality of Hatfield located at river mile 104.3.

(c) The funds of the Historic Connecticut River Water Trail Marking Trust Fund shall be expended, without further appropriation, by the executive office of energy and environmental affairs in consultation with its office of outdoor recreation and the municipalities of Easthampton, Hadley, Hatfield, Holyoke, Northampton and South Hadley.

(d) The funds of the Historic Connecticut River Water Trail Marking Trust Fund shall be expended for purposes related to ensuring safe navigable passage and recreation on the Historic Connecticut River Water Trail. Such expenditures shall include, but are not limited to, the provision of river markers and the administration of a Connecticut River waterway permit program as specified in section 2, with the objective of establishing a self-sustaining program that funds its operational costs.

(e) The fund shall consist of: (i) money transferred to the fund by a municipality; (ii) money transferred to the fund by the municipal gas and electric commission of the city of Holyoke; (iii) money from the Connecticut river waterway permit established in section 2; (iv) money collected from the enforcement of the provisions of section 1 and section 2; (v) money transferred to the fund by the general court and specifically designated to be credited to the fund; (vi) funds from public and private sources, including, but not limited to, gifts, grants and donations; and (vii) interest earned on such money. Amounts credited to the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

(f) Annually, not later than November 30, the executive office of energy and environmental affairs shall submit to the joint committee on environment and natural resources and the clerks of the house of representatives and the senate a report on the fund activity, which shall include: (i) an accounting of the money received into the fund in the previous fiscal year; (ii) a breakdown of any money expended from the fund; (iii) information about any navigational markers placed on the Connecticut river using money from the fund; and (iv) an analysis of the necessity for additional or improved markers.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, no person shall operate a motorized vessel on the Historic Connecticut River Water Trail as defined in section 1 without a special permit, issued annually.

(b) With the exception of section 2(c) and 2(d), the permit shall cost $25 per year, indexed for inflation, and be available for sale.

(c) Notwithstanding any general or special law to the contrary, no corporation operating multiple paddle-craft may provide non-motorized vessels for use on the Historic Connecticut River Water Trail, as defined in section 1, without a flat rate permit, issued annually. The permit shall be offered at multiple fixed-fees to be determined by the executive office of energy and environmental affairs, and be available for sale. The executive office of energy and environmental affairs shall offer a lower fixed-fee to non-profit organizations that are determined to promote access, education, and stewardship of the river.

(d) Notwithstanding section 2, the executive office of energy and environmental affairs shall determine a higher permit fee for non-resident of the commonwealth.

(e) Any money raised under this section shall be deposited in the Historic Connecticut River Water Trail Marking Trust Fund, established in section 1.

SECTION 3. The executive office of energy and environmental affairs, shall promulgate or amend any regulations necessary to implement this act, including penalties and fines for noncompliance with section 1 and section 2.