

# HOUSE . . . . . No. 6291

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, December 10, 1992.

The committee on State Administration, to whom was referred the petition of Antonio F. D. Cabral, Joseph B. McIntyre, William Q. MacLean, Jr., Robert M. Koczera and Bruce E. Tarr relative to the Schooner Ernestina Commission, reports recommending that the accompanying bill (House, No. 6291) ought to pass.

For the committee,

CHRISTOPHER J. HODGKINS.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Two.

## AN ACT RELATIVE TO THE SCHOONER ERNESTINA COMMISSION.

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

1 Chapter 6 of the General Laws, as appearing in the 1990  
2 Official Edition, is hereby amended by striking out sections 182A  
3 and 182B and inserting in place thereof the following three  
4 sections: —

5 Section 182A. There shall be a commission to be known as the  
6 Schooner Ernestina Commission, consisting of nine members to  
7 be appointed by the Governor of the Commonwealth of  
8 Massachusetts, one of whom shall be a member of the  
9 Massachusetts Historical Commission, one of whom shall be a  
10 member of the advisory committee on vacation and travel, one  
11 of whom shall be the commissioner of the department of  
12 environmental management or his/her designee, one of whom  
13 shall be a member of the Ernestina Morrissey Historical  
14 Association, one of whom shall be a historian for Cape Verdean  
15 history and culture as it relates to said schooner, one of whom  
16 shall be learned in said schooner's history as the ship Effie M.  
17 Morrissey or any person whose expertise would be an asset to the  
18 commission and the Schooner Ernestina, and one of whom shall  
19 be a resident of New Bedford and two of whom shall be residents  
20 of coastal communities. Of the initial appointment, three shall be  
21 for a term of one year, three shall be for a term of two years and  
22 three shall be for a term of three years. Thereafter, all  
23 appointments shall be for terms of three years. The commission  
24 shall annually elect from among their members a chairman and  
25 vice-chairman. The members of the commission shall serve  
26 without compensation. The commission shall meet a minimum  
27 of four times annually and shall be entitled to meet as often as  
28 necessary to transact the business of the vessel. It shall be the  
29 responsibility of the commission to establish all policies relative  
30 to the operation of the vessel.

31 Section 182B. The Schooner Ernestina commission is hereby  
32 authorized and empowered:

33 (a) To hold, operate, preserve, and maintain said vessel for  
34 educational or training purposes. Said vessel shall serve as the  
35 official vessel of the commonwealth. It may participate in tourism  
36 activities in cooperation with the advisory commission on  
37 vacation and travel;

38 (b) To authorize the vessel to ply the oceans, seas, and all  
39 navigable waters and to fly the flag of the commonwealth,  
40 however, said vessel shall not be used for commercial fishing;

41 (c) To charge fees or tuition to students, trainees, sailing cadets  
42 or others who are carried on voyages or trips for educational or  
43 training purposes;

44 (d) To charge fees to passengers for excursions and tours;

45 (e) To develop educational programs, including exhibitions  
46 and dockside tours of the vessel and to charge and receive  
47 admission fees from the public for the provisions of such services;

48 (f) To retain and expend any fees, tuitions and revenues  
49 received under the provisions of clauses (c), (d) and (e);

50 (g) To receive and expend from both municipal and federal  
51 agencies, as well as private foundations, grants to support the  
52 operations, preservation and maintenance of said vessel and to  
53 receive and accept contributions from any source of either money,  
54 property, labor or other things of value, to be used for the  
55 purposes for which said grants and contributions may be made;

56 (h) To hire as needed professional staff to assist with the  
57 operation of the vessel;

58 (i) To contract out, with private and not for profit organiza-  
59 tions, the operations and maintenance of the vessel;

60 Section 182C. The Schooner Ernestina Commission shall be  
61 placed in the department of environmental management and will  
62 work jointly with said agency so that operational and managerial  
63 responsibilities authorized and empowered to the commission  
64 herein follow state policies. Appropriation for the operations,  
65 preservation, maintenance and insurance of the vessel and for the  
66 operation of the commission shall be included in a line item and  
67 added to the budget of said department. There shall be an annual  
68 audit of the commission's books and accounts by an independent

69 certified public accountant which shall be sent to the governor,  
70 the department of environmental management and the  
71 commissioner of the department of revenue. Said report and audit  
72 shall be a public record. The home berth of said vessel shall be  
73 in the port of the city of New Bedford.