

By Mr. Kocot of Northampton, petition of Peter V. Kocot and others relative to the protection of Right Whales within the coastal waters of the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Peter V. Kocot
Christine E. Canavan

Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT TO PROTECT THE RIGHT WHALE.

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 29 of the General Laws is hereby amended
2 by inserting after section 2JJJ the following section:—
3 Section 2KKK. There shall be established and set up on the books
4 of the commonwealth a separate fund to be known as the Right
5 Whale Research and Protection Fund, the funds of which shall be
6 expended by the division of coastal zone management within the
7 executive office of environmental affairs for the purpose of funding
8 efforts to diminish fatalities of right whales in Massachusetts coastal
9 waters, including support of efforts by the northeast implementation
10 team. Said division shall establish a grant program to expend said
11 funds and shall give priority to companies, public institutions of
12 higher education and non-profit corporations located within the
13 Commonwealth, including, but not limited to woods hole oceano-
14 graphic institute, the center for coastal studies, new england
15 aquarium and other entities with established records of right whale
16 research. Said division shall prioritize the expenditure of said funds
17 on developing data related to the interaction of northern right whales
18 and vessels transitting cape cod bay and the great south channel,
19 improvements to the mandatory ship reporting system, improve-

20 ments to fishing and lobstering gear, improvements to the remote
21 monitoring of right whales and the development of acoustical and
22 optical systems to diminish right whale fatalities.

23 The Right Whale Research and Protection Fund shall receive
24 monies from: (1) gifts, grants, appropriations and donations from
25 public or private sources; (2) federal reimbursements and grants-in-
26 aid; (3) any interest earned from the fund; and (4) the proceeds of
27 special obligation bond sales by the commonwealth, denoted as the
28 Right Whale Research and Protection Loan Act of 2007. The state
29 treasurer shall receive, deposit and invest funds held in such a
30 manner as to ensure the highest interest rate available consistent with
31 the safety of the fund. The books and records of the fund shall be
32 subject to an annual audit by the state auditor. The division of
33 coastal zone management may expend such funds, in addition to
34 appropriation, and no expenditure from the fund shall cause it to be
35 in deficiency at the close of a fiscal year. The director of coastal
36 zone management shall report annually to the house and senate com-
37 mittees on ways and means and the joint committee on natural
38 resources and agriculture on income received into the fund and the
39 sources of that income, any expenditures from the fund and their
40 purposes and fund balances.

1 SECTION 2. To meet a portion of the expenditures necessary in
2 carrying out the provisions of section 2KKK of chapter 29 of the
3 General Laws, the state treasurer shall, upon request of the governor,
4 issue and sell bonds of the commonwealth in an amount to be speci-
5 fied by the governor from time to time, but not exceeding in the
6 aggregate the sum of \$2,000,000 to be in addition to those bonds
7 previously authorized and which authorizations remain uncommitted
8 or unobligated on the effective date of this act. All bonds issued by
9 the commonwealth as aforesaid shall be designated on their face,
10 Commonwealth of Massachusetts and the Executive Office of Envi-
11 ronmental Affairs Right Whale Research and Protection Loan Act of
12 2007, and shall be issued for a maximum term of years, not
13 exceeding 20 years, as the governor may recommend to the general
14 court pursuant to Section 3 of Article LXII of the Amendments to
15 the Constitution of the Commonwealth; provided, however, that all
16 such bonds shall be payable not later than June 30, 2027. All interest

17 and payments on account of principal of such obligations shall be
18 payable from the General Fund. Bonds and interest thereon issued
19 under the authority of this section shall be general obligations of the
20 commonwealth.

