

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE LEASING OF THE HORSENECK POINT LIFESAVING STATION
IN THE TOWN OF WESTPORT TO THE WESTPORT FISHERMEN'S ASSOCIATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the lease of the lifesaving station in the town of Westport to the Westport Fishermen's Association, 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:

SECTION 1. Section 44 of chapter 85 of the acts of 1994 is hereby amended by striking out, in line 2, the words "environmental management" and inserting in place thereof the following words:- conservation and recreation.

SECTION 2. Said section 44 of said chapter 85 is hereby further amended by inserting after the word "forest", in line 44, the following words:-
, Horseneck Point Lifesaving Station in the Horseneck Beach State Reservation.

SECTION 3. Notwithstanding sections 40F to 40J, inclusive, of chapter 7 of the General Laws or section 44 of chapter 85 of the acts of 1994 or any other general or special law or rule or regulation to the contrary, the commissioner of conservation and recreation may lease certain land and the building thereon to the Westport Fishermen's Association. The parcel, the exact boundaries of which shall be established prior to such conveyance by a survey commissioned by the commissioner, is located at the corner of West Beach and East Beach roads at Gooseberry Neck in the town of Westport and known as the Horseneck Point Lifesaving Station. The term of such lease shall be 25 years, subject to extension for another 10 year term at the discretion of the commissioner.

SECTION 4. Notwithstanding any general or special law to the contrary, the parcel described in section 3 shall be leased subject to a restriction limiting the use of the parcel to operating a lifesaving museum and promoting the appreciation of the Horseneck Point Lifesaving Station and historic resources. If at any time the property ceases to be used for the purposes described in this section or should the commissioner of conservation and recreation determine that the Westport Fishermen's Association has failed to comply with the terms of the lease entered into between the department and the

Westport Fishermen's Association, the commissioner shall give written notice to the lessee of the unauthorized use. The lessee shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the lease of the parcel, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, shall terminate and any further disposition of the property shall be subject to chapter 7 of the General Laws.

SECTION 5. Notwithstanding any general or special law, or any rule or regulation to the contrary, the commissioner of capital asset management and maintenance shall, 30 days before the execution of any lease authorized by this act, or any subsequent amendment thereto, submit the proposed lease or amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of the proposed lease or amendment. The commissioner of capital asset management and maintenance shall submit the proposed lease or amendment, and the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 15 days before execution of said lease.

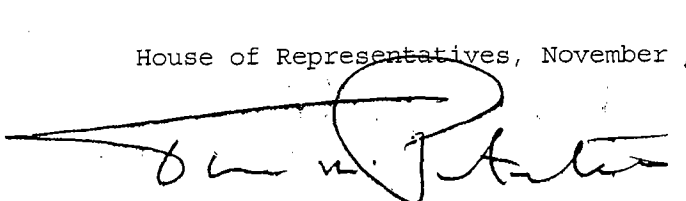
SECTION 6. Notwithstanding any general or special law to the contrary, the lessee shall be responsible for all costs associated with the lease of the property under this act including but not limited to, costs associated with any engineering, surveys and legal or recording fees as such costs may be determined by the commissioner of capital asset management and maintenance. During the term of the lease, the lessee shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance and operation of the leased property.

SECTION 7. Use of the Horseneck Point Lifesaving Station shall be in compliance with all applicable statutes, regulations and executive orders, including, but not limited to, laws relating to environmental protection and the Westport Fishermen's Association shall secure all necessary approvals and permits. Failure to obtain or maintain compliance with these statutes, regulations and executive orders or to obtain and maintain permits and approvals shall constitute cause for termination of the lease and the notice and right to cure provisions of section 4 shall apply.

SECTION 8. The use of the Horseneck Point Lifesaving Station shall not interfere with the commonwealth's use and operation of adjacent property as a state park.

House of Representatives, November 18, 2009.

Preamble adopted,

 , Speaker.

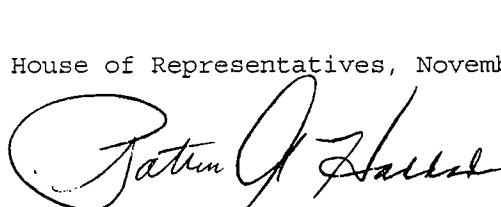
In Senate, November 18, 2009.

Preamble adopted,

 , President.

House of Representatives, November 18, 2009.

Bill passed to be enacted,

 , Speaker.

In Senate, November 18, 2009.

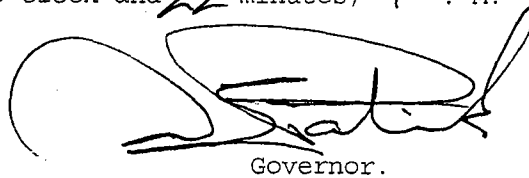
Bill passed to be enacted,

 , President.

23 November, 2009.

Approved,

at 6 o'clock and 22 minutes, P. M.



Governor.