

No. 1988-61

AN ACT

HB 1071

Imposing powers and duties on the Pennsylvania Historical and Museum Commission with respect to the observance of naval and maritime history celebrations; establishing an official arboretum of Pennsylvania; establishing an official flagship for the Commonwealth; and providing for interagency cooperation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Flagship of Pennsylvania Act.

Section 2. Findings and declaration of policy.

It is hereby determined and declared as a matter of legislative finding and policy that:

(1) Section 2801-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, designates the Pennsylvania Historical and Museum Commission as the official agency of the Commonwealth for the conservation of Pennsylvania's historic heritage.

(2) The commission holds in trust the UNITED STATES BRIG NIAGARA at Erie, Pennsylvania. One of only three existing early 19th century fighting ships of the United States Navy, the UNITED STATES BRIG NIAGARA is the only remaining ship of its type from the War of 1812.

(3) The UNITED STATES BRIG NIAGARA serves today as a memorial to the Americans who built and sailed a squadron of warships so that the United States would remain free of foreign domination. On September 10, 1813, this American squadron of nine small ships, six of them constructed in the settlement of Erie, defeated a six-ship British squadron in the Battle of Lake Erie. This victory in the War of 1812 removed the British threat to the Northwest Territory, opened supply lines and raised morale throughout an apprehensive and divided nation.

(4) The UNITED STATES BRIG NIAGARA is significant because of its service during this engagement as Commodore Oliver Hazard Perry's relief flagship after his original flagship LAWRENCE had been disabled. Flying Perry's famous "Don't Give Up The Ship" battle flag, the UNITED STATES BRIG NIAGARA was brought quickly into the line of battle, forcing the surrender of the British squadron. This event, marking the only time in history that an entire British naval squadron was captured, was reported by Perry in his letter which began with the now-famous phrase, "We have met the enemy and they are ours..."

(5) The UNITED STATES BRIG NIAGARA is further significant as being one of six ships constructed at Erie, built largely of native Pennsyl-

vania materials and sailed by Americans from various regions of what was the United States in 1813.

(6) After the War of 1812, the UNITED STATES BRIG NIAGARA remained in Erie as a station ship until 1820 when she was scuttled in Misery Bay to preserve her for possible future use. Her remains were raised in 1913 by a group of Erie citizens and rebuilt for a grand tour of the Great Lakes ports to celebrate the centennial of the Battle of Lake Erie. Since then, the Niagara has remained in Erie and, twice refitted, has become a major tourist attraction in northwestern Pennsylvania.

(7) In 1988, the commission will begin a third restoration which will again return the UNITED STATES BRIG NIAGARA to the waters of the Great Lakes.

Section 3. Establishment of official Flagship of Pennsylvania.

The restored UNITED STATES BRIG NIAGARA is hereby designated the official flagship for the Commonwealth of Pennsylvania. It shall be known as the Flagship of Pennsylvania and its home port will be Erie, Pennsylvania.

Section 4. Powers and duties of commission.

The Pennsylvania Historical and Museum Commission shall have the following powers and duties:

(1) To cooperate with the Department of Military Affairs, the United States Navy and other appropriate organizations in commemorating significant events of our naval and maritime heritage.

(2) To sail the UNITED STATES BRIG NIAGARA, within the means at its command, to various ports of call and commemorative events as the official sailing ambassador for Pennsylvania.

(3) To charge whatever fees are necessary to maintain the vessel and to encourage private financial support as appropriate in order to support the UNITED STATES BRIG NIAGARA and its sailing program.

Section 5. Establishment of official arboretum of Pennsylvania.

The Morris Arboretum of the University of Pennsylvania, which is on the National Register of Historic Places, is located in Philadelphia and Montgomery Counties and consists of 166 acres. The Morris Arboretum, which has been recognized as a unique cultural resource and is the oldest, most extensive curated collection of trees and shrubs cultivated for scientific and educational purposes for study and propagation in this Commonwealth, is hereby selected, designated and adopted as the official arboretum of the Commonwealth of Pennsylvania.

Section 6. Cooperation with commission.

All Commonwealth agencies and public officials shall cooperate fully with the Pennsylvania Historical and Museum Commission in support of its naval and maritime history program and, to that end, shall:

(1) Include the commission in any planning efforts for the commemoration of significant events of our naval and maritime history.

(2) Develop plans with the commission which will utilize the UNITED STATES BRIG NIAGARA as the official flagship for the Commonwealth of Pennsylvania.

Section 7. Erection of signs.

The Department of General Services shall erect appropriate signs designating the Morris Arboretum of the University of Pennsylvania as the official arboretum of the Commonwealth of Pennsylvania.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 29th day of April, A. D. 1988.

ROBERT P. CASEY