

SENATE No. 286

To accompany the petition of Weston U. Friend, mayor, and members of the city council of the city of Gloucester, for a revision of the provisions of law relative to the construction and leasing by the commonwealth of a fish and commercial pier in Gloucester Harbor. Harbors and Public Lands.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Six.

An Act revising the Provisions of Law relative to the Construction and Leasing by the Commonwealth of a Fish and Commercial Pier in Gloucester Harbor.

1 *Whereas*, The deferred operation of this act would
2 defeat its purpose, therefore it is hereby declared to
3 be an emergency law, necessary for the immediate
4 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:

1 SECTION 1. Chapter three hundred and eleven of
2 the acts of nineteen hundred and thirty-one is hereby
3 amended by striking out section one and inserting in
4 place thereof the following:—

5 *Section 1.* For the purpose of improving and de-
6 veloping Gloucester harbor for the promotion of the
7 fish industry and the commercial facilities of the city

8 of Gloucester, the state department of public works,
9 hereinafter called the department, is hereby authorized
10 to construct a fish pier in said harbor on a site to be
11 determined by the department with the approval of
12 the municipal council of said city, to erect thereon
13 such buildings as said purposes may require and prop-
14 erly equip the same, to do all dredging necessary for
15 the proper use of said pier, and to provide necessary
16 water and sewerage facilities therefor. Said construc-
17 tion may extend beyond existing harbor lines. All
18 contracts for work authorized by this section shall be
19 subject to the approval of the governor and council.

1 SECTION 2. Said chapter three hundred and eleven
2 is hereby further amended by striking out section two
3 and inserting in place thereof the following: —

4 *Section 2.* Said city may take by eminent domain
5 under chapter seventy-nine of the General Laws or
6 acquire by purchase or otherwise such piers, wharves,
7 buildings, lands, flats, rights, privileges and easements
8 within the said harbor and adjacent territory as may
9 be necessary for the said purposes, except such as may
10 be owned by the commonwealth, and may transfer the
11 same or such part thereof as the department shall re-
12 quire for said purposes, to the commonwealth, without
13 cost to it, and the property so transferred shall be used
14 for the aforesaid purposes.

1 SECTION 3. Said chapter three hundred and eleven
2 is hereby further amended by striking out section
3 three, as most recently amended by chapter two hun-
4 dred and forty-four of the acts of nineteen hundred
5 and thirty-four, and inserting in place thereof the
6 following: —

7 *Section 3.* No work authorized by section one
8 shall be done unless prior to June first, nineteen hun-
9 dred and thirty-seven, the city of Gloucester shall
10 effect the transfer to the commonwealth of property
11 authorized to be acquired by the preceding section,
12 and shall agree to construct a suitable approach
13 thereto; nor unless prior to said date a corporation
14 incorporated under the laws of the commonwealth,
15 hereinafter called the lessee, shall execute a lease of
16 said pier together with the buildings thereon, for a
17 term beginning on the date of the completion by the
18 department of the work authorized by section one and
19 ending September thirtieth, nineteen hundred and
20 forty-nine. Said lease shall provide that the lessee
21 shall pay to the commonwealth a rental not to exceed
22 twenty thousand dollars a year, and shall be subject
23 to such provisions and conditions as may be agreed
24 upon by the department and the lessee.

1 SECTION 4. Said chapter three hundred and eleven
2 is hereby further amended by striking out section four
3 and inserting in place thereof the following: —

4 *Section 4.* At the termination of said lease, it may,
5 at the option of the lessee, be renewed for a further
6 period of twenty years, at such rental, not to exceed
7 twenty-five thousand dollars a year, as may be agreed
8 upon by the department and the lessee, or in case of
9 failure so to agree, as may be determined by three
10 arbitrators, one to be named by the department, one
11 by the lessee and a third to be selected by the two so
12 chosen. At the termination of said renewed lease, it
13 may at the option of the lessee be again renewed and
14 for such term of years and upon such terms and con-
15 ditions as may be agreed upon by the department and

16 the lessee, or in case of failure so to agree, as may be
17 determined by three arbitrators appointed as aforesaid.

1 SECTION 5. Said chapter three hundred and eleven
2 is hereby further amended by striking out section five
3 and inserting in place thereof the following: —

4 *Section 5.* To meet the expenditures necessary in
5 carrying out the provisions of section one, the state
6 treasurer shall, upon request of the department, issue
7 and sell, at public or private sale, bonds of the com-
8 monwealth, registered or with interest coupons at-
9 tached, as he may deem best, to an amount to be
10 specified by the department from time to time, but not
11 in excess of six hundred and sixty thousand dollars in
12 the aggregate. All such bonds shall be designated on
13 their face, — Gloucester Pier Loan, and shall be on
14 the serial payment plan for such maximum term of
15 years as the governor may recommend to the general
16 court in accordance with section three of article sixty-
17 two of the amendments to the constitution of the
18 commonwealth, the maturities thereof to be so ar-
19 ranged that the amount payable each year, other than
20 the final year, shall, as nearly as is in the opinion of the
21 state treasurer practicable, be equal. Said bonds shall
22 bear interest payable semi-annually at such rate as the
23 state treasurer, with the approval of the governor and
24 council, shall fix.

1 SECTION 6. Said chapter three hundred and eleven
2 is hereby further amended by inserting after section
3 five the following new section: —

4 *Section 5A.* For the purpose of acquiring land for
5 said pier, the city of Gloucester may borrow from time
6 to time, within a period of five years from the passage

7 of this act, such sums as may be necessary, not exceed-
8 ing in the aggregate one hundred thousand dollars, and
9 may issue bonds or notes therefor which shall bear on
10 their face the words, Gloucester Pier Loan, Act of
11 1936. Each authorized issue shall constitute a sepa-
12 rate loan and such loans shall be paid in not more than
13 twenty years from their dates. Indebtedness incurred
14 under this act shall be inside the debt limit and shall,
15 except as herein provided, be subject to the provisions
16 of chapter forty-four of the General Laws, exclusive
17 of the limitation contained in the first paragraph of
18 section seven thereof.

1 SECTION 7. This act shall take effect upon its
2 passage.

