

SENATE No. 621

The Commonwealth of Massachusetts

SENATE, July 16, 1945.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the State Department of Public Works to construct a pier in the port of Fall River, to provide storage terminal facilities and otherwise to improve the facilities for maritime commerce in said port (Senate, No. 601), report recommending that the same ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 621).

For the committee,

WILLIAM E. NOLEN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT AUTHORIZING THE STATE DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT A PIER IN THE PORT OF FALL RIVER, TO PROVIDE STORAGE TERMINAL FACILITIES AND OTHERWISE TO IMPROVE THE FACILITIES FOR MARITIME COMMERCE IN SAID PORT.

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. The state department of public works,
2 in this act called the department, for the purpose of
3 improving the port facilities of the city of Fall River,
4 is hereby authorized and directed, under, and subject
5 to the restrictions contained in, sections eleven and
6 thirty-one of chapter ninety-one of the General Laws,
7 to construct a pier and storage terminal facilities in
8 said city, and in connection therewith the department
9 may do such dredging and place such filling, and may
10 construct such drains, sewers, railroad and highway
11 connections and approaches and such other appurten-
12 ances and improvements, as may be necessary or
13 desirable.

1 SECTION 2. For any or all of the purposes of this
2 act the department may purchase, or may take by
3 eminent domain under chapter seventy-nine of the
4 General Laws, such property and interests in property

5 as may be necessary or desirable; provided, that it
6 shall not take in fee any land of any railroad or rail-
7 way corporation, and that it shall not enter upon or
8 construct any works within the location of any rail-
9 road or railway corporation except at such times and
10 in such manner as it may agree upon with such cor-
11 poration, or, in case of failure so to agree, as may be
12 approved by the department of public utilities.

1 SECTION 3. The department shall annually in
2 December report to the governor and to the general
3 court its actions under authority of this act. Said
4 report shall contain detailed information of all re-
5 ceipts and expenditures, including prices paid for
6 land purchased or taken, and of all contracts for con-
7 struction of pier facilities and for the leasing thereof,
8 and such other detailed information in regard to said
9 facilities as the department may deem helpful.

1 SECTION 4. The department, as soon as may be
2 following the effective date of this act, shall, on be-
3 half of the commonwealth, enter into one or more
4 contracts in writing, approved by the governor and
5 in a form approved by the attorney general, with
6 some responsible persons or persons and providing
7 for the lease, for a period of not less than twenty
8 years, of the property purchased or taken under
9 authority of this act, the minimum requirements of
10 said lease or leases as to payments thereunder to be
11 at a rate sufficient to amortize sixty per cent of the
12 cost to the commonwealth of the facilities included
13 within the terms of said lease or leases within a period
14 of not exceeding twenty years from the date thereof;
15 provided, that the department may in any such lease

16 provide that at the expiration of its original term it
17 may, at the option of the lessee, be renewed for a
18 further period of twenty years.

1 SECTION 5. The department may proceed with
2 the preparation of preliminary plans for the facilities
3 authorized by this act within the limits of funds appro-
4 priated for such or similar work by the department.

1 SECTION 6. Subject to the conditions hereinbefore
2 imposed, for the purpose of purchasing or taking a
3 site and a pier location and the construction thereon
4 of pier facilities as hereinbefore authorized and to
5 meet the expenditures necessary in carrying out the
6 provisions of this act, the state treasurer, upon the
7 request of the department and in each instance with
8 the approval of the governor and council, shall issue
9 and sell at public or private sale bonds of the com-
10 monwealth, registered or with interest coupons at-
11 tached, as he may deem best, to an amount to be
12 specified by the department from time to time but
13 not exceeding, in the aggregate, the sum of one mil-
14 lion, five hundred thousand dollars; provided, that,
15 until one or more leases conforming to the require-
16 ments of section four are entered into, no bonds shall
17 be so issued in a sum larger than that necessary to
18 pay for the land purchased or taken under authority
19 of this act. All bonds issued by the commonwealth
20 aforesaid shall be designated on their face "Fall
21 River Harbor Terminal Facilities Loan, 1945" and
22 shall be on the serial payment plan for such term of
23 years, not exceeding ten years, as the governor may
24 recommend to the general court pursuant to section
25 3 of Article LXII of the Amendments to the Consti-

26 tution of the commonwealth, the maturities thereof
27 to be so arranged that the amount payable each year
28 other than the final year shall be as nearly equal as
29 in the opinion of the state treasurer it is practicable
30 to make them. Said bonds shall bear such interest
31 semi-annually as the state treasurer with the ap-
32 proval of the governor shall fix.

1 SECTION 7. This act shall take effect on January
2 first, nineteen hundred and forty-six, and shall cease
3 to be effective on January first, nineteen hundred and
4 forty-eight unless prior thereto the department has
5 entered into one or more contracts authorized by sec-
6 tion four for the leasing of the facilities authorized
7 under this act.

