

# HOUSE . . . . . No. 6639

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, April 28, 1981.

The committee on Natural Resources and Agriculture, to whom was referred the petition (accompanied by bill, House, No. 2787) of Philip W. Johnston for legislation to provide financial assistance to coastal cities and towns to finance the reconstruction, rehabilitation, expansion or new construction of commercial fishing piers and supporting facilities, reports recommending that the accompanying bill (House, No. 6639) ought to pass.

For the committee,

WILLIAM P. NAGLE, JR.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Eighty-One.

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AN ACT TO ASSIST COASTAL CITIES AND TOWNS TO FINANCE THE RECONSTRUCTION, REHABILITATION, EXPANSION OR NEW CONSTRUCTION OF COMMERCIAL FISHING PIERS AND SUPPORTING FACILITIES.

*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 91 of the General Laws, is hereby amend-  
2 ed by inserting after section 64 the following:

3 Definition of terms: the following definitions are provided for  
4 purposes of this Act.

5 (a) Pier Facility: shall mean an existing, or a proposed new  
6 paved platform on piling or fill owned and maintained by the  
7 municipality, and used exclusively for commercial fishing and  
8 shellfishing activities.

9 (b) Support facilities: shall mean any existing or proposed new  
10 structure or building to be used for fish processing, refrigeration,  
11 equipment storage, parking, and other accessory facilities associat-  
12 ed with commercial fishing and shellfishing.

13 (c) Pier Development Project: shall mean a project or undertak-  
14 ing involving the rehabilitation, improvement, alteration, enlarge-  
15 ment, repair, reconstruction, or new construction of a pier and/or  
16 support facilities exclusively use or to be used for commercial  
17 fishing and shellfishing purposes. Such a project may also involve  
18 the demolition of existing structures or buildings, grading, paving,  
19 filing, piling, dredging and land acquisition incidental to the pier  
20 and/or supporting facilities.

21 (d) The Massachusetts Coastal Zone Management Program:  
22 shall refer to the State program which sets forth the Common-  
23 wealth's policies and strategies relating to the coastal areas of the  
24 state.

25 (e) Special Development Assistance Area: shall refer to those  
26 parts and harbors of Massachusetts communities which have been  
27 designated as Special Development Assistance Areas by the State  
28 Coastal Zone Management office of the Executive Office of Envir-

29 onmental Affairs, consistent with the Massachusetts Coastal Zone  
30 Management Program.

31 (f) CARD Program: shall refer to the State Commercial Area  
32 Revitalization District Program established under the Massachu-  
33 setts General Laws Chapter 40D, and as most recently amended  
34 by Chapter 495 of the Acts of 1978.

35 (g) Massachusetts Division of Waterways: shall be the entity  
36 responsible to administer the provisions of this Act.

1 SECTION 2. Any coastal city or town, acting by and through  
2 its Mayor in the case of a city, or the Board of Selectmen, in the  
3 case of a town, or by and through the Planning Board or communi-  
4 ty development or redevelopment agency, may apply to the Divi-  
5 sion of Water Ways of the Executive Office of Environmental  
6 Affairs for a grant to undertake a pier development project. An  
7 application for a grant under this act shall represent up to fifty  
8 percent of the estimated total cost of the project, and in no case  
9 shall exceed one million dollars. Said grants shall be in addition to  
10 any other funds or monies made to the project from any source  
11 including grants, bequests, gifts, or contribution by the federal,  
12 state or municipal government or by any individual, corporation  
13 or association.

1 SECTION 3. To qualify for a grant assistance under the Act, a  
2 pier development project of any city or town must comply with the  
3 following conditions.

4 (a) that the existing or proposed pier and/or support facilities  
5 will be used exclusively for commercial fishing and shellfishing  
6 purposes:

7 (b) that the project site is decadent or substandard or it is  
8 located within an approved Commercial Area Revitalization Dis-  
9 trict:

10 (c) that the port or harbor where the project will be undertaken  
11 is designated as a special development assistance area under the  
12 Massachusetts Coastal Zone Management Program.

1 SECTION 4. In making an application for a grant under this  
2 Act, the city or town shall demonstrate in writing the following:

3 (a) that the proposed pier development project will serve the

4 public interest, and is consistent with community-wide needs and  
5 priorities;

6 (b) that the project will have a significant economic impact on  
7 the commercial fishing and shellfishing industry, including the  
8 generation and/or retention of jobs;

9 (c) that there is a clear need for rehabilitation, improvement,  
10 reconstruction, or new construction of a pier facilities and/or  
11 support facilities;

12 (d) evidence of all required local, state, and federal permits,  
13 approvals and licenses incidental to the proposed projects have  
14 been sought or obtained; and,

15 (e) commitment of financial aid from other funding sources  
16 have been sought or obtained to cover the remaining fifty-percent  
17 of the estimated cost of the project;

18 (f) proposal must be approved by the Mayor in the case of a city,  
19 or the board of selectmen in the case of a town and by the Planning  
20 Board.

1 SECTION 5. In addition to the conditions and requirements  
2 set forth in Sections 3 and 4 above, the division of water ways may  
3 promulgate such rules and regulations as are deemed necessary to  
4 effectuate the purposes of this Act.

1 SECTION 6. To meet the expenditures necessary to carry out  
2 the provisions of this Act, the State Treasurer shall, upon the  
3 request of the Secretary of Administration, with the approval of  
4 the Governor, issue and sell at public or private sale, bonds, or  
5 notes of the Commonwealth, registered or with interest coupons  
6 attached, as he may deem best, to an amount specified by the  
7 Governor from time to time, but not exceeding in the aggregate of  
8 thirty million dollars, over a five year period. All bonds or notes  
9 issued by the Commonwealth, as aforesaid, shall be designated on  
10 their face and words, Public piers, Act of 1981, and shall be on the  
11 serial payment plan for such maximum term of years. Said bonds  
12 or notes shall have interest set semi-annually at such rate as the  
13 state treasurer, with the approval of the governor shall fix. The  
14 initial maturities of such bonds or notes shall be payable not later  
15 than one year from the date of issue thereof, and the entire issue not  
16 later than December 31, two thousand and twenty-one.