

# SENATE . . . . No. 710

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[Senate, No. 710. — Substituted by amendment by the Senate (Peirce) for Senate Bill No. 604.]

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty.

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### AN ACT ESTABLISHING THE NEW BEDFORD STATE PIER COMMISSION AND DEFINING ITS POWERS AND DUTIES.

1    *Whereas*, The deferred operation of this act would  
2 tend to defeat its purpose, which is to make immedi-  
3 ately operative the powers vested in the commission  
4 thereby created and thereby to aid in the more prompt  
5 development of the Port of New Bedford, and the  
6 benefits to be derived therefrom by the city of New  
7 Bedford and the commonwealth, therefore it is hereby  
8 declared to be an emergency law, necessary for the  
9 immediate preservation of the public convenience and  
10 necessity.

*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 6 of the General Laws is hereby  
2 amended by striking out section 17, as most recently  
3 amended by section 1 of chapter 479 of the acts of  
4 the current year, and inserting in place thereof the  
5 following section: —

6 *Section 17.* The armory commission, the art com-  
7 mission, the commission on administration and  
8 finance, the commissioner of veterans' services, the  
9 commissioners on uniform state laws, the public be-  
10 quest commission, the state ballot law commission,  
11 the board of trustees of the Soldiers' Home in Massa-  
12 chusetts, the board of trustees of the Soldiers' Home  
13 in Holyoke, the milk regulation board, the alcoholic  
14 beverages control commission, the state planning  
15 board, the state housing board, the trustees of the  
16 state library, the state racing commission, the Grey-  
17 lock reservation commission, the Port of Boston au-  
18 thority, the New Bedford state pier commission, the  
19 Massachusetts public building commission, the Massa-  
20 chusetts commission against discrimination, the out-  
21 door advertising authority, the commission on alco-  
22 holism, the state airport management board, the youth  
23 service board and the Massachusetts aeronautics com-  
24 mission shall serve under the governor and council,  
25 and shall be subject to such supervision as the gover-  
26 nor and council deem necessary and proper.

1 SECTION 2. Said chapter six is hereby further  
2 amended by inserting at the end, under the caption  
3 NEW BEDFORD STATE PIER COMMISSION, the following  
4 sections: —

5 *Section 73.* There shall be a commission, to be  
6 known as the New Bedford state pier commission,  
7 consisting of five members, to be appointed by the  
8 governor, with the advice and consent of the council.  
9 Two members thereof shall be residents of the city  
10 of New Bedford and one member thereof shall be a  
11 resident of the town of Fairhaven. Not more than  
12 three members thereof shall be of the same political  
13 party. Upon the expiration of the term of office of a

14 member his successor shall be appointed by the gov-  
15 ernor, to serve for five years and until the qualifica-  
16 tion of his successor. The governor shall designate  
17 one of the members as chairman. Each member may  
18 be removed by the governor, with like advice and  
19 consent. The members shall serve without compen-  
20 sation, but shall be reimbursed for their necessary  
21 expenses incurred in connection with travel in the  
22 discharge of their official duties.

23 *Section 74.* Said commission may appoint, and may  
24 remove, a director and may, subject to appropria-  
25 tion, from time to time establish his salary. Said  
26 director and such other agents and employees of said  
27 commission as it shall from time to time designate by a  
28 writing filed in its office may travel in the performance  
29 of their official duties, within and without the com-  
30 monwealth and, while so travelling, may incur such  
31 expenses, within the limits of the amount appropria-  
32 ted therefor, as said commission may from time to  
33 time approve.

34 *Section 75.* Said commission shall have an office in  
35 the city of New Bedford and shall, in addition to a  
36 director, employ, within the limits of the amount  
37 appropriated therefor, such other employees as it may  
38 deem necessary, and, subject to appropriation, may  
39 incur such other expenses, including the expense for  
40 advertising and publicizing the port of New Bedford  
41 as it may deem necessary.

42 *Section 76.* The commission shall be in administra-  
43 tive charge of the state pier at New Bedford; shall  
44 cause to be made all necessary plans for the develop-  
45 ment of said pier; shall have immediate charge of  
46 the lands, piers and other structures and facilities  
47 now or hereafter owned by the commonwealth at or  
48 adjacent to said pier, and of the construction of piers

49 and other public works therein which are necessary,  
50 economically sound, and in the best interests of the  
51 commonwealth; shall administer all terminal facilities  
52 under its control; shall keep itself thoroughly informed  
53 as to the present and probable future requirements  
54 of steamships and shipping and as to the best means  
55 which can be provided at said pier for the accommoda-  
56 tions of steamships, railroads, warehouses and indus-  
57 trial establishments. The commission shall prepare  
58 plans and estimates of the cost of acquiring needed  
59 pier facilities and of the construction of such new fa-  
60 cilities as it shall determine to be necessary, and shall  
61 submit, on or before the fifteenth day of December in  
62 each year, such plans for consideration by the general  
63 court.

64 *Section 77.* The commission may proceed at law or  
65 in equity to enforce the provisions of any lease, con-  
66 tract, instrument or other agreement acquired or  
67 entered into by it or the department of public works  
68 or its predecessor, under any provision of this chapter  
69 or of any similar provisions of earlier laws.

1 SECTION 3. Of the members of the New Bedford  
2 state pier commission first appointed under authority  
3 of this act, one shall be appointed for the term of  
4 one year from the first day of September in the cur-  
5 rent year, one for the term of two years from said  
6 date, one for the term of three years from said date,  
7 one for the term of four years from said date, and one  
8 for the term of five years from said date.

1 SECTION 4. All the rights, powers and duties on  
2 the effective date of this act pertaining to the de-

3 partment of public works in respect to the state pier  
4 within the port of New Bedford, and any other rights  
5 and powers heretofore vested by the laws of the  
6 commonwealth in the department of public works in  
7 respect to said state pier not heretofore in this act  
8 expressly vested in or imposed upon the New Bedford  
9 state pier commission hereinafter and in the subse-  
10 quent provisions of this act referred to as the com-  
11 mission, are hereby transferred to and hereafter shall  
12 be vested in and exercised by the commission. The  
13 commission shall also assume and take over, on behalf  
14 of the commonwealth, any rights, powers, and duties  
15 of the department of public works under any contract  
16 heretofore made for the improvement or use of the  
17 state pier at New Bedford, including any structures  
18 which, on said effective date, are existing or being  
19 built therein or thereon. The department of public  
20 works shall deliver to the commission such plans and  
21 documents now in the custody of said department  
22 relating to the state pier as may be practicable; and  
23 said commission shall at all times have access to any  
24 other documents relating to said state pier in the  
25 office of said department of public works or in the  
26 office or custody of any other public board, commis-  
27 sion or official.

1 SECTION 5. So much of sections three to seven,  
2 inclusive, and of section fifteen of chapter ninety-one  
3 of the General Laws, as amended, as refers to powers  
4 and duties of the department of public works which  
5 by any provision of this act are granted to and im-  
6 posed upon the commission, is hereby repealed; but,  
7 to the fullest extent possible conformably to its terms

8 so much of this act as refers to such powers and duties  
9 shall be construed as a continuation of said provisions  
10 and not as a new enactment.

1 SECTION 6. Each of the employees of the depart-  
2 ment of public works assigned to work hereafter to  
3 come under the jurisdiction of the commission is  
4 hereby transferred to the service of the commission  
5 without impairment of his civil service status or of  
6 any retirement or other rights to which he may be  
7 entitled.

1 SECTION 7. This act shall take effect upon the  
2 qualification of all of the members of the New Bedford  
3 state pier commission originally appointed thereunder;  
4 provided, that the department of public works shall  
5 continue to have and to exercise all powers and duties  
6 imposed upon or vested in said department by law  
7 upon said effective date, to the extent of taking action  
8 at anytime within three months following said effec-  
9 tive date depending upon any petition pending before  
10 said department on said effective date upon which a  
11 public hearing had then been held or upon which an  
12 order of notice of a public hearing had then been issued.



