

By Mr. Silva of Gloucester, petition of Richard R. Silva (with the approval of the mayor and city council) for legislation to further regulate the Gloucester Pier Advisory Board. State Administration. [Local Approval Received.]

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING THE GLOUCESTER PIER ADVISORY BOARD.

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. Section 3 of chapter 740 of the acts of 1981 is
2 hereby amended by striking out, in lines 28, 30, and 37, the words
3 "fisheries commission" and inserting in place thereof, in each
4 instance, the words: — state pier.

1 SECTION 2. The last paragraph of said section 3 of said chap-
2 ter 740 is hereby amended by adding the following sentence: —
3 Upon the expiration of the term of any member, said member may
4 continue to exercise the powers and duties consistent with this act
5 until his reappointment, or until the appointment of his successor;
6 provided, however, that no member whose term has expired, and
7 who has not been reappointed, shall have any powers or duties as a
8 member of the board for more than sixty days after the date of
9 expiration of his term.

1 SECTION 3. Said chapter 740 is hereby further amended by
2 striking out section 5 and inserting in place thereof the following
3 two sections: —

4 Section 5. In addition to all powers otherwise granted to the
5 division in the act or by law, the division shall have the following
6 powers: —

7 (a) to hold, use, occupy, maintain, improve and operate the pier
8 as a public pier for the benefit of all persons engaging in the fish and

9 fishing industries for providing for sorting, handling, freezing and
10 storing frozen fish; and to provide for businesses and activities on
11 the pier for the benefit of all persons engaged in the fish and fishing
12 industries; to operate and maintain the pier as a public pier termi-
13 nal for discharging fish or other commodities from vessels, the
14 sorting, handling, freezing and storing of frozen fish, operated for
15 the benefit of the public and provided that no one concern or
16 individual or allied concerns shall be permitted the exclusive use of
17 the pier or its facilities;

18 (b) to promulgate regulations for the conduct of its business and
19 to issue policies in connection with the performance of its functions
20 and duties under this act;

21 (c) to apply for and receive funds from any source, public or
22 private, by gift, grant, bequest, loan or otherwise, either absolutely
23 or in trust, and to expend the same on behalf of the division for any
24 of its purposes or to act as an agent conduit in administering or
25 disbursing funds or financial other aid from any source; and to
26 receive and accept contributions from any source of property,
27 labor or other things of value, to be held, used and applied only for
28 the purpose for which such gifts and contributions may be made;

29 (d) to appear before boards, commissioners, departments or
30 other agencies of government, municipal, state or federal, on mat-
31 ters relative to the pier;

32 (e) to procure insurance against any loss in connection with the
33 property of the division in such amounts and from such insurers as
34 may be necessary or desirable;

35 (f) to undertake projects on the property, including without
36 limitation the construction and improvement of piers, wharves,
37 buildings, jetties, breakwaters, floats, moorings and similar facili-
38 ties; provided, however, that the division shall find that each such
39 project is necessary for or will be of material utility in the mainte-
40 nance, protection or development of the pier;

41 (g) to repair, maintain, market and operate all property in
42 which the division has a interest and to provide, enter into con-
43 tracts with or otherwise cooperate with the city and other persons
44 in the provision of adequate water, sewer, solid waste disposal,
45 utility and other services within the pier;

46 (h) to rent or lease as landlord, or license use of, any building,
47 facility, property or structure, or portion thereof, or parking or

48 other area held by the division hereunder on such terms and
49 conditions as it deems appropriate;

50 (i) to fix and revise from time to time, and to charge and collect,
51 rates, fees, rentals and other charges for the use of any building,
52 structure, facility, other property or portion thereof under the
53 division's control or any service provided by it; provided, that said
54 property and facilities shall be operated in such a manner as to
55 make such facilities available at the lowest charges consistent with
56 sound management;

57 (j) to undertake studies and plans relative to the maintenance,
58 protection and development of the pier, including without limita-
59 tion capital expenditure plans, related physical changes, economic
60 studies and plans for the development of fishing, and short-range
61 and long-range plans for the development of the pier and other
62 related facilities or activities;

63 (k) to enter into agreements or contracts with the city or with
64 any local, county, state or federal authority or commission thereof
65 to provide assistance to the division, including without limitation
66 for police and fire protection and general administrative support
67 and fiscal management, subject to appropriation;

68 (l) to do any and all things necessary or convenient to carry out
69 its purposes and exercise the powers conferred by this act;

70 (m) to lease to the government land bank, established by chap-
71 ter one hundred and twelve of the acts of nineteen hundred and
72 seventy-five, the pier, with the building and improvements thereon
73 which shall be used by the government land bank, for public use,
74 provided that, said pier shall not be used for support facilities
75 related to off-shore oil and gas exploration and development. Any
76 such sale or lease may be made upon such terms as may be agreed
77 upon by the division and the government land bank and shall not
78 be subject to the provisions of sections forty E to forty M, inclusive,
79 of chapter seventy of the General Laws and sections ten and eleven
80 of chapter five hundred and seventy-nine of the acts of nineteen
81 hundred and eighty.

82 *Section 6.* The division may promulgate, and may revise or
83 modify from time to time, such rules and regulations governing the
84 security, protections, use, operation and maintenance of its prop-
85 erty, including without limitation the pier, as it deems appropriate.

86 The division shall specify fines for the violation of any such rules
87 and regulations not exceeding one thousand dollars per violation.
88 Town, county and commonwealth law enforcement officials shall
89 have jurisdiction to enforce any such rules and regulations and to
90 prosecute any violations thereof. Said regulations shall be promul-
91 gated pursuant to and in accordance with chapter thirty A of the
92 General Laws.