

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Charles A. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to licensing docking pilots for public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Charles A. Murphy	21st Middlesex
Frank I. Smizik	15th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO LICENSING DOCKING PILOTS FOR PUBLIC SAFETY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 103 of Massachusetts General Laws is amended as follows:

2

3 SECTION 1. Section 1A of Chapter 103 is amended by striking the word “Definition”
4 and inserting the word “Definitions”. Two additional definitions are to be added to
5 Section 1A, they are as follows:

6 “Commissioned Harbor Pilot” is any individual that has been granted a commission
7 pursuant to this chapter.

8 “Licensed Docking Pilot” is an individual that has been issued a license pursuant to this
9 chapter.

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11 SECTION 2. Section 2 of Chapter 103 is amended by striking the word “two” in the first
12 sentence and inserting the word “three”.

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14 SECTION 3. Section 3 of Chapter 103 is amended as follows:

15 By striking the word “pilots” in the second sentence and inserting the words

16 “Commissioned Harbor Pilots” and:

17 By adding a new paragraph that states as follows:

18 The Commissioner(s), subject to the approval of the trustees of said society, shall
19 establish rules and regulations for the licensing of “Licensed Docking Pilots” within the
20 Commissioner(s) respective district. Said rules and regulations shall include but not be
21 limited to the qualifications for an individual to be licensed as a “Licensed Docking
22 Pilot” under this Chapter. The Commissioner(s) shall issue licenses to individuals that
23 meet the qualifications required by the rules and regulations that are established pursuant
24 to this chapter. The Commissioner(s) may, upon satisfactory evidence of misconduct or
25 negligence suspend the license of a “Licensed Docking Pilot” until the next meeting of
26 the trustees of said society and may continue the suspension thereafter until the next
27 scheduled meeting of the trustees, but no longer for the same occurrence. At any
28 meeting(s) of the trustees herein described, the trustees may decide to revoke the license
29 of a “Licensed Docking Pilot”. If the trustees agree that a license for a docking pilot
30 should be revoked then the Commissioner(s) may do the same after the decision is
31 rendered and before it is revoked.

32 SECTION 4. Section 5 of Chapter 103 is amended by striking the entire section and
33 inserting the following;

34 “Once each calendar quarter, every Commissioned Harbor Pilot and/or Licensed Docking
35 Pilot shall render to the Commissioner(s) of their respective district an accurate account
36 of all vessels navigated or assisted by such individual and all fees received by said
37 individual or on their behalf for services. Any person receiving remuneration for services
38 as a “Commissioned Harbor Pilot” or a “Licensed Docking Pilot”, shall remit to the
39 respective Commissioner(s) the following amounts that are received by the individuals
40 charging the fees:

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42 (a) For Commissioned Harbor Pilots and Licensed Docking Pilots the amount one and
43 one half per-cent (1 and 1/2 %) within pilot District One.

44

45 (b) For Commissioned Harbor Pilots and Licensed Docking Pilots, the amount of four
46 per-cent (4%) in all other pilot districts.

47

48 If any individual or entity that is subject to this chapter and section shall make a false
49 return he/she or it shall be subject to a penalty of \$50.00 USD).

50

51 The Trustees of the Boston Marine Society shall from time to time fix the compensation
52 of the Commissioner(s) and their allowance for office rent, clerk hire and incidental
53 expenses. The same shall be paid out of the amounts paid to the Commissioners. Any
54 surplus shall be paid to the Boston Marine Society.”

55 SECTION 5. Section 6 of Chapter 103 is amended by striking the word “pilot” in the
56 first sentence and inserting the words “Commissioned Harbor Pilot or Licensed Docking
57 Pilot”.

58

59 SECTION 6. Section 15 of Chapter 103 is amended by striking the words “pilot” in the
60 first sentence both times it appears and inserting the words “Commissioned Harbor Pilot
61 or Licensed Docking Pilot”, and by striking the word “pilot” in the second sentence and
62 inserting the word “Commissioned Harbor Pilot or Licensed Docking Pilot”.

63

64 SECTION 7. Section 16 of Chapter 103 stricken in its entirety and the following is
65 inserted in its place:

66 “A Commissioned Harbor Pilot or Licensed Docking Pilot, in case of the decease,
67 insolvency or bankruptcy of a surety upon his/her bond, shall give notice thereof to the
68 Commissioners. In such a case, or whenever a Commissioned Harbor Pilot or Licensed
69 Docking Pilot bond appears to the Commissioners to be insufficient, the individual shall
70 give a new bond.”

71

72 SECTION 8. Section 17 of Chapter 103 is amended by striking the words “pilot” in the
73 first sentence and inserting the words “Commissioned Harbor Pilot or Licensed Docking
74 Pilot”.

75

76 SECTION 9. Section 18 of Chapter 103 is amended by striking the words “pilot” in the
77 first sentence and inserting the words “Commissioned Harbor Pilot or Licensed Docking
78 Pilot”.

79

80 SECTION 10. Section 19 of Chapter 103 is amended by striking the words “pilot” in the
81 first sentence and inserting the words “Commissioned Harbor Pilot or Licensed Docking
82 Pilot” and by inserting after the word “commission” in the same sentence the words “or
83 license”.

84

85 SECTION 11. Section 20 of Chapter 103 stricken in its entirety and the following is
86 inserted in its place:

87 “A Commissioned Harbor Pilot or Licensed Docking Pilot taking charge of a vessel that
88 is beyond the scope of his her commission or license shall be suspended or removed.”

89

90 SECTION 12. Section. 21 of Chapter 103 is amended by striking the words “pilot” in the
91 first sentence and inserting the words “Commissioned Harbor Pilot”.

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93 SECTION13. Section 35 of Chapter 103 stricken in its entirety and the following is
94 inserted in its place:

95

96 “(A). If a Commissioned Harbor Pilot offers services or if the same can be obtained
97 within a reasonable time, no person who is not a member of the crew of the vessel shall
98 assume or continue to act as pilot in the charge or the conduct of any vessel subject to
99 compulsory pilotage.

100

101 (B). If a Commissioned Harbor Pilot or Licensed Docking Pilot offers services or if the
102 same can be obtained within a reasonable time, no person who (a) is not a member of the
103 crew of the vessel; (b) does not hold a commission as a Commissioned Harbor Pilot; or
104 (c) does not hold a license as a Licensed Docking Pilot, shall assist or participate in any
105 maneuver of any vessel subject to compulsory pilotage, using the assistance of tugs or
106 other assist craft.

107

108 (C). Whoever violates the provisions of this section shall be punished by a fine of not
109 less than five thousand nor more than ten thousand dollars.”

110

111 SECTION 14. Chapter 103 is further amended by adding a new Section that shall be
112 designated as “Section 36”. That Section states as follows:

113 “36. Persons Employed in Connection with Tug Assisted Maneuvers.

114 When a vessel subject to compulsory pilotage employs one or more tugs or other assist
115 craft to maneuver, dock, or undock, then any person who directs the assisting vessel(s) in
116 said maneuver, etc. must be either (a) a Commissioned Harbor Pilot or (b) a Licensed

117 Docking Pilot; or (c) the master, chief officer, or other officer lawfully in command of
118 the assisted vessel.”