

**SENATE . . . . . No.**

---

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
PRESENTED BY:

**Bruce E. Tarr**  
\_\_\_\_\_

*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 licensing docking pilots.

\_\_\_\_\_  
PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

# The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT LICENSING DOCKING PILOTS.

*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.

2 Whereas, the harbor transits of petroleum, hazardous cargos and certain other vessels present  
3 potential for threat of serious harm to the security and safety of the people, property, natural  
4 resources, historic resources and economy of the Commonwealth due to the risks of terrorism or  
5 navigational error because they involve intricate maneuvering of large ships in constrained areas  
6 in coordination with one or more tugboats; and

7 Whereas, other states and jurisdictions have successfully enhanced their ports' security, safety  
8 and environmental protection by providing consistent standards for and oversight of the practice  
9 of larger vessels using a two-pilot system which employs both harbor pilots and docking pilots,  
10 which is traditional in Pilot District One; and

11 Whereas, there is a need to provide for a system that will ensure the proper and consistent  
12 identification, training, selection, oversight and monitoring of docking pilots; it is therefore in the

13 public interest to strengthen the District One Pilot Commissioners by expanding their number,  
14 powers and duties and clarifying that docking pilots are under their jurisdiction.

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

17 CHAPTER 103A, ENTITLED “DOCKING PILOTS”, SHALL BE ADDED TO THE  
18 GENERAL LAWS AS FOLLOWS:

19 § 1. GEOGRAPHIC LIMITATION

20 The provisions of this chapter shall apply to Pilot District One, as defined by §1 of Chapter 103  
21 of the General Laws.

22 § 2. DEFINITIONS

23 The following words, as used in this chapter, shall have the following meanings:

24 “Licensed Docking Pilot” is an individual who has been granted a license by the District One  
25 Pilot Commissioners, pursuant to this chapter, which allows the individual to navigate or assist in  
26 the navigation of vessels in the waters of District One when navigation or movement of the  
27 vessel or vessels involve the controlling and directing of assist tugboat or tugboats. Except for  
28 individuals described in §4(c) of this Act, a licensed Docking Pilot shall have not less than two  
29 (2) years experience as a Master or Mate of tugboats primarily engaged in assisting ocean-going  
30 ships in docking, undocking and maneuvering in Pilot District One, and who has experience and  
31 training in the piloting of ships while directing and controlling the movements of the assist  
32 tugboat or tugboats employed in these maneuvers within Pilot District One.

33 § 3. DISTRICT ONE COMMISSIONERS

34 §2 of Chapter 103 is hereby repealed. A new §2 shall be inserted in lieu thereof and shall  
35 state: “There shall be three (3) commissioners of pilots for district one and one deputy  
36 commissioner of pilots for each of the other three districts. On or before December first in any  
37 year when their terms of office expire, their successors shall be appointed by the governor, with  
38 the advice and consent of the council, for terms of three years. A deputy commissioner of pilots  
39 for any district shall be a resident of a town having a landing place accessible to vessels from the  
40 sea situated within that district. In this chapter, the word ‘commissioners’ shall be held to mean,  
41 as to district one, the commissioners of pilots and docking pilots for said district and, as to each  
42 other district mentioned in section one, the deputy commissioner of pilots for such district. They  
43 shall have experience in maritime and nautical affairs; one of the commissioners for district one  
44 shall be an individual with experience and knowledge of the duties of the licensed Docking  
45 Pilots. Appointments of commissioners for district one shall be made upon the recommendation  
46 of the trustees of the Boston Marine Society provided such recommendation is made.  
47 Appointments of commissioners for districts other than district one may be made upon the  
48 recommendation of said trustees. No commissioner for any district shall be such a trustee.”

49 § 4. DISTRICT ONE COMMISSIONERS; POWERS AND DUTIES.

50 a) Regulations - In addition to the powers and duties set forth at §3 of Chapter 103 of the  
51 General Laws, the District One Commissioners, in accordance with Chapter 30A of the General  
52 Laws, shall, within one hundred twenty (120) days of the effective date of this chapter,  
53 promulgate regulations for licensed Docking Pilots. Said regulations shall include but not be  
54 limited to the qualifications for an individual to be licensed as a Docking Pilot under this

55 chapter. Said qualifications shall be established so as to ensure the competence of a Docking  
56 Pilot to facilitate the safe and efficient movement of vessels subject to §7 of this chapter. Said  
57 qualifications shall include but not be limited to documentation of comprehensive training under  
58 the supervision of a licensed Docking Pilot in conjunction with a training or apprentice program  
59 recognized and approved by the District One Commissioners.

60 b) Commissions - Upon the application of an individual for a license as a Docking Pilot and the  
61 satisfaction of the requirements established by the commissioners, the commissioners shall issue  
62 a license declaring the applicant to be a District One Docking Pilot. Said license shall be in effect  
63 for a period of five years, and shall be renewable, provided that the commissioners determine the  
64 Docking Pilot is in compliance with this chapter and all regulations promulgated pursuant to it.

65 c) Existing Docking Pilots - The commissioners shall accept and review applications from  
66 qualified, experienced individuals who have been providing Docking Pilot services within  
67 District One prior to the effective date of this Act, and shall waive the need for any testing  
68 required by regulation, and shall issue the applicants a Docking Pilot license no later than thirty  
69 (30) days from their receipt of a complete application if all other requirements promulgated  
70 under this Act are met. At the minimum, each applicant must: hold a valid Master of Towing  
71 Vessels license issued by the United States Coast Guard with an endorsement as First Class Pilot  
72 of Vessels of any Gross Tons for Pilot District One and have been providing Docking Pilot  
73 services during the thirty-six (36) months immediately prior to the effective date of this Act for  
74 the purpose of docking and undocking with tugboat assistance of not fewer than 200 seagoing  
75 vessels of not less than 10,000 registered gross tons within Pilot District One. A Docking Pilot  
76 who meets the requirements of this section and who submits his or her name with a summary of

77 his or her qualifications to the commissioners within thirty (30) days of the to the effective date  
78 of this Act may continue to perform the work of a licensed Docking Pilot until such time as the  
79 commissioners act upon the individual's request for a Docking Pilot license within the thirty (30)  
80 days specified above.

81 d) No Control Over Contractual Relationships - Nothing in this chapter or the regulations  
82 promulgated hereunder shall be construed to authorize the commissioners to establish, effect,  
83 regulate or control assignment of licensed Docking Pilots or to approve or disapprove any  
84 changes in the contractual relationship between licensed Docking Pilots and shipping or tugboat  
85 companies. Nothing in this chapter or the regulations promulgated hereunder shall effect the  
86 right of the owner, operator or master of a vessel subject to this chapter to chose, select or engage  
87 an individual licensed Docking Pilot or tugboat company or be construed to permit the District  
88 One Commissioners to exercise any control or authority over licensed Docking Pilots' rates,  
89 pensions, benefits or other compensation.

#### 90 § 5. FEES PAID BY DOCKING PILOTS

91 a) Application Fees: Each original and each renewal application for a Docking Pilot license  
92 shall be accompanied by payment to the District One Commissioners of a fee in the amount of  
93 two hundred fifty (\$250) dollars.

94 b) Existing License Fee: Once each calendar year, each licensed Docking Pilot shall remit to  
95 the District One Commissioners a fee in the amount of five hundred dollars (\$500).

#### 96 § 6. VESSELS EMPLOYING

97 LICENSED DOCKING PILOTS

98 Within Pilot District One, every foreign vessel of three hundred and fifty gross tons or over;  
99 every United States vessel under register of three hundred and fifty gross tons or over which  
100 request a tugboat or tugboats to assist in docking, undocking or maneuvering shall employ a  
101 Docking Pilot licensed under this chapter, and shall be subject to the provisions of this chapter.  
102 Other vessels may request and receive the services of a Docking Pilot. Any vessel, its master,  
103 owner, agent or consignee which has employed a Docking Pilot shall be liable for and pay all  
104 Docking Pilot charges. Said vessels shall be subject to regulations promulgated pursuant to this  
105 chapter. Nothing in this chapter shall relieve a vessel from any pilotage requirement applicable  
106 to it under Chapter 103 of the General Laws.

107 § 7. PERSONS ACTING AS DOCKING PILOTS

108 On all vessels subject to the requirements of §6, no person, unless he or she holds a license as a  
109 Docking Pilot shall, if a licensed Docking Pilot offers his services or can be obtained within a  
110 reasonable time, act as a Docking Pilot in the charge or conduct of any vessel subject to pilotage  
111 under §6 of this chapter.

112 § 8. PRIVATE COMPENSATION

113 Nothing in this chapter shall be construed to authorize the commissioners to establish, affect,  
114 regulate or control any rotation system or method of assignment of Docking Pilots or to approve  
115 or disapprove any changes in the contractual relationship between Docking Pilots and shipping  
116 or tugboat companies.

117 § 11. RIGHTS OF OWNERS, OPERATORS OR MASTERS

118 Nothing in this chapter shall affect the right of the owner, operator or master of a vessel to  
119 choose, select or engage an individual Docking Pilot or tugboat company or be construed to  
120 permit the license to exercise any control or authority over Docking Pilot rates, pensions,  
121 benefits or other compensation of Docking Pilots.

122 § 12. ENFORCEMENT AND PENALTIES

123 The regulations promulgated by the commissioners pursuant to this chapter may provide for the  
124 assessment and payment of administrative penalties up to a maximum of five thousand dollars  
125 (\$5,000) per occurrence of minor violations of this Act or the regulations promulgated  
126 thereunder.

127 § 13. NON-APPLICABILITY OF CHAPTER 103

128 Unless specifically set forth in this chapter, no provisions of Chapter 103 of the General Laws  
129 shall govern licensed Docking Pilots, or their commissioning and oversight by the District One  
130 Commissioners.