

# HOUSE . . . . . No. 2253

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## The Commonwealth of Massachusetts

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

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

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

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

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

By striking the word “pilots” in the second sentence and inserting the words  
“Commissioned Harbor Pilots” and:

By adding a new paragraph that states as follows:

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

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

“Once each calendar quarter, every Commissioned Harbor Pilot and/or Licensed Docking Pilot shall render to the Commissioner(s) of their respective district an accurate account of all vessels navigated or assisted by such individual and all fees received by said individual or on their behalf for services. Any person receiving remuneration for services as a “Commissioned

Harbor Pilot” or a “Licensed Docking Pilot”, shall remit to the respective Commissioner(s) the following amounts that are received by the individuals charging the fees:

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

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

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

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

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

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

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

54           “A Commissioned Harbor Pilot or Licensed Docking Pilot, in case of the decease,  
55   insolvency or bankruptcy of a surety upon his/her bond, shall give notice thereof to the  
56   Commissioners. In such a case, or whenever a Commissioned Harbor Pilot or Licensed Docking  
57   Pilot bond appears to the Commissioners to be insufficient, the individual shall give a new  
58   bond.”

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

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

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

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

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

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

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

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

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

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

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

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

88           When a vessel subject to compulsory pilotage employs one or more tugs or other assist  
89 craft to maneuver, dock, or undock, then any person who directs the assisting vessel(s) in said  
90 maneuver, etc. must be either (a) a Commissioned Harbor Pilot or (b) a Licensed Docking Pilot;  
91 or (c) the master, chief officer, or other officer lawfully in command of the assisted vessel.”