

**SENATE . . . . . No. 2174**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act establishing the Massachusetts State Pilotage Rate 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 103 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by striking out, in lines 2 to 5, inclusive, the words “and  
3 establish rates within their respective districts, which, for district one shall be the rates  
4 established in section thirty-one, and which for the other three districts shall not exceed the rates  
5 established by said section.

6           SECTION 2. Said section 3 of said chapter 103, as so appearing, is hereby further  
7 amended by adding the following paragraph:—

8           In determining the eligibility of applicants for consideration for appointment to any status  
9 as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall  
10 adopt regulations allowing applicants who are members of any uniformed service of the United  
11 States, including the Army, Navy, Air Force, Marine Corps, Coast Guard or NOAA Officer  
12 Corps, to apply as credit any time during which the applicant has served on active duty and the  
13 time accrued shall be applied as experience toward the applicant’s required experience. Military  
14 sea service in command of a vessel shall be applied as credit toward any requirements for service

15 in the capacity of master. Military sea service as second-in-command of a vessel shall be applied  
16 as credit toward any requirements for service in the capacity of chief mate. Military sea service  
17 in a capacity as an officer in charge of a navigational bridge watch shall be applied as credit  
18 toward any sea service requirements other than those in the capacity of master of chief mate. No  
19 person's status as a veteran or as a military reservist, and no person's susceptibility to recall to  
20 military active duty, shall diminish his eligibility for selection for pilot candidate training or for  
21 warrant or full branch pilot commission.

22 SECTION 3. Section 5 of said chapter 103, as so appearing, is hereby amended by adding  
23 the following sentence:- The Boston Marine Society shall reimburse the members of the state  
24 pilotage rate board established in section 31A for travel and other reasonable expenses associated  
25 with the duties of the members of the board.

26 SECTION 4. Section 31 of said chapter 103, as so appearing, is hereby amended by  
27 striking out the first paragraph and inserting in place thereof the following paragraph:-

28 Rates of pilotage outward and inward for the port of Boston, calculated per foot of  
29 draught, shall be as follows:

30	for vessels 3,500 gross tons or under	\$50.06
31	for vessels 3,501 to 7,000 gross tons	\$65.30
32	for vessels, 7,001 to 15,000 gross tons	\$74.26
33	for vessels 15,001 to 25,000 gross tons	\$77.76
34	for vessels 25,001 to 35,000 gross tons	\$79.49

35	for vessels 35,001 to 45,000 gross tons	\$81.71
36	for vessels 45,001 to 55,000 gross tons	\$87.78
37	for vessels 55,001 to 70,000 gross tons	\$92.78
38	for vessels 70,001 to 85,000 gross tons	\$99.46
39	for vessels over 85,000 gross tons	\$106.13.

40 SECTION 4A. Said section 31 of said chapter 103 is hereby repealed.

41 SECTION 5. Said chapter 103 is hereby further amended by inserting after section 31 the  
 42 following section:-

43 Section 31A. (a) There shall be a state pilotage rate board which shall determine  
 44 the rates to be charged by pilots commissioned under this chapter to ensure the safe navigation of  
 45 vessels within the waters of the commonwealth and to ensure that the most qualified individuals  
 46 are retained as commissioned pilots.

47 (b) The board shall consist of the following members or their designees: the chair of the  
 48 Seaport Advisory Council; the president of Massachusetts Maritime Academy; the president of  
 49 the Boston Marine Society; the director of the Massachusetts Port Authority; a commissioner of  
 50 pilots designated by the trustees of the Boston Marine Society; a representative of the American  
 51 Petroleum Institute; the executive director of the Boston Shipping Association; the executive  
 52 director of the Boston Harbor Association; and the executive director of the New Bedford Harbor  
 53 Development Commission. The board shall elect a chairperson and a vice chairperson.

54 (c) The board may establish its own rules for meetings and such other matters to  
55 comply with this chapter and any other General Law; provided, however, that the board shall be  
56 subject to section 11A ½ of chapter 30A

57 (d) Five board members shall constitute a quorum. In any vote, the majority vote shall  
58 be the binding decision as to rates for pilotage. Board members may vote by proxy or by  
59 electronic means.

60 (e) The board shall establish rates for pilotage within the waters of the commonwealth  
61 based upon prevailing rates in other similar ports, the need to retain the services of the best  
62 qualified harbor pilots available and other economic conditions that may affect the quality of  
63 pilotage services in the ports. In addition to the foregoing, the board may make inquiries, request  
64 information and base its rate decisions on any factual information it deems appropriate.

65 (f) The board shall meet at least once annually in October on a date to be set by the  
66 chairperson but not later than October 15. The board may meet at other times as required and  
67 necessary to carry out its duties.

68 (g) Board members shall serve without compensation but shall be reimbursed for travel  
69 and other reasonable expenses at the rate such expenses are reimbursed to full time employees of  
70 the commonwealth. Such reimbursement shall be paid by the Boston Marine Society from  
71 funds received pursuant to section 5.

72 (h) Any decision of the board as to the rates for pilotage shall become effective within 60  
73 days after the board's final decision on rates.

74 (i) The board shall determine how the rates for pilotage shall be made available to the  
75 maritime industry.

76 SECTION 6. Sections 2 and 4 shall take effect upon their passage.

77 SECTION 7. Section 5 shall take effect on January 1, 2011; provided, however, that the  
78 first meeting of the state pilotage rate board shall occur not later than January 31, 2011, at a  
79 location to be designated by the chair of the Seaport Advisory Council.

80 SECTION 8. Sections 1, 3 and 4A shall take effect on the effective date of the initial  
81 pilotage rates established by the board pursuant to section 31A of chapter 103 of the General  
82 Laws.