

SENATE No. 408

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 2004
2 Official Edition, is hereby amended by striking out the words:--- and establish rates within their
3 respective districts, which, for district one shall be the rates established in section thirty-one, and
4 which for the other three districts shall not exceed the rates established by said section.

5 SECTION 2. Section 5 of Chapter 103 of the general laws, as so appearing, is hereby
6 amended by adding the following language at the end of the paragraph:--- The Boston Marine
7 Society shall reimburse the members of the Massachusetts State Pilotage Rate Board for travel
8 and other reasonable expenses associated with the duties of the members of the Board.

9 SECTION 3. Section 31 of Chapter 103 of the general laws, as so appearing, is hereby
10 amended by striking out all language, and inserting in place the following:--- Rates for Pilotage
11 within the Commonwealth of Massachusetts.S.31 There shall be established a Massachusetts
12 State Pilotage Rate Board under this Section.

13 (a) The Board shall determine the rates to be charged by pilots commissioned under this
14 Act within the waters of the Commonwealth to ensure the safe navigation of vessels within the
15 waters of the Commonwealth and that the most qualified individuals are retained as
16 commissioned pilots in the Commonwealth.

17 (b) The Massachusetts State Pilotage Rate Board shall be comprised of the following
18 nine members or their designees:

19 1- Chair Seaport Advisory Council.

20 2- President of Massachusetts Maritime Academy.

21 3- President of Boston Marine Society.

22 4- Massachusetts Port Authority, Port Director.

23 5- Massachusetts State Pilot Commissioner designated by the Trustees of the Boston
24 Marine Society.

25 6- Representative of American Petroleum Institute.

26 7- Executive Director of Boston Shipping Association.

27 8- Executive Director of The Boston Harbor Association.

28 9- Chairperson for the Coalition for Buzzards Bay.

29 (c) The Board, once assembled, shall elect its own chairperson and vice-chairperson.

30 The Board, may establish is own rules for meetings and such other matters to comply with this
31 statue and the General Laws of the Commonwealth of Massachusetts.

32 (d) Five Board members shall constitute as quorum. In any vote, the majority vote shall
33 be the binding decision as to rates for Pilotage in the Commonwealth. Board members may vote
34 by proxy or by any other electronic means.

35 (e) The Board Shall establish rates for pilotage within the waters of the Commonwealth
36 based upon (inter alia) prevailing rates in other similar ports, the need to retain services the best
37 qualified Harbor Pilots available and other economic conditions that may effect the quality of
38 Pilotage services in the ports of the Commonwealth. In addition to the above, the Board may
39 make inquiries, request information and base its decisions as to rates on any factual information
40 that the Board wishes to rely upon.

41 (f) The Board shall meet at least once each October on a date to be set by the chairperson
42 of the Board but no later than the 15th of October. The Board may meet at other times as
43 required and necessary to carry out its duties.

44 (g) Board members shall serve without compensation. They shall however be
45 reimbursed travel and other reasonable expenses at the rate equal to full time employees of the
46 Commonwealth. Said reimbursement shall be paid by the Boston Marine Society from funds
47 received by M.G.L. Ch. 103 sec 5.

48 (h) Any decision of the Board as to the rates for Pilotage shall become effective within
49 Sixty days of the Boards' final decision on rates.

50 (i) Any hearing of the Board shall be open to the public but the deliberations of the
51 Board shall be private.

52 (j) The Board shall determine how the rates for pilotage shall be made available to the
53 maritime industry.

54 (k) Until such time that the Board that is established under this Section is constituted,
55 convenes and establishes rates for pilotage within the waters of the Commonwealth of
56 Massachusetts, all rates for pilotage remain in full force.”