

SENATE No. 1231

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 adoption of the accompanying bill:

An Act licensing docking pilots..

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce E. Tarr

Ann-Margaret Ferrante

5th Essex

SENATE No. 1231

By Mr. Tarr, petition (accompanied by bill, Senate, No. 1231) of Ferrante and Tarr for legislation relative to licensing docking pilots [Joint Committee on Public Safety and Homeland Security].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 982 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

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

Whereas, there is a need to provide for a system that will ensure the proper and consistent identification, training, selection, oversight and monitoring of docking pilots; it is therefore in the public interest to strengthen the District One Pilot Commissioners by expanding their number, powers and duties and clarifying that docking pilots are under their jurisdiction.

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

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

§ 1. GEOGRAPHIC LIMITATION

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

§ 2. DEFINITIONS

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

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

movements of the assist tugboat or tugboats employed in these maneuvers within Pilot District One.

§ 3. DISTRICT ONE COMMISSIONERS

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

§ 4. DISTRICT ONE COMMISSIONERS; POWERS AND DUTIES.

a) Regulations - In addition to the powers and duties set forth at §3 of Chapter 103 of the General Laws, the District One Commissioners, in accordance with Chapter 30A of the General Laws, shall, within one hundred twenty (120) days of the effective date of this

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

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

c) Existing Docking Pilots - The commissioners shall accept and review applications from qualified, experienced individuals who have been providing Docking Pilot services within District One prior to the effective date of this Act, and shall waive the need for any testing required by regulation, and shall issue the applicants a Docking Pilot license no later than thirty (30) days from their receipt of a complete application if all other requirements promulgated under this Act are met. At the minimum, each applicant must: hold a valid Master of Towing Vessels license issued by the United States Coast Guard with an endorsement as First Class Pilot of Vessels of any Gross Tons for Pilot District One and have been providing Docking Pilot services during the thirty-six (36) months immediately prior to the effective date of this Act for the purpose of docking and undocking with tugboat assistance of not fewer than 200 seagoing

vessels of not less than 10,000 registered gross tons within Pilot District One. A Docking Pilot who meets the requirements of this section and who submits his or her name with a summary of his or her qualifications to the commissioners within thirty (30) days of the to the effective date of this Act may continue to perform the work of a licensed Docking Pilot until such time as the commissioners act upon the individual's request for a Docking Pilot license within the thirty (30) days specified above.

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

§ 5. FEES PAID BY DOCKING PILOTS

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

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

§ 6. VESSELS EMPLOYING

98 LICENSED DOCKING PILOTS

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

108 § 7. PERSONS ACTING AS DOCKING PILOTS

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

113 § 8. PRIVATE COMPENSATION

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

118 § 11. RIGHTS OF OWNERS, OPERATORS OR MASTERS

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

123 § 12. ENFORCEMENT AND PENALTIES

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

128 § 13. NON-APPLICABILITY OF CHAPTER 103

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