

Senate, No. 2171

[Senate, October 5, 2009 – New Draft of Senate, No. 408 reported from the committee on Environment, Natural Resources and Agriculture.]

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 2008
2 Official Edition, is hereby amended by striking out, in lines 2-5, the following words:--
3 and 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.** Section 3 of chapter 103 of the General Laws, as appearing in the 2008
7 Official Edition, is hereby amended by adding the following paragraph:—
8 In determining the eligibility of applicants for consideration for appointment to any status as
9 pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall adopt
10 regulations allowing applicants who are members of any uniformed service of the United States,
11 including the Army, Navy, Air Force, Marine Corps, Coast Guard or NOAA Officer Corps, to

12 apply as credit any time during which the applicant has served on active duty and the time
13 accrued shall be applied as experience toward the applicant's required experience. Military sea
14 service in command of a vessel shall be applied as credit toward any requirements for service in
15 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 Chapter 103 of the general laws, as so appearing, is hereby
23 amended by adding the following language at the end of the paragraph:---

24 The Boston Marine Society shall reimburse the members of the Massachusetts State Pilotage
25 Rate Board for travel and other reasonable expenses associated with the duties of the members of
26 the Board.

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

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

31 for vessels 3,500 gross tons or under \$50.06

32 for vessels 3,501 to 7,000 gross tons \$65.30

33 for vessels, 7,001 to 15,000 gross tons \$74.26
34 for vessels 15,001 to 25,000 gross tons \$77.76
35 for vessels 25,001 to 35,000 gross tons \$79.49
36 for vessels 35,001 to 45,000 gross tons \$81.71
37 for vessels 45,001 to 55,000 gross tons \$87.78
38 for vessels 55,001 to 70,000 gross tons \$92.78
39 for vessels 70,001 to 85,000 gross tons \$99.46
40 for vessels over 85,000 gross tons \$106.13.

41 **SECTION 5.** Chapter 103 of the general laws, as so appearing, is hereby amended by
42 striking out Section 31, and inserting in place thereof the following section:---

43 Section 31. Rates for Pilotage within the Commonwealth of Massachusetts. There shall be
44 established a Massachusetts State Pilotage Rate Board under this Section.

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

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

51 - 1- Chair of the Seaport Advisory Council.

- 52 - 2- President of the Massachusetts Maritime Academy.
- 53 - 3- President of the Boston Marine Society.
- 54 - 4- Director of the Massachusetts Port Authority.
- 55 - 5- Massachusetts State Pilot Commissioner designated by the Trustees of the Boston
56 Marine Society.
- 57 - 6- Representative of the American Petroleum Institute.
- 58 - 7- Executive Director of the Boston Shipping Association.
- 59 - 8- Executive Director of the Boston Harbor Association.
- 60 - 9- Executive Director of the New Bedford Harbor Development Commission.

61 (c) The Board, once assembled, shall elect its own chairperson and vice-chairperson. The
62 Board, may establish its own rules for meetings and such other matters to comply with this statute
63 and the General Laws of the Commonwealth of Massachusetts.

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

67 (e) The Board shall establish rates for pilotage within the waters of the Commonwealth
68 based upon (inter alia) prevailing rates in other similar ports, the need to retain services the best
69 qualified Harbor Pilots available and other economic conditions that may affect the quality of
70 Pilotage services in the ports of the Commonwealth. In addition to the above, the Board may

71 make inquiries, request information and base its decisions as to rates on any factual information
72 that the Board wishes to rely upon.

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

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

80 (h) Any decision of the Board as to the rates for Pilotage shall become effective within
81 Sixty days of the Board's final decision on rates.

82 (i) The Board shall determine how the rates for pilotage shall be made available to the
83 maritime industry.

84 (j) The Board shall be subject to Section 11A1/2 of Chapter 30A of the General Laws.

85 **SECTION 6.** Sections 2 and 4 shall take effect upon enactment.

86 **SECTION 7.** Section 4 is repealed.

87 **SECTION 8.** Until a Massachusetts State Pilotage Rate Board election happens, the Chair of
88 the Seaport Advisory Council shall convene the first meeting of the board.

89 **SECTION 9.** The first meeting of the Massachusetts State Pilotage Rate Board shall occur
90 not later than January 31, 2011, at a location designated by the Chair of the Seaport Advisory
91 Council.

92 **SECTION 10.** Sections 1, 5, and 7 shall take effect on the date when the first decision of the
93 Massachusetts State Pilotage Rate Board establishing rates for pilotage pursuant to subsection (h)
94 of section 31 of chapter 103 becomes effective.

95 **SECTION 11.** Until the date described in section 10, all rates for pilotage established
96 pursuant to section 31 of chapter 103, as amended by section 4 of this act, shall remain in full
97 force.