

**SENATE . . . . . No. 449**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Michael O. Moore***

*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 relative to out of state mooring.

PETITION OF:

NAME:

*Michael O. Moore*

*Mary S. Keefe*

DISTRICT/ADDRESS:

*Second Worcester*

*15th Worcester*

**SENATE . . . . . No. 449**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 449) of Michael O. Moore and Mary S. Keefe for legislation realtive to out of state mooring. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 377 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to out of state mooring.

*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. Subsection 5 of section 2 of chapter 90B of General Laws, as appearing in  
2 the 2014 Official Edition, is hereby amended by striking out section 5 and inserting in place  
3 thereof the following section:-

4 (5) A motorboat numbered in accordance with the numbering system of another state,  
5 which system has been approved by the secretary; provided, that the certificate of number or  
6 similar document awarding a number to such motorboat is in full force and effect; provided,  
7 further, that said motorboat is used predominantly outside the territorial waters of Massachusetts  
8 and the owner rents or owns property, or otherwise has a real property interest, in said state; and  
9 provided, further, that such motorboat shall not have been within the commonwealth for a period  
10 of time in excess of sixty consecutive days.

11 SECTION 2. Section 14 of chapter 90B of the General Laws, as so appearing, is hereby  
12 amended by striking out paragraph (a) and inserting in place thereof the following language:-

13 Section 14. (a) Whoever violates any provision of section two, three, four, six or nine A  
14 or of any rule or regulation pertaining thereto shall be punished by a fine of not more than fifty  
15 dollars, except as hereinafter provided. Any person who violates section two, subsection (5) shall  
16 be punished by an additional penalty equal in amount to the excise tax of said vessel for the  
17 previous fiscal year. Any person against whom a complaint has been issued for a violation of  
18 section two or of any rule or regulation pertaining thereto may, if it is the first offense committed  
19 by such person in violation of the provisions of this chapter or of any rule or regulation made  
20 under authority hereof, appear in person or through an attorney or agent duly authorized in  
21 writing, before the clerk of the court having jurisdiction of the offense, and confess the offense  
22 charged. In the alternative, any person against whom a complaint has been issued for violation of  
23 section five, five A, six or nine A may waive a trial and plead guilty by mailing to the clerk of  
24 the court having jurisdiction of the offense, payment in the amount of ten dollars for each  
25 offense, by postal note, money order, or certified check made payable to said clerk. Payment by  
26 such a person to such clerk of a fine of ten dollars and costs shall operate as a final disposition of  
27 the case. Proceedings so disposed of by such clerk shall not be deemed criminal and no person  
28 who appears before a clerk of court as provided herein shall be required to report to any  
29 probation officer and no record of the case shall be entered in the probation records. Such clerk  
30 shall, within three days of such payment, forward to the director a certified copy of such  
31 proceedings. For the purpose of counting violations such disposition shall operate as if a finding  
32 of guilty had been made in court.