

Chapter

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Ten

AN ACT ESTABLISHING THE MASSACHUSETTS PILOTAGE RATE BOARD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to establish a pilotage rate board, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

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

SECTION 1. Section 3 of chapter 103 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 2 to 5, inclusive, the words "and establish rates within their respective districts, which, for district one shall be the rates established in section thirty-one, and which for the other three districts shall not exceed the rates established by said section".

SECTION 2. Said chapter 103 is hereby further amended by inserting after section 3 the following section:-

Section 3A. In determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commissioners shall adopt regulations allowing applicants who are members of any uniformed service of the United States to apply as credit any time during which the applicant has served on active duty and the time accrued shall be applied as experience toward the applicant's required experience. Military sea service in command of a vessel shall be applied as credit toward any requirements for service in the capacity of master. Military sea service as second-in-command of a vessel shall be applied as credit toward any requirements for service in the capacity of chief mate. Military sea service in a capacity as an officer in charge of a navigational bridge watch shall be applied as credit toward any sea service requirements other than those in the capacity of master or chief mate. No person's status as a veteran or as a military reservist, and no person's susceptibility to recall to military active duty, shall diminish the person's

eligibility for selection for pilot candidate training or for warrant or full branch pilot commission.

SECTION 3. Section 5 of said chapter 103, as appearing in the 2008 Official Edition, is hereby amended by adding the following sentence:- The Boston Marine Society shall reimburse the members of the state pilotage rate board established in section 31A for travel and other reasonable expenses associated with the duties of the members of the board.

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

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

for vessels 3,500 gross tons or under	\$50.06
for vessels 3,501 to 7,000 gross tons	\$65.30
for vessels 7,001 to 15,000 gross tons	\$74.26
for vessels 15,001 to 25,000 gross tons	\$77.76
for vessels 25,001 to 35,000 gross tons	\$79.49
for vessels 35,001 to 45,000 gross tons	\$81.71
for vessels 45,001 to 55,000 gross tons	\$87.78
for vessels 55,001 to 70,000 gross tons	\$92.78
for vessels 70,001 to 85,000 gross tons	\$99.46
for vessels over 85,000 gross tons	\$106.13.

SECTION 5. Said section 31 of said chapter 103, as amended by section 4 of this act, is hereby further amended by striking out the second and third paragraphs.

SECTION 6. Said chapter 103 is hereby amended by inserting after section 31 the following section:-

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

(b) The board shall consist of the following members or their designees: the director of the Massachusetts Port Authority; the president of the Boston Marine Society; the president of the Boston Shipping Association; a commissioner of pilots designated by the trustees of the Boston Marine

Society; the chair of the Seaport Advisory Council; the executive director of the Boston Harbor Association; and the executive director of the New Bedford Harbor Development Commission. The board shall elect a chairperson and a vice chairperson from its members.

(c) The board shall be subject to section 11A½ of chapter 30A.

(d) Four board members shall constitute a quorum. The board shall approve its actions by a majority vote. Board members may vote by proxy or by electronic means.

(e) The board shall establish rates for pilotage within the waters of the commonwealth based upon prevailing rates in other similar ports, the need to retain the services of the best qualified harbor pilots available and other economic conditions that may affect the quality of pilotage services in the ports.

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

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

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

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

SECTION 7. Sections 2 and 4 shall take effect upon their passage.

SECTION 8. Section 6 shall take effect on January 1, 2011; provided, however, that the first meeting of the pilotage rate board shall occur not later than January 31, 2011, at a location to be designated by the chair of the Seaport Advisory Council.

SECTION 9. Sections 1, 3 and 5 shall take effect on the effective date of the initial pilotage rates established by the board pursuant to section 31A of chapter 103 of the General Laws.

House of Representatives, December 30, 2010.

Preamble adopted,

*Paul J. Donato*, Speaker.

In Senate, January 3, 2011.

Preamble adopted,

*Geremiah J. Donnelly*, President.  
House of Representatives, January , 2011.

Bill passed to be enacted,

*Paul J. Donato*, Speaker.

In Senate, January 3, 2011.

Bill passed to be enacted,

*Geremiah J. Donnelly*, President.

, 2010.

Approved,

at o'clock and minutes, . M.

Governor.