

SENATE No. 328

The Commonwealth of Massachusetts.

SENATE, March 29, 1923.

The committee on Harbors and Public Lands, to which was referred the special report of the Attorney-General and the Division of Waterways and Public Lands of the Department of Public Works (under chapter 11 of the resolves of 1922) relative to the laws, rules, regulations and conditions affecting pilots for the ports of the Commonwealth (House, No. 397), reports the accompanying Bill (Senate, No. 328).

For the committee,

JOHN A. STODDART.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Three.

AN ACT

Relative to 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. Chapter one hundred and three
2 of the General Laws is hereby amended by
3 striking out sections one, two, three and four
4 and inserting in place thereof the five following
5 sections:

6 *Section 1.* For the purpose of this chapter
7 the shore line of the commonwealth shall be
8 divided into four districts.

9 District one shall be the harbor of Boston and
10 shall include all places or landings accessible to
11 vessels from the sea within the limits of Egg
12 Rock, now or formerly known as Nahant Rock
13 or Nahant Head, on the north, and Point
14 Allerton on the south.

15 District two shall include all landing places
16 accessible to vessels from the sea situated
17 between the New Hampshire state line on the
18 north and Egg Rock on the south, including
19 rivers, bays and sounds adjacent thereto.

20 District three shall include all landing places
21 accessible to vessels from the sea situated
22 between Point Allerton on the north and the
23 Rhode Island line on the west, with all such
24 landing places on the Elizabeth Islands and in
25 the counties of Nantucket and Dukes County,
26 including rivers, bays and sounds adjacent
27 thereto, and the Cape Cod canal.

28 District four shall include all landing places
29 on Mount Hope bay and the Taunton river
30 situated within the commonwealth.

31 *Section 2.* Within thirty days after this act
32 goes into effect the governor, with the advice
33 and consent of the council, shall appoint two
34 commissioners of pilots for district one, and one
35 deputy commissioner of pilots for each of the
36 other three districts. Such commissioners and
37 deputy commissioners shall hold office until
38 November thirtieth, nineteen hundred and
39 twenty-six. On or before December one, nine-
40 teen hundred and twenty-six, and every third
41 year thereafter, the governor, with like advice
42 and consent, shall appoint their successors for
43 a term of three years. A deputy commissioner
44 of pilots for any district shall be a resident of a
45 town having a landing place accessible to
46 vessels from the sea situated within that district.
47 Hereinafter the word "commissioners" shall be
48 held to mean the commissioners of pilots for
49 district one and the deputy commissioner of
50 pilots for each of the other three districts. They
51 shall have experience in maritime and nautical

52 affairs and shall first be recommended by the
53 trustees of the Boston Marine Society, but
54 none of them shall be one of said trustees.
55 Upon failure of the trustees to make such
56 recommendation, the governor, with the advice
57 and consent of the council, shall appoint the
58 said commissioners without it.

59 *Section 3.* The commissioners, subject to the
60 approval of the trustees of said society, shall
61 formulate rules and regulations for pilotage and
62 establish rates within their respective districts,
63 and in accordance therewith, shall grant com-
64 missions as pilots for their district or for special
65 locations therein, to such persons, approved by
66 the trustees of the Boston Marine Society, as
67 they consider competent, provided that the
68 rates for district one shall be those established
69 in section thirty-one and provided further that
70 the rates for the other three districts shall not
71 exceed those rates. They may upon satisfactory
72 evidence of his misconduct, carelessness or
73 neglect of duty, suspend any such pilot until
74 the next meeting of said trustees and may
75 thereafter continue such suspension until the
76 close of the next stated meeting of said trustees,
77 but no longer for the same offence. If said
78 trustees decide at either of said meetings that
79 the commission of such pilot ought to be re-
80 voked, the commissioners may revoke it at
81 any time after said decision is rendered and
82 before it is reversed. The commissioners shall
83 cause the laws and regulations for pilotage

84 within their district to be duly observed and
85 executed, and shall receive, hear and determine
86 complaints by and against pilots for said district.

87 *Section 4.* The commissioners of district one
88 shall appoint a secretary who shall keep an office
89 and attend the same during the day to receive
90 complaints by and against the pilots of said
91 district one, and who shall keep a fair record of
92 his doings which shall be open at all times for
93 examination.

94 *Section 5.* Once in every three months each
95 pilot shall render to the commissioners of his
96 district an accurate account of all vessels
97 piloted by him and of all money received for
98 pilotage by him or by any person for him, and
99 shall pay to the commissioners four per cent of
100 the amount thereof, and if he makes a false
101 return of money received he shall pay to them
102 not more than fifty dollars.

1 SECTION 2. Said chapter one hundred and
2 three is hereby further amended by striking
3 out sections six to thirteen, inclusive, and in-
4 serting in place thereof the following section:

5 *Section 6.* No person shall receive a com-
6 mission or exercise the office of pilot until he
7 has given to the state treasurer a bond with
8 two sureties or a surety bond of an approved
9 surety company in the penal sum of one thou-
10 sand dollars for the faithful performance of
11 the duties of his office and for the payment of
12 all damages accruing from his negligence, un-

13 skillfulness or unfaithfulness. The sureties of the
14 bonds shall be approved by the commissioners.

1 SECTION 3. Sections fifteen and sixteen of
2 said chapter one hundred and three are hereby
3 amended by striking out the words "officers or
4 persons authorized to approve the sureties upon
5 said bond" wherever they occur and inserting
6 in place thereof the word "commissioners" so
7 that the sections will read as follows: — *Section*
8 *15.* A surety upon the bond of a pilot desiring
9 to be discharged from liability thereon shall give
10 notice thereof to the commissioners and shall also
11 give written notice to such pilot, which may be
12 served by a constable, and shall, with the return
13 of the constable thereon be filed with the state
14 treasurer, and at the expiration of thirty days
15 therefrom, the liability of such surety for the
16 subsequent acts of said pilot shall cease. If a
17 pilot so notified fails to furnish a new bond
18 before the expiration of said thirty days, his
19 commission shall be void.

20 *Section 16.* A pilot in case of the decease,
21 insolvency, or bankruptcy of a surety upon his
22 bond, shall give notice thereof to the commis-
23 sioners. In such a case, or whenever a pilot's
24 bond appears to the commissioners to be insuffi-
25 cient he shall give a new bond.

1 SECTION 4. Section seventeen is hereby
2 amended by striking out in the fourth line, the
3 words "of a pilot for the harbor of Boston" so
4 that the section will read as follows: — *Section*

5 17. A pilot shall have a lien for his pilotage fees
6 upon the hull and appurtenances of every vessel
7 liable to him therefor under this chapter for
8 sixty days after the completion of his services;
9 but the lien shall not be enforced until approved
10 by the commissioners.

1 SECTION 5. Section twenty-nine of said chap-
2 ter one hundred and three is hereby repealed.

1 SECTION 6. Upon the qualification of the
2 commissioners first appointed under section two
3 of chapter one hundred and three of the General
4 Laws as amended by this act, the terms of office
5 of the commissioners of pilots for the harbor of
6 Boston shall expire. Upon the qualifications of
7 a deputy commissioner, first appointed under
8 said section two, amended as aforesaid, the terms
9 of office of all port wardens in his district shall
10 expire. But nothing herein contained shall
11 affect the commissions of pilots of any kind,
12 except that after this act takes effect they may
13 be removed for the causes specified and in the
14 manner provided in section three of said chapter
15 one hundred and three, as amended by this act.
16 All rules and regulations in force at the time this
17 act takes effect shall continue in force until
18 changed in accordance therewith.

