

995 CMR: PILOT COMMISSIONERS: DISTRICT ONE

995 CMR 2.00: PILOTAGE WITHIN DISTRICT ONE

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2.01: Pilot Commissions for District One

- (1) The Pilot Commissioners (hereinafter the "Commissioners") are appointed by the Governor, with the advice and consent of the council and upon the recommendation, if a recommendation is made, of the Trustees of the Boston Marine Society. They shall be experienced in maritime and nautical affairs. M.G.L. c. 103, § 2.
- (2) The Commissioners operate pursuant to the authority contained in M.G.L. c. 103.
- (3) The office address of The Commissioners is: Commissioners of Pilots for District One National Historical Park, Building 32 Charlestown Navy Yard, Boston, MA 02129 Tel: (617) 242-0182 Fax: (617) 241-0505
- (4) The Secretary to the Commissioners is located in the Office of the Commissioner. The office will be open during normal business hours at the port of Boston.
- (5) 995 CMR is approved by the Trustees of the Boston Marine Society.

2.02: Duties of Commissioners of Pilots for District One

- (1) The Commissioners are empowered by statute to formulate rules and regulations for pilotage, to grant Commissions as Pilots for District One, or for locations within District One, to determine the competency of Pilots, to suspend Pilots, and to revoke Commissions.
- (2) The Commissioners are required to enforce the laws and regulations for pilotage within District One and to receive, hear and determine complaints by and against Pilots for District One.
- (3) The rules and regulations for pilotage which are formulated by the Commissioners are subject to approval by the Trustees of the Boston Marine Society.
- (4) The Commissioners must obtain the approval by the Trustees of the Boston Marine Society of any person to whom the Commissioners propose the grant of a Commission.

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(5) The Commissioners may suspend any Pilot for misconduct, carelessness or neglect of duty. Any such suspension shall remain effective until the next meeting of the Trustees of the Boston Marine Society and The Commissioners may thereafter continue such suspension until the close of the next scheduled meeting of the Trustees of the Boston Marine Society.

(6) The Commissioners may revoke the Commission of any Pilot if the Trustees of the Boston Marine Society decide at either meeting mentioned in 995 CMR 2.02(5) that said Commission should be revoked. Any such revocation must occur prior to any reversal of such decision by the Trustees of the Boston Marine Society.

2.03: Public Information and Access

(1) The Commissioners shall meet as often as necessary to conduct the business of the Commissioners. There must be at least two meetings of the Commissioners in each calendar year.

(2) Meetings may be called by either Commissioner and shall be held at the office of the Commissioners unless the Commissioners agree and decide to hold such meetings at another location.

(3) A special meeting of the Commissioners may be called by either Commissioner upon 24 hours notice, given by letter or fax or by telephone in an emergency, to the other Commissioner. A special meeting of the Commissioners may be held without notice or with less than 24 hours notice in the event that the Commissioners both attend and agree that circumstances require such a meeting.

(4) Any Pilot, when notified by letter or fax or, in an emergency by telephone, shall report in person to the Commissioners at the office of the Commissioners or other agreed meeting place.

(5) All meetings of the Commissioners shall be open to the public and any person shall be allowed to attend any such meeting except for meetings or portions of meetings which the Commissioners agree must be held in executive sessions and which Massachusetts law permits to be held in executive session.

(6) Prior to the adoption, amendment or repeal of any rules or regulations, the Commissioner shall:
(a) obtain the written approval of the Trustees of the Boston Marine Society to such adoption, amendment or repeal; and
(b) furnish not less than seven days notice to the public of the proposed action.

(7) Any public notice required to be given by the Commissioners shall be sufficient if given by:
(a) filing a copy of such notice with the office of the Secretary of the Commonwealth;
(b) mailing or otherwise furnishing a copy of said notice to newspapers of general circulation in Massachusetts; and
(c) mailing or otherwise delivering a copy of said notice to any person or group which has filed within one year of the date of such notice a written request with the Commissioners for such notices and has furnished particulars for delivery of such notice.

(8) The Commissioners may require that any person or group desiring to communicate views or information to the Commissioners do so in writing and prior to any oral presentation. The Commissioners shall at all meetings have the right and obligation to control and limit oral presentations in such a fashion as to allow the orderly and efficient conduct of such meetings and of the business of the Commissioners.

2.04: Number of Commissions

- (1) The Commissioners shall, from time to time, determine if there is need for an additional state Commission and Pilot for District One or for any special location within the district. The Commissioners shall request advice from the existing Commissioned Pilots and may obtain advice and information from any other source prior to making a determination in respect to such need.
- (2) The Commissioners' decision shall be made after consideration of the various factors pertaining to such need, which shall include, but not be limited to, supply and demand for pilotage services, safety and efficiency in furnishing pilotage services, and the interest of the public and the maritime industry in having available a reasonable number of experienced, professional and efficient Pilots.
- (3) When the Commissioners decide to change the number of commissions, they shall send to the Trustees of the Boston Marine Society and the President of the Boston Pilots by Certified Mail (Return Receipt Requested) a prompt notice of the change, signed by both Commissioners and notarized.

2.05: Types of Commissions

- (1) The Commissioners will grant Commissions of the following two types:
 - (a) Warrant Pilot Commission; and
 - (b) Full Branch Pilot Commission.
- (2) The Commissions, annexed hereto as Exhibit A (i)-(ii) (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One), shall be signed by both Commissioners in office on the date of issuance.
- (3) The qualifications required as a prerequisite for each such Commission are set forth herein.
- (4) The restrictions imposed on the holders of Commissions are set forth herein.

2.06: Applicants for Pilot Candidate Training

- (1) The Commissioners will consider and will interview only those applicants for Pilot Candidate Training who have:
 - (a) filed a written application with the Commissioners in the form annexed hereto as Exhibit B (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One) duly completed and signed;
 - (b) furnished documentary proof that they are at least 21 years of age;
 - (c) furnished documentary proof that they are citizens of the United States of America and residents of the Commonwealth of Massachusetts;
 - (d) furnished documentary proof of having successfully completed 12 years of formal education or the equivalent satisfactory to the Commissioners;
 - (e) proved to the satisfaction of the Commissioners that they are fluent in the English language;
 - (f) completed and furnished the medical questionnaire annexed hereto as Exhibit C (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One);
 - (g) obtained from a medical doctor licensed and qualified to practice in Massachusetts a written medical report not less extensive than that required by the form annexed hereto as Exhibit D, Dept. of Trans., USCG, CG-719K (Rev 3-95) (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One);
 - (h) proved to the satisfaction of the Commissioners that the candidate is in good physical and mental health;
 - (i) furnished documentary proof that they have satisfactory maritime experience as required by 995 CMR 2.09;

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- (j) furnished documentary proof that they hold current and unrestricted marine documents and license as required by 995 CMR 2.11(1);
 - (k) made payment of a non-refundable application fee in the amount of \$100.00 payable to the Commissioners.
- (2) Upon completion to the satisfaction of the Commissioners of the requirement of 995 CMR 2.06(1) and 2.09, the Commissioners will forward to the Boston Pilots all applications for review and recommendation. Said pilot review not to exceed 30 days.
- (3) Upon completion to the satisfaction of the Commissioners of the requirements of 995 CMR 2.06(1) and 2.06(2) the Commissioners will notify applicants who are to be considered for Pilot Candidate training in writing of the date, time and place at which they will be interviewed by the Commissioners.
- (4) Subsequent to the interview referred to in 995 CMR 2.06(3), the Commissioners will notify the final applicant in writing that the Commissioners have determined that the individual does satisfy all requirements and is judged competent for Pilot Candidate Training. The Commissioners will then seek the required approval of the Trustees of the Boston Marine Society.
- (5) If the approval of the Trustees is received by the Commissioners in respect to any individual who has satisfied the Commissioners in respect to the requirements of 995 CMR 2.06 and 2.09, and if the Commissioners determine that an additional Pilot Candidate Training Commission is required, the Commissioners shall authorize such training.

2.07: Applicants for Warrant Pilot Commission

- (1) The Commissioners will consider, and will interview and examine, only those applicants for a Commission of Warrant Pilot who have:
- (a) filed a written application with the Commissioners in the form annexed hereto as Exhibit B (as incorporated by reference herein with an original filed in the Regulations Division of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One) duly completed and signed;
 - (b) furnished documentary proof that they are citizens of the United States of America and residents of the Commonwealth of Massachusetts;
 - (c) furnished documentary proof of having successfully completed 12 years of formal education or the equivalent satisfactory to the Commissioners;
 - (d) proved to the satisfaction of the Commissioners that they are fluent in the English language;
 - (e) completed and furnished the medical questionnaire as incorporated by reference herein as Exhibit C (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One);
 - (f) obtained from a medical doctor licensed and qualified to practice in Massachusetts a written medical report not less extensive than that required by the form annexed hereto as Exhibit D (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One), Dept. of Trans., USCG, CG-719K (Rev 3-95);
 - (g) proved to the satisfaction of the Commissioners that they are in good physical and mental health;
 - (h) furnished documentary proof that they have satisfactory maritime experience as required by 995 CMR 2.09 hereof;
 - (i) furnished documentary proof that they hold current and unrestricted marine documents and license as required by 995 CMR 2.11 hereof;
 - (j) furnished documentary proof that they have satisfactorily completed Candidate Training as required by 995 CMR 2.16 hereof; and
 - (k) furnish to the Commissioners written evidence that they have:
 - 1. satisfactorily completed at least one year of service as a trainee with the Boston Pilots;

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2. have received written reports of performance as a trainee from at least 80% of the then Commissioned Pilots in District One certifying that they have observed said trainee, have assisted in training said trainee, and have a professional belief that said trainee is competent, professional and suited by training and temperament to furnish prompt and safe Pilotage Services.
- (2) Upon completion to the satisfaction of the Commissioners of the requirements of 995 CMR 2.07(1), 2.09, 2.11 and 2.16, the Commissioners will notify each applicant in writing of the date, time and place at which they will be examined by the Commissioners pursuant to 995 CMR 2.10 hereof.
- (3) Subsequent to the examination referred to in 995 CMR 2.07(2), the Commissioners will notify each applicant in writing whether the Commissioners have determined that the individual satisfies all requirements and is judged competent for issuance of a Warrant Pilot Commission, and whether the Commissioners will seek approval of the Trustees for issuance to said individual of a Warrant Pilot Commission.
- (4) If the approval of the Trustees is received by the Commissioners in respect to any individual who has satisfied the Commissioners in respect to the requirements of 995 CMR 2.07 and 2.10, and if the Commissioners determine that an additional Warrant Pilot Commission is required, the Commissioners shall prepare and deliver to said individual a Warrant Pilot Commission.
- (5) An application filed pursuant to 995 CMR 2.07 shall lapse and become invalid and not effective one year after the date on which it is filed with the Commissioners.

2.08: Applicants for Full Branch Pilot Commission

- (1) The Commissioners will consider, and will interview and examine, only those applicants for a Commission of Full Branch Pilot who have:
 - (a) filed a written application with the Secretary of the Commissioners in the form annexed hereto as Exhibit B (as incorporated by reference herein with an original filed in the Regulations Division of the Secretary of the Commonwealth) duly completed and signed;
 - (b) furnished satisfactory proof that they remain in compliance with the requirements of 995 CMR 2.07(1)(b) through (k) inclusive;
 - (c) satisfactorily completed at least one year of service as a Warrant Pilot with the Boston Pilots; and
 - (d) satisfied the Commissioners that they remain competent, professional and suited by training and temperament to furnish prompt and safe Pilotage Services.
- (2) Upon completion to the satisfaction of the Commissioners of the requirements of 995 CMR 2.08(1), the Commissioners will notify each applicant in writing of the date, time and place at which they will be interviewed or examined by the Commissioners pursuant to 995 CMR 2.10(4) hereof.
- (3) Subsequent to the examination referred to in 995 CMR 2.08(2), the Commissioners will notify each applicant in writing whether the Commissioners have determined that the individual satisfies all requirements and is judged competent for issuance of a Full Branch Pilot Commission, and whether the Commissioners will seek approval of the Trustees for issuance to said individual of a Full Branch Pilot Commission.
- (4) If the approval of the Trustees is received by the Commissioners in respect to any individual who has satisfied the Commissioners in respect to the requirements of 995 CMR 2.07 and 2.10, and if the Commissioners determine that an additional Full Branch Pilot Commission is required, the Commissioners shall prepare and deliver to said individual a Full Branch Pilot Commission.
- (5) The Commissioners may issue to any individual a Full Branch Commission applicable to all (or less than all) of the harbors of Lynn, Saugus, Hull, Hingham, Weymouth, Braintree and Quincy.

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2.09: Prior Maritime Experience

- (1) "Satisfactory maritime experience" shall mean, in the case of an applicant for a Warrant Pilot Commission, either Merchant Marine experience or Pilot experience as set forth in 995 CMR 2.09.
- (2) Merchant Marine experience must be:
 - (a) at least two years service at sea during the five year period preceding the date on which original application for such Commission is made;
 - (b) during such two year period, at least one year shall have been served in the capacity as either:
 1. Master while holding an unlimited Ocean Master License issued by the U.S. Coast Guard; or
 2. Chief Mate while holding an unlimited Ocean Master License. All such service shall be on merchant vessels of over 1600 gross registered tons;
 - (c) one year of service at sea shall mean 180 days service on an operating commercial merchant vessel documented under the laws of the United States;
 - (d) service at sea on a foreign flag vessel may, in the sole discretion of the Commissioners, be determined after appropriate inquiry and receipt of documentary evidence, be treated as equivalent to service on a vessel documented under the laws of the United States;
 - (e) all service at sea shall be evidenced by duly authenticated discharges, service books, or other official documents. The originals shall be exhibited to the Commissioners and copies delivered to the Commissioners;
 - (f) any document not in the English language shall be accompanied by a translation by a certified translator; and
 - (g) in the event that the applicant certifies in writing under oath that any original documents have been lost or otherwise are not available, the Commissioners in their sole discretion may accept substitutes or an affidavit by the applicant under oath.

2.10: Examination

- (1) Each applicant for a Warrant Pilot Commission must attend an examination, oral and written, conducted by the Commissioners.
- (2) The examination will pertain to the management and navigation of vessels, federal and state pilotage, knowledge of channels, waters, harbors, ports, currents, courses, distances, equipment, aids, weather, laws, regulations, practices and procedures.
- (3) The examination will require specific and detailed knowledge of the following:
 - (a) International and Inland Rules of the Road;
 - (b) relevant statutes and regulations of the United States and of the Commonwealth of Massachusetts and of the cities and towns within District One; and
 - (c) regulations of the U.S. Coast Guard, U.S. Coast and Geodetic Survey, and U.S. Army Corps of Engineers having effect within District One.
- (4) The Commissioners shall examine the applicant as they deem appropriate to determine the fitness and ability of the applicant to satisfactorily perform the duties of a Warrant Pilot and a Full Branch Pilot.
- (5) Any applicant who does not, at such examination, satisfy the Commissioners that the applicant is fit and able to satisfactorily perform the duties of a Warrant Pilot or a Full Branch Pilot may not reapply until the expiration of 30 days from the date of the conclusion of the applicant's examination.

2.11: Licenses and Certificates

(1) An individual who holds a Warrant Pilot Commission or a Full Branch Pilot Commission newly issued after October 15, 1997, must at all times, and as a condition to continued right to hold said Commission, possess the following duly issued, current and valid licenses and documents:

- (a) Unlimited Ocean Master License issued by the U.S. Coast Guard;
- (b) Radar Observer endorsement issued by the U.S. Coast Guard; and
- (c) Unlimited First Class Pilot's License issued by the U.S. Coast Guard for routes and areas within District One encompassed within the relevant Commission.

(2) In the event any such licenses or documents become invalid or the holder loses the right to hold said license or document, the holder shall forthwith inform the Commissioners in writing of such occurrence and shall tender to the Commissioners the holder's Commission, which the Commissioners shall retain until the holder obtains all required valid licenses.

(3) In the event the holder loses the right to hold a Driver's License issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, the holder shall forthwith inform the Commissioners in writing of such event.

2.12: Health and Medical Examination

(1) Each applicant and each individual holding a Commission must be and must remain in good physical and mental health and be at all times fit to perform the duties of a Pilot.

(2) Each individual holding a Commission must have a physical examination (including eye examination) by a medical doctor licensed and qualified to practice in Massachusetts on an annual basis to demonstrate good physical and mental health. Said individual shall cause a copy of the written report of each such physical examination to be furnished by the relevant doctor direct to the Commissioners forthwith upon conclusion of said examination. This annual physical examination may be by any duly qualified medical doctor selected by the individual and will be at the cost and expense of the individual.

(3) In the event of a disagreement between any individual and the Commissioners as to the results of any such physical examination or as to the physical or mental health of any individual, the individual shall have a physical examination by a medical doctor licensed and qualified to practice in Massachusetts and chosen by the Commissioners. A copy of the written report of each such physical examination shall be furnished by the relevant doctor to the Commissioners and to the individual examined. This examination shall be at the cost and expense of the Commissioners.

(4) Each such written report shall be not less extensive than that required by the U.S. Coast Guard and must include a statement of all drugs and medications used by or prescribed for the applicant.

(5) Each pilot must promptly report to the Commissioners in writing any prescription medicines which they are taking, or which are prescribed for them.

(6) The Commissioners require that each Pilot be free from drugs and alcohol or the effects thereof when performing duties as a Pilot. In order to ensure safety and efficiency and to satisfy the users of pilot services that Pilots are free from drugs and alcohol or the effects thereof, the Commissioners require that each Pilot be and remain a member of an organization which requires and performs random and periodic urine screen or blood tests to detect the presence of controlled substances or alcohol, or that each Pilot who is not a member of such an organization arrange by individual contract for substantially similar testing.

Each Pilot is required to:

- (a) inform the Commissioners in writing of the arrangements said Pilot has made to satisfy this requirement, and any changes made in said arrangement;
- (b) cause to be furnished to the Commissioners a written report of any such tests; and
- (c) report to the Commissioners in writing on an annual basis the dates, times and places of any such tests.

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- (7) In the event any pilot is involved in an "unusual incident" as defined in 995 CMR 2.21(3) hereof, said Pilot shall:
- (a) immediately undergo urine screen or blood tests to detect the presence of controlled substances or alcohol and cause a written report thereof to be furnished to the Commissioners, or
 - (b) cause a written report to be furnished to the Commissioners of any similar screening and testing required by any other government agency. The intent of 995 CMR 2.12(7) is not to require more than one such screening and testing.

2.13: Commissions

- (1) Each Commission shall clearly state the full name of the individual holder of the Commission, the type of Commission issued (Warrant Pilot, Full Branch Pilot), any and all restrictions on the pilotage services which are allowed to be performed by the holder, and the date of issuance and the date of expiration of said Commission.
- (2) Each Commission shall be signed by each Commissioner then in office when the Commission issues.
- (3) Each Commission shall be valid for five years from the date of issue and shall thereafter be renewable by the Commissioners on each fifth year anniversary date for an additional five year period provided that the individual holding said commission has satisfactorily completed the requirements of 995 CMR 2.13(4).
- (4) During each five years of their commission, the Pilots are required to successfully complete appropriate training when available in at least two of each of the following skills, in rotation, so all will be completed each ten years:
- (a) Bridge Resource Management, (or a refresher training if previously taken).
 - (b) 1. Ship Handling on a Bridge Simulation (preferably with programs of harbors in District One), or
2. Ship Handling Using Manned Models (preferably of vessels of the type calling at harbors in District One).
 - (c) Radar or ARPA, (or a refresher training if previously taken).
 - (d) DGPS for Pilots, (or a refresher training if previously taken).
- New or different programs of training may be substituted for the foregoing on written application to and approval by the Commissioners.

2.14: Duties of Pilots

- (1) Pilots shall at all times perform their duties in a professional and workmanlike manner, exercising reasonable care under the circumstances, attentive and faithful to their duties, and exercising unimpaired judgment.
- (2) Each Pilot shall be liable for all damages accruing from his negligence, unskillfulness or unfaithfulness.
- (3) Each Pilot shall, at all times while on duty, have with him either his original Commission or a copy of said Commission certified by one of the Commissioners.
- (4) Each Pilot, immediately upon boarding any vessel upon which he is to perform pilotage services, shall
- (a) inform the Master and any person in charge of the navigation of such vessel of any restriction in said Pilot's Commission; and
 - (b) exhibit his Commission to said Master if requested by said Master.
- (5) A Pilot may not perform pilotage services on, or take charge of, any vessel which draws more water than the Commission of said Pilot authorizes or which exceeds in any respect the limits contained in the Commission of said Pilot.

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- (6) Each Pilot shall cause each vessel carrying alien passengers and each vessel subject to quarantine to anchor at the place assigned by the proper authorities.
- (7) Each Pilot shall, at all times while performing pilotage services, comply with all applicable statutes, regulations, international conventions, Captain of the Port orders and other requirements of the proper authorities.
- (8) Each Pilot shall, at all times while performing pilotage services or otherwise on duty:
 - (a) refrain from using abusive or insulting language or threatening conduct; and
 - (b) Each Pilot shall, at all times, while performing pilotage services or otherwise on duty, refrain from using abusive or insulting language or threatening conduct.
- (9) Each Pilot shall, at all times while performing pilotage services or otherwise on duty, be unimpaired by illness or by any mental or physical condition or by the use of alcohol, drugs, narcotics, chemicals or other similar material.
- (10) Each Pilot shall perform a reasonable and fair share of all pilotage duties, winter and summer, day and night, unless prevented by illness or by other causes satisfactory to the Commissioners.
- (11) No Pilot may, once having boarded a vessel for the purpose of performing pilotage services, leave such vessel:
 - (a) on an outbound voyage until the vessel has safely passed the harbor limits;
 - (b) on an inbound voyage until the vessel has been safely anchored or secured at a terminal; or
 - (c) unless the Master of said vessel has approved his departure and noted his approval in writing, provided however that a Pilot may leave said vessel:
 - 1. if he is replaced prior to leaving by a Pilot holding an equal or greater Commission; or
 - 2. in the event of a medical or other emergency.

2.15: Restrictions on Commissions

- (1) All Commissions for Warrant Pilot shall contain a restriction prohibiting the holder from performing pilotage services on vessels exceeding the following criteria:
 - (a) Within Boston Harbor (including President Roads):

During Time Period After Date of Commission	M a x i m u m Draft	Maximum Length
first 6 months	28'00"	650'
second 6 months	35'00"	750'

- (b) Within Hull, Hingham, Braintree, Quincy, Weymouth and Lynn:

During Time Period After Date of Commission	M a x i m u m Draft	Maximum Length
first 6 months	28'00"	650'
second 6 months	35'00"	700'

2.16: Candidate Training Program

- (1) The term of candidate training for every trainee shall be a minimum of one year.

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- (2) While serving as trainee, the individual must:
 - (a) on a regular basis working a normal work week, ride vessels with at least 90% of the then Commissioned Pilots, on every route, and during ebb and flood tides, day and night, in various weather conditions, on various sizes and types of vessels, all to the extent feasible and consistent with the prevalent trade patterns in the port of Boston and vicinity. Trainee to keep log of such particulars as required in 995 CMR 2.16(2)(a), and submit to Commissioners upon request.
 - (b) satisfactorily complete at least 100 round trips between Boston inner harbor and a point beyond the Graves;
 - (c) satisfactorily complete at least 40 round trips to and from the area of Braintree, Hingham, Hull, Lynn, Quincy, Saugus and Weymouth.
- (3) During each vessel movement to which a trainee pilot is assigned, the Commissioned Pilot will be required, in addition to other normal pilotage duties, to assist the trainee pilot in observation, learning, and discipline and to teach skills and furnish information relevant to pilotage.
- (4) Each Commissioned Pilot is required:
 - (a) to observe each trainee during training voyages; and
 - (b) to report to the Commissioners in writing at the conclusion of each six month period of training the progress of said trainee and the potential of said trainee to become a fully Commissioned Pilot.
- (5) Each trainee may be terminated from that status in the event that:
 - (a) the trainee fails to satisfy physical or mental health requirements for a federal license or for a Commission;
 - (b) the trainee fails to obtain the requisite reports from Commissioned Pilots evidencing skill and potential to be a fully Commissioned Pilot which are satisfactory to the Commissioners.
- (6) Upon successful conclusion of the required term as a trainee, a trainee shall be considered qualified to file application as a candidate for a Warrant Pilot Commission. As a trainee approaches the conclusion of his one-year training, he may be examined by the Pilot Commissioners and obtain the approval of the Boston Marine Society Trustees, in order that he can receive his Warrant Commission and begin work promptly contingent upon his receiving the final report required by 995 CMR 2.07(1)(k) and finally completing his one year training.

2.17: Pilot Organization

- (1) The Pilots for District One, acting jointly, shall be known as the "Boston Pilots" and shall maintain a business office at a location near Boston Harbor for the sole purpose of operating the business of pilotage within District One.
- (2) The "Boston Pilot's" office shall be staffed, or a Pilot dispatcher should be available by telephone, on a 24 hour basis on every calendar day.
- (3) The "Boston Pilots" shall ensure that each Pilot shall remain in reasonable contact with the Pilot office to ensure that pilotage services will at all times be available and that vessels will not suffer unreasonable delays because of lack or unavailability of Pilots.
- (4) The "Boston Pilots" are responsible to ensure that there is available for use by individual Pilots when boarding or departing vessels a suitable Pilot boat, which has been and is designed, equipped, maintained and manned satisfactorily for use as a Pilot boat and which is in all respects at all times fit for its intended purpose and safe and seaworthy.
- (5) The "Boston Pilots" shall furnish to the Commissioners, and shall keep current with the Commissioners, the following documents:
 - (a) a list of the full names, residence addressees, business addresses, and personal and business telephone numbers for all Pilots;

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- (b) copies of any Articles of Organization, Trustee documents, By-Laws and similar documents recording the purposes, organization and operation of any trust, corporation, partnership or other form of organization formed for the purpose of performing or assisting in performing pilotage services; and
- (c) on an as-required basis, copies of any duty rosters and vacation schedules and medical leave rosters.

2.18: Pilot Boats

Any boat used by a Pilot for boarding or departing vessels must:

- (1) have the word "PILOT" printed on its house or hull in a conspicuous manner;
- (2) fly the appropriate flags and carry the appropriate lights and symbols as required by the International or Inland Rules of the Road as applicable;
- (3) be equipped to communicate on all relevant and usual radio channels and be equipped to use any other communication method common and usual in the industry;
- (4) be equipped to continuously guard all normal distress and emergency communication channels;
- (5) have on board all required lifesaving, safety and emergency gear and equipment in good working order and condition; and
- (6) have and maintain a Log Book in which it is required to record, in addition to the usual information recorded in a vessel's log:
 - (a) the names of all Pilots and crew boarding or leaving the boat and the times of such actions;
 - (b) the direction and force of wind, sea conditions and weather observations on a periodic basis; and
 - (c) any unusual events or occurrence.

2.19: Pilot Boarding Area

- (1) The normal and usual boarding area for any boat with the marking "PILOT" and used by Pilots for boarding and departing vessels shall at all times, weather permitting, be in the vicinity of the "B" buoy at Lat. 42° 22.7' North, Long. 70° 47.0' West.
- (2) The "Boston Pilots" shall ensure that such location, to be known as the "Pilot Boarding Area," is published in the U.S. Coast Pilot and similar publications of general use within the maritime industry and is known to all vessel agents and other interested parties in the vicinity of District One.

2.20: Bonds of Pilots

- (1) No individual may receive a Commission, or act as a Pilot, until such individual has furnished to the state Treasurer of the Commonwealth of Massachusetts a bond with two sureties in the penal sum of \$1,000, conditioned on the faithful performance of the duties of said individual as Pilot and the payment of all damages accruing from said Pilot's negligence, unskillfulness, or unfaithfulness.
- (2) Each bond shall provide that any surety desiring to be discharged from liability thereon, and each surety desiring to terminate or cancel said bond:
 - (a) shall give 30 days prior notice thereof in writing to the Commissioners and to the relevant Pilot; and
 - (b) shall furnish to the state Treasurer of the Commonwealth of Massachusetts a copy of said written notice together with a return of a constable evidencing service of said notice on the relevant Pilot.

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2.20: continued

(3) The bond shall be in the form annexed hereto as Exhibit E (as incorporated by reference herein, with an original filed in the Regulations Division of the Office of the Secretary of the Commonwealth with copies available at the offices of the Pilot Commissioners: District One).

(4) Each surety on said bond must be a surety company authorized to transact business in the Commonwealth of Massachusetts.

(5) No individual may continue to hold a Commission, or to act as a Pilot, after termination, cancellation or expiration of said Pilot's surety bond and said Pilots Commission shall be void and said Pilot shall deliver his Commission to the Commissioners.

Upon replacement, reinstatement or renewal of said bond, the Commissioners may reissue a Commission to said Pilot provided that said Pilot is in all other respects in compliance with 995 CMR 2.00.

(6) In case of decease, insolvency or bankruptcy of any surety issuing a Pilot's bond, the Pilot shall immediately give notice in writing to the Commissioners furnishing details of the event.

(7) Whenever a Pilot's bond shall, in the judgment of the Commissioners, be insufficient, the Commissioners shall furnish written notice to the Pilot of such determination and the Pilot shall immediately remedy the insufficiency and shall post a new bond satisfactory in form and surety to the Commissioners. No Pilot may act as a Pilot after receipt of such notice from the Commissioners until said Pilot has posted a new bond.

2.21: Reports to Commissioners

(1) If any unusual incident occurs on a vessel while a Pilot is engaged in the provision of Pilotage services on said vessel, the Pilot shall immediately file a written report with the Commissioners and shall furnish the Commissioners with copies of any other reports required by any government agency to be completed and filed by the Pilot.

(2) The report must include, but shall not be limited to:

- (a) date and time of incident;
- (b) geographic location, including bearing and distances from known objects;
- (c) detailed narrative description of incident;
- (d) cause of incident;
- (e) names and addresses of all persons known to have witnessed incident; and
- (f) description of injuries suffered or damages resulting from incident;
- (g) weather prevailing at time and place of incident;
- (h) identification and description of any aids to navigation relevant to such incident.

(3) An "unusual incident" is defined as:

- (a) accidental or intentional grounding;
- (b) collision or allision with any vessel or object;
- (c) incident resulting in loss of life or serious personal injury and relating to operation of a vessel;
- (d) incident resulting in serious damage to property and relating to operation of a vessel;
- (e) incident resulting in serious damages to a vessel, or damage caused by a vessel or crew, which may reasonably be expected to be in excess of \$10,000 in monetary value;
- (f) any incident which places a Pilot in danger;
- (g) any incident which causes environmental damage or may reasonably be thought to pose an environmental hazard or any threat of pollution or any actual pollution;

(4) Any Pilot who has a reasonable belief that an unusual incident has occurred and that such unusual incident has not been reported to the Commissioners shall determine from the Commissioners if a report has been made. If a report has not been made, the Pilot shall make a written report of the Pilots knowledge of the unusual incident.

(5) Any person may file a report or complaint with the Commissioners regarding any suspected violation by Pilots or others of the statutes or rules or regulations governing Pilots and pilotage in District One. All such reports and complaints shall be in writing or, if oral, confirmed in writing.

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2.21: continued

(6) Upon receipt of each report or complaint filed pursuant to 995 CMR 2.00, the Commissioners shall review the report or complaint and determine if further investigation or proceedings are appropriate or required.

(7) The Commissioners may conduct any investigation they deem reasonable and relevant to any matter within their jurisdiction and may retain such assistance and expend such funds as they believe appropriate for such investigation.

(8) Any report required by 995 CMR 2.00, except a Report required by 995 CMR 2.21(1), to be filed with the Commissioners shall be completed and filed within five business days of the occurrence of the relevant event or the discovery of the relevant information. However, the Commissioners may require that any such report be filed within 24 hours, or that a prompt oral report be made to them, in respect to any unusual occurrence.

(9) Any Pilot who fails, neglects or refuses to make such reports to the Commissioners as required by 995 CMR 2.00 may be suspended from duty by the Commissioners until said Pilot makes such report or satisfactorily furnishes to the Commissioners valid and persuasive reasons why such report should not be required.

2.22: Miscellaneous

(1) Leave of Absence.

(a) Each Pilot must perform a reasonable and equitable share of pilotage duties at all times except when on scheduled vacation or when unable to do so because of temporary illness. Any Pilot refusing or failing to perform a reasonable and equitable share of pilotage duties may have said Pilot's Commission suspended or revoked.

(b) Any Pilot desiring a leave of absence or permission to remain away from pilotage duties for more than 30 days must file a written application with the Commissioners for permission. Said application must specify the length of such requested leave and must state the reasons for the request. The Commissioners may grant or reject the request after consideration of all the current facts but primarily the factors set forth in 995 CMR 2.04(2).

(2) The provisions of 995 CMR 2.07, 2.08 and 2.09 shall not apply to an individual who holds a Commission on November 28, 1997.

(3) All medical reports and reports of prescription medicine furnished to the Commissioner shall be treated as confidential to the extent allowed by applicable statutes and regulations.

2.23: Emergency Waiver

In an emergency, the Commissioners, by unanimous vote and approval of the majority of the Trustees of the Boston Marine Society, may waive any of the foregoing requirements for issuance of a Pilot Commission.

2.24: Gross Tons

The term "Gross Tons" means the international Gross Tonnage as published in the current *Lloyd's Register of Shipping*.

REGULATORY AUTHORITY

995 CMR 2.00: M.G.L. c. 103.