

HOUSE No. 4791

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 28, 2008.

The committee on Ways and Means, to whom was referred the Bill relative to harbormaster training certification (Senate, No. 509, changed and amended), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4791).

For the committee,

ROBERT A. DELEO.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT RELATIVE TO HARBORMASTER TRAINING CERTIFICATION.

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 6 of the General Laws is hereby
2 amended by inserting after section 116C the following section:—

3 Section 116D. There shall be a harbormaster training council,
4 hereinafter the council, within the executive office of public
5 safety. The council shall consist of 11 members, 1 of whom shall
6 be a representative of the state police with knowledge of marine
7 law enforcement and operations who shall be appointed by the
8 colonel of the state police and shall be a member of the state
9 police marine unit; 1 of whom shall be a representative of the
10 environmental police with knowledge of marine law enforcement
11 and operations appointed by the secretary of energy and environ-
12 mental affairs; 1 of whom shall be an employee of the executive
13 office of public safety to be appointed by the secretary of public
14 safety who shall serve ex officio; 1 of whom shall be an employee
15 of United States First Coast Guard District to be appointed by the
16 district commander who shall serve ex officio; and 7 of whom
17 shall be harbormasters appointed by the governor, 2 of whom
18 shall be from the coastal communities north of Boston, 2 of whom
19 shall be from coastal communities south of Boston, and 2 of
20 whom shall be from coastal communities from Cape Cod and the
21 Islands, and 1 of whom shall be from the city of Boston. Members
22 appointed by the governor shall serve for a term of 2 years with
23 their successors appointed in a like manner. Members of the
24 council shall serve without compensation.

25 The council shall set policies and standards for the training har-
26 bormasters and assistant harbormasters in accordance with applic-
27 able laws and regulations including sections 19 through 21,
28 inclusive, of chapter 102.

29 The expenses of the council shall be funded solely from the
30 Harbormaster Training Trust Fund established pursuant to
31 section 35HH of chapter 10.

1 SECTION 2. Chapter 10 of the General Laws is hereby
2 amended by inserting after section 35GG the following section:—

3 Section 35HH. (a) There shall be established and set up on the
4 books of the commonwealth a separate fund to be known as the
5 Harbormaster Training Trust Fund, hereinafter referred to as the
6 fund, to fund harbormaster training programs pursuant to sec-
7 tion 19A of chapter 102. The fund shall be administered by the
8 state treasurer, in consultation with the harbormaster training
9 council established pursuant to section 116D of chapter 6, here-
10 inafter the council. The fund shall be credited any appropriations
11 or other monies authorized by the general court and specifically
12 designated to be credited thereto, such additional funds as are sub-
13 ject to the direction and control of the council, any federal grants
14 or loans, royalties or private investment capital which may prop-
15 erly be applied in furtherance of the objectives of the fund, any
16 fees and charges imposed by the council on municipalities or indi-
17 viduals related to training harbormasters and any other monies
18 which may be available to the council for the purposes of the fund
19 from any other source or sources. Any revenues, deposits,
20 receipts, or funds received through the receipt of royalties,
21 interest, dividends, inclusive, shall be deposited in the fund, and
22 shall be available for the purposes described in this section,
23 without further appropriation. No expenditure from the fund shall
24 cause the fund to be in deficiency at the close of a fiscal year.
25 Monies deposited in the fund that are unexpended at the end of the
26 fiscal year shall not revert to the General Fund and shall be avail-
27 able for expenditure in the subsequent fiscal year.

28 (b) The fund shall be held and applied by the treasurer, subject
29 to the approval of the council, to: (i) fund harbormaster the
30 training program established pursuant to section 19A of chapter
31 102; and (ii) for the administrative expenses of the harbormaster
32 training council established pursuant to section 116D of chapter 6;
33 provided, however, that said administrative expenses shall not
34 exceed 25% of the total expenditures of the fund in any fiscal
35 year.

1 SECTION 3. Chapter 102 of the General Laws is hereby
2 amended by inserting after section 19 the following section:—

3 Section 19A. (a) A person who receives an appointment as a
4 harbormaster or as an assist harbor master on a full-time or per-
5 manent part-time basis in a city or town where a harbor is located
6 shall satisfactorily complete an initial prescribed course of study
7 for harbormasters which shall be approved by the harbormaster
8 training council established pursuant to section 116D of chapter 6
9 and offered at a time to be determined by said harbormaster
10 training council. A person so appointed shall attend, at such fur-
11 ther intervals and for such periods as determined by the harbor-
12 master training council, a prescribed course of study for
13 harbormasters which shall be approved by the council, for in-ser-
14 vice training. Upon petition to the council by the appointing
15 authority, a person appointed as a harbormaster or as an assistant
16 harbormaster, on a full-time or permanent part-time basis, in a city
17 or town where a harbor is located may be exempted by the council
18 from the requirements of this section before exercising harbor-
19 master powers while that person is awaiting training.

20 (b) Failure of a person to comply with this section within 2
21 years of being appointed as a harbormaster or as an assist harbor
22 master on a full-time or permanent part-time basis in a city or
23 town where a harbor is located shall result in removal by the
24 appointing authority if the harbormaster or assist harbormaster is
25 not awaiting funding and scheduling of a harbormaster academy.
26 Failure of an appointed person to satisfactorily complete the in-
27 service prescribed course of study in a timely manner may result
28 in removal by the appointing authority. This section shall not
29 apply to seasonal employees appointed by the harbormaster from
30 time to time.

1 SECTION 4. Notwithstanding any general or special law to the
2 contrary, a person who holds a full-time or permanent part-time
3 position as a harbormaster or assistant harbormaster before the
4 effective date of this act shall be exempt from the initial training
5 requirement of subsection (a) of section 19(a) of chapter 102 of
6 the General Laws.