

SENATE NO. 509

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. Section 19 of Chapter 102 of the general laws as appearing in the 2004 official
2 edition, shall be amended by inserting in line 6 after the word “towns” the following new words:-
3 “subject to the provisions listed later in this section,”

4 Section 2. Section 19 of Chapter 102 of the general laws, as appearing in the 2002 official edition
5 shall be further amended by adding at the end thereof the following new subsections:-

6 (b) There shall be hereby established a Harbormaster Training Council, hereinafter the “council”.
7 Said council shall consist of 10 members including 6 members appointed by the governor, all of
8 which shall be harbormasters or their designees, 2 of which shall be from the coastal communities
9 north of Boston, 2 of which shall be from coastal communities south of Boston, and 2 from coastal
10 communities from Cape Cod and the Islands. Each harbormaster appointed by the Governor shall
11 serve for a term of 2 years. One member shall be a representative of the Massachusetts State
12 Police, with knowledge of marine law enforcement and operations, appointed by the Colonel of the
13 department. One of which shall be a representative of the Massachusetts Environmental Police,
14 with knowledge of marine law enforcement and operations, appointed by the Secretary of
15 Environmental Affairs. One of which shall be ex-officio, of the Executive Office of Public Safety,

16 to be appointed by the Secretary of Public Safety. One of which shall be ex-officio, of United
17 States First Coast Guard District, to be appointed by the district Commander.

18 (c) The council shall meet to develop, review, modify and certify curriculum. Said curriculum shall
19 be certified each year prior to being implemented. Further, members of said council shall serve
20 without compensation.

21 (d) The council shall meet periodically but less than once a year. All meetings shall be public.

22 (e) The council shall keep a public record of all meetings, votes and other business.

23 (f) The council shall determine the methods of providing such training, taking into account the
24 preferences and circumstances of specific regions of the Commonwealth, and allowing for the
25 accommodation of such preferences and circumstances.

26 (g) Every person who receives an appointment as a harbormaster on a full-time or permanent part-
27 time basis in a city or town where a harbor is located shall satisfactorily complete an initial
28 prescribed course of study for harbormasters, approved by the council, and offered at a time to be
29 determined by the appointing authority. Every person receiving an appointment under this section
30 shall further attend, at such intervals and for such periods as determined by the council, a
31 prescribed course of study for harbormasters approved by the council for in-service training. Upon
32 petition to the council by the appointing authority, a person appointed as a harbormaster, on a full-
33 time or permanent part-time basis, in a city or town where a harbor is located may be exempted by
34 the council, in whole or in part, from the provisions of this section prior to exercising harbormaster
35 powers, while that person is awaiting training.

36 Failure of the appointed person to comply, within 2 years from the date of appointment, with the
37 provisions of this section requiring an initial course of study in a timely manner shall result in that
38 person's removal by the appointing authority, provided that said person is not awaiting funding and
39 scheduling of a harbormaster academy. Failure of an appointed individual to satisfactorily
40 complete the in-service prescribed course of study in a timely manner may result in removal by the
41 appointing authority.

42 (h) Persons holding a full-time or permanent part-time position as a harbormaster before the
43 effective date of this act shall be exempt from the initial training requirement. Further, this section
44 shall not apply to seasonal employees as appointed by the harbormaster from time to time.

45 Section 3. Section 19 of Chapter 102 of the general laws, as appearing in the 2004 official edition
46 shall be further amended by inserting at the end thereof the following new section:-

47 Section 19 ½. Harbormasters Training Fund

48 (a) Monies received by the commonwealth from any and all sources pertaining to
49 harbormaster training from training fees paid by municipalities, training fees paid by individual,
50 any sums received by the commonwealth from the federal government as grants and
51 appropriations, state grants and appropriations, and private contributions and gifts, shall be
52 credited on the books of the commonwealth to a fund to be known as the Harbormaster Training
53 Fund. Said fund shall only be used as follows:-

54 1. For payment of general administrative expenses of the Harbormaster Training Council,
55 provided that such expenses shall not exceed 25% of the total expenditures in any fiscal year are

56 spent on administrative expenditures, and, provided further, that expenditures may be made for
57 the compensation of a staff person as such services are deemed necessary by the council.

58 2. For the procurement and funding of harbormaster training by the council and/or its
59 designees.

60 (b) The state treasurer shall receive and deposit all revenues transmitted to him under
61 provisions of section 19 ½ (a) in such a manner that will ensure the highest rate of interest
62 available consistent with the safety of the Harbormaster Training Fund, and all interest accrued
63 shall be deposited into the Harbormaster Training Fund.