

995 CMR 3.00: PILOTAGE WITHIN DISTRICT TWO

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3.01: Purpose and Scope

- (1) 995 CMR 3.00 is intended to promote the safety of navigation in Massachusetts Pilot District Two, avoid interruption to navigation within the region, and to prevent damage to the environment and other coastal resources.
- (2) The Commissioner shall exercise all authority as provided in M.G.L. c. 103.
- (3) The Commissioner is appointed by the Governor, with the advice and consent of the Governor's Council and upon the recommendation, if a recommendation is made, of the Trustees of the Boston Marine Society.
- (4) 995 CMR 3.00 is approved by the Trustees of the Boston Marine Society.
- (5) 995 CMR 3.00 applies to and is binding upon persons who are authorized to and who actually perform pilotage services upon the waters of District Two under M.G.L. c. 103.

3.02: Definitions

Definitions as used in 995 CMR 3.00 have the following meanings:

Commissioned Pilot. An individual who holds a Full Branch or Warrant issued by the Commissioner of Pilots under M.G.L. c. 103.

Commissioner. When used without further description, means the Deputy Commissioner of Pilots, District Two.

District Two or District. When used without further description, means those waters of Massachusetts specified as such in M.G.L. c. 103.

3.02: continued

Federal First Class Pilot. An individual holding a Merchant Mariner Credential issued by the United States Coast Guard containing an endorsement entitling the individual to serve in the capacity of “First Class Pilot” of certain vessels and over specified routes or within a specific port or waterway area.

Gross Tonnage. The International Gross Tonnage of a vessel, as reflected on the International Tonnage Certificate of the vessel, issued in accordance with the International Convention on Tonnage Measurement of Ships, 1969.

Medical Practitioner (MP). Shall include physician, physician assistant, or nurse practitioner licensed by a State in the United States.

Misconduct. Human behavior which violates some formal, duly established rule. Such rules are found in, among other places, statutes, regulations, the common law, the general maritime law, a ship’s regulation or order, or shipping articles and similar sources. Misconduct is an act which is forbidden or a failure to do that which is required.

Office of the Commissioner. The office of Pilots for District Two located at 100 1st Avenue, Suite 102, Charlestown, MA, 02129-2043, Tel: (617) 242-0182, Fax: (617) 241-0505. Website: www.masspilotage.com.

Residency. Proof of residency may include, but not limited to: Massachusetts Driver’s License, appropriate tax documents, Utility Bill, appropriate housing documents (rental agreement or mortgage documents), or other documents approved at the discretion of the Commissioner.

Trustees. The duly elected Trustees of the Boston Marine Society.

Unusual Incident. Accidental or intentional grounding; collision or allision with any vessel or object; a loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel; an occurrence that materially and adversely affected the vessel’s seaworthiness or fitness for service or route; non-compliant pilot ladders; an incident relating to operation of a vessel resulting in serious damage to a vessel, or damage caused by a vessel or crew, which may reasonably be expected to be in excess of \$200,000 in monetary value, or such as to require a report to the U.S. Coast Guard, or any other provisions of the Code of Federal Regulations; any incident that places a Pilot in danger; or any incident that causes environmental damage or may reasonably be thought to pose an environmental hazard or any threat of pollution or any actual pollution.

3.03: Duties of Commissioner of Pilots for District Two

(1) The Commissioner is empowered by statute to formulate rules and regulations for pilotage, to grant Commissions as Pilots for District Two, or for locations within District Two, to determine the competency of Pilots, to suspend Pilots, and to revoke Commissions.

(2) The Commissioner is required to enforce the laws and regulations for pilotage within District Two and to receive, hear and determine complaints by and against Pilots for District Two.

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

(4) The Commissioner may revoke the Commission of any Pilot if the Trustees of the Boston Marine Society decide at either meeting mentioned in 995 CMR 3.03(4) 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.

3.04: Public Information and Access

- (1) The Commissioner will meet as often as necessary to conduct the business of the Commissioner. There must be at least two meetings of the Commissioner in each calendar year.
- (2) Meetings may be called by the Commissioner and shall be held at the Office of the Commissioner, unless the Commissioner decides to hold such meetings at another location.
- (3) Any Pilot, when notified by letter, fax, email, or in an emergency by telephone, shall report in person to the Commissioner at the office of the Commissioner or other agreed meeting place unless otherwise engaged in pilot duties or unable to attend due to illness.
- (4) All meetings of the Commissioner 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 Commissioner identifies as must being held in executive sessions and which Massachusetts law permits to be held in executive session.
- (5) Notices of meetings will be posted at: www.masspilotage.com.
- (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 a 21-day notice to the public of the proposed action.
- (7) Any public notice required to be given by the Commissioner 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 newspaper 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 Commissioner for such notices and has furnished particulars for delivery of such notice.
- (8) The Commissioner may require that any person or group desiring to communicate views or information to the Commissioner do so in writing and prior to any oral presentation. The Commissioner 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 Commissioner.
- (9) The Commissioner shall have all persons in attendance at meetings register their names and affiliation, and further may have a recorder present.

3.05: Number of Commissions

- (1) The Commissioner may periodically determine if there is need for an additional state Commissioned Pilot for District Two or for any special location within the district. There are currently three Pilot Commissions available for District Two. The Commissioner may request advice from the existing Commissioned Pilots and may obtain advice and information from any other source prior to making a determination with respect to such need.
- (2) The Commissioner's decision will be made after consideration of the various factors pertaining to such need, which will 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 Commissioner decides to change the number of commissions, they will inform the Trustees of the Boston Marine Society and the President of the Eastern Point Pilots.

3.06: Types of Commissions

- (1) The Commissioner 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 in 995 CMR 3.00, 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 Commissioner: District Two shall be signed by both Commissioner in office on the date of issuance.
- (3) The qualifications required as a prerequisite for each such Commission are set forth in 995 CMR 3.00.
- (4) The restrictions imposed on the holders of Commissions are set forth in 995 CMR 3.00.

3.07: Applicants for Pilot Apprentice Training

- (1) Mariners seeking a commission as a state pilot may contact the Commissioner through the Pilot Commissioner's web site (<http://www.masspilotage.com>).
- (2) The Commissioner will consider, and will interview and examine only those applicants for Pilot Apprentice Training who have:
 - (a) filed a written application with the Commissioner in the form, annexed hereto as Exhibit B as incorporated by reference in 995 CMR 3.00, with an original at the offices of the Pilot Commissioner: District Two) duly completed and signed;
 - (b) furnished documentary proof that they are 21 years of age or older;
 - (c) furnished documentary proof that they are citizens of the United States of America;
 - (d) furnished documentary proof of having successfully completed 12 years of formal education or the equivalent satisfactory to the Commissioner;
 - (e) proved to the satisfaction of the Commissioner that they are fluent in the English language;
 - (f) obtained a physical examination that meets the license requirements of the U.S. Coast Guard by a medical practitioner licensed and qualified to practice so as to demonstrate good physical and mental health, dated within one year of submission of application. Note: form annexed hereto as Exhibit D, U.S. Department of Homeland Security/U.S. Coast Guard/CG-719K
 - (g) proved to the satisfaction of the Commissioner that the apprentice is in permissible medical and mental health as evidenced by the requirements outlined in USCG Form 719K;
 - (h) furnished documentary proof that they have satisfactory maritime experience as required by 995 CMR 3.10;
 - (i) furnished documentary proof that they hold current and unrestricted Merchant Marine Credential as required by 995 CMR 3.12(1);
 - (j) made payment of an application fee in the amount of \$500.00 payable to the Commissioner; applications rejected upon filing will have application fee money returned minus a \$100 nonrefundable administrative fee;
 - (k) All apprentices will be subject to Criminal Offender Record Information (CORI) screening in accordance with 803 CMR 3.00: *Criminal Offender Record Information (CORI)* and potential additional background checks as deemed appropriate by Commissioner. These additional checks may include Marine Index Bureau and/or other formal background checks.
 - (l) provide current proof of residency of at least six months in the Commonwealth of Massachusetts immediately prior to filing of application.
- (3) Upon completion to the satisfaction of the Commissioner of the requirement of 995 CMR 3.07(1) and 3.10, the apprentice will be selected after exam, simulator, and interview.
- (4) Upon completion to the satisfaction of the Commissioner of the requirements of 995 CMR 3.07(1) and 3.07(2) the Commissioner will notify applicants who are to be considered for Pilot Apprentice training in writing of the date, time and place at which they will be tested and interviewed by the Commissioner.

3.07: continued

(5) Subsequent to the interview referred to in 995 CMR 3.07(4), the Commissioner will notify the final applicant in writing that the Commissioner has determined that the individual does satisfy all requirements and is judged competent for Pilot Apprentice Training.

3.08: Applicants for Warrant Pilot Commission

(1) The Commissioner will consider, and will interview and examine, only those applicants for a Commission of Warrant Pilot who:

- (a) is a citizen of the United States;
- (b) is 21 years of age or older;
- (c) have completed 12 years of formal education or equivalent satisfactory to the Commissioner;
- (d) is fluent in the English language;
- (e) is physically and mentally fit for pilotage service;
- (f) furnish documentary proof that they hold a current and unrestricted Merchant Marine Credential as required by 995 CMR 3.12;
- (g) has documented pilot service or prior maritime service or has suitable veterans sea time as required by 995 CMR 3.10;
- (h) furnished documentary proof that they have satisfactorily completed Apprentice Training as required by 995 CMR 3.17; and
- (i) furnish to the Commissioner written evidence that they have:
 - 1. satisfactorily completed at least one year of service as a trainee with the Eastern Point Pilots as required by 995 CMR 3.17; and
 - 2. have received written reports of performance as a trainee from at least a majority of the then Commissioned Pilots in District Two 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 Commissioner of the requirements of 995 CMR 3.08(1), 3.10, 3.12 and 3.17, the Commissioner will notify each applicant in writing of the date, time and place at which they will be examined by the Commissioner pursuant to 995 CMR 3.11

(3) Subsequent to the examination referred to in 995 CMR 3.08(2), the Commissioner will notify each applicant in writing whether the Commissioner has determined that the individual satisfies all requirements and is judged competent for issuance of a Warrant Pilot Commission, and whether the Commissioner 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 Commissioner in respect to any individual who has satisfied the Commissioner in respect to the requirements of 995 CMR 3.08 and 3.11, and if the Commissioner determines that an additional Warrant Pilot Commission is required, the Commissioner shall prepare and deliver to said individual a Warrant Pilot Commission.

(5) An application filed pursuant to 995 CMR 3.08 shall lapse and become invalid and not effective one year after the date on which it is filed with the Commissioner.

(6) The Commissioner may issue any individual a Warrant Branch Commission applicable to all (or less than all) of the harbors of Marblehead, Salem, Beverly, Manchester, Gloucester, Rockport, and Newburyport.

3.09: Applicants for Full Branch Pilot Commission

(1) The Commissioner will consider, and will interview and examine, only those applicants for a Commission of Full Branch Pilot who have:

3.09: continued

- (a) filed a signed letter requesting a Full Branch Commission specifying the area required with the Secretary of the Commissioner in the form duly completed and signed;
 - (b) furnished satisfactory proof that they remain in compliance with all other relevant requirements of 995 CMR 3.00;
 - (c) satisfied the Commissioner that they remain competent, professional and suited by training and temperament to furnish prompt and safe Pilotage Services;
 - (d) observed evaluation
 - (e) furnished documentary proof that they are citizens of the United States of America and residents of the Commonwealth of Massachusetts.
- (2) Upon completion to the satisfaction of the Commissioner of the requirements of 995 CMR 3.09(1), the Commissioner will notify each applicant in writing of the date, time and place at which they will be interviewed or examined by the Commissioner pursuant to 995 CMR 3.11(4).
- (3) Subsequent to the examination referred to in 995 CMR 3.09(2), the Commissioner will notify each applicant in writing whether the Commissioner has determined that the individual satisfies all requirements and is judged competent for issuance of a Full Branch Pilot Commission, and whether the Commissioner 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 Commissioner in respect to any individual who has satisfied the Commissioner in respect to the requirements of 995 CMR 3.08 and 3.11, and if the Commissioner determines that an additional Full Branch Pilot Commission is required, the Commissioner shall prepare and deliver to said individual a Full Branch Pilot Commission.
- (5) The Commissioner may issue to any individual a Full Branch Commission applicable to all (or less than all) of the harbors of Marblehead, Salem, Beverly, Manchester, Gloucester, Rockport, and Newburyport.
- (6) A Warrant Pilot must complete 24 round trips in the Ports of Salem and Gloucester with a Branch Pilot while holding a Warrant Pilot Commission. The Warrant Pilot must successfully complete the maneuver and the Warrant Pilot's evaluation card signed by both pilots and submitted to the Commissioner.
- (7) The Warrant Pilot must successfully obtain U.S. Coast Guard First Class Pilotage for the Ports of Salem and Gloucester.

3.10: Prior Maritime Experience

- (1) Satisfactory maritime experience must be, in the case of an applicant for a Warrant Pilot Commission, either Merchant Marine experience or Pilot experience as set forth in 995 CMR 3.10.
- (2) Merchant Marine experience must be:
- (a) At least two years of service at sea during the five-year period immediately preceding the date of original application for which such Commission is made;
 - (b) During such two-year period, at least one year shall have been served aboard Appropriate commercial vessels as determined by the Commissioner.
 - (c) One year of service at sea shall mean 180 days service on an operating commercial merchant vessel documented or registered under the laws of the United States or owned by the United States Government;
 - (d) Service at sea on a foreign flag vessel may, in the sole discretion of the Commissioner, 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;

3.10: continued

- (e) The Commissioner shall make an interpretation of sea service for merchant vessels in Reduced Operating Status (ROS) and Mobile Offshore Drilling Units (MODUs) in accordance with 46 CFR § 10.232 and relevant U.S. Coast Guard policy, but no more than ½ a day for every day of service;
 - (f) All service at sea shall be evidenced by duly authenticated discharges, service books, or other official documents. The originals shall be exhibited to the Commissioner and copies delivered to the Commissioner;
 - (g) Any document not in the English language shall be accompanied by a translation by a certified translator;
 - (h) In the event that the applicant certifies in writing under oath that any original documents have been lost or otherwise are not available, the Commissioner in their sole discretion may accept substitutes or an affidavit by the applicant under oath; and
 - (i) Any sea time acquired during the pilot training program may be acceptable as satisfactory maritime experience used toward the experience requirement
- (3) Any applicant who is a member of any uniformed service of the United States of America may apply as sea time credit any time during which the applicant served on active duty, and the time shall be applied as experience toward the required experience in the following manner:
- (a) Military service in command of a vessel in excess of 1600 Gross Tons shall be applied as credit toward any requirements for service as Master;
 - (b) Military services as second-in-command of a vessel in excess of 1600 Gross Tons shall be applied as credit toward any requirements for service in the capacity of chief mate; and;
 - (c) Military sea service in a capacity as an officer in charge of a navigational bridge watch of a vessel in excess of 1600 Gross Tons shall be applied as credit toward any sea service requirements other than those in the capacity of master or chief mate.
- (4) 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 apprentice training or for warrant or full branch pilot commission.
- (5) Pilot experience must be:
- (a) At least three years' service as a State Pilot holding a Commission;
 - (b) Such service must be performed within waters subject to the jurisdiction of the United States Coast Guard; and
 - (c) Such service must not have been interrupted because of suspension or revocation of Commission.

3.11: Examination

- (1) Each applicant for a Warrant Pilot Commission must attend an examination, oral and written, conducted by the Commissioner.
- (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 Two; and
 - (c) relevant statutes, regulations, and procedures imposed upon the waters and port by federal and state agencies including, but not limited to: the U.S. Coast Guard, the National Geodetic Survey, National Oceanic and Atmospheric Administration, U.S. Environmental Protection Agency, the Massachusetts Department of Environmental Protection, and the U.S. Army Corps of Engineers having effect within District Two.
- (4) The Commissioner 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.

3.11: continued

- (5) Pilot Evaluation Cards will be required to be submitted to the Commissioner on a monthly basis.
- (6) Any applicant who does not, at such examination, satisfy the Commissioner 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.

3.12: Licenses and Certificates

- (1) An individual who holds a Warrant Pilot Commission or a Full Branch Pilot Commission, 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) Second Mate Unlimited Tons upon Oceans, and Master of (oceans) self-propelled vessels less than 1600 gross registered tons Merchant Mariner Credential issued by the U.S. Coast Guard;
 - (b) Valid Medical Certificate issued by the U.S. Coast Guard (CG-4610A),
 - (c) Radar Observer endorsement issued by the U.S. Coast Guard;
 - (d) Unlimited First Class Pilot's endorsement issued by the U.S. Coast Guard for routes and areas within District Two encompassed within the relevant Commission; and
 - (e) Valid Transportation Workers Identification Credential (TWIC).
- (2) In the event any such license, endorsement, document or certificate of training becomes invalid or the holder loses the right to hold such license, endorsement, document or certificate, the holder will immediately inform the Commissioner and shall tender to the Commissioner the holder's Commission, which the Commissioner shall retain until the holder obtains all required licenses, endorsement, document or certificate.
- (3) The Commissioner, in consultation with federal and state regulators, and senior Full Branch Pilots, may impose new training standards that render Certificates of Training for new or different programs and equipment.

3.13: Health and Medical Examination

- (1) Each applicant and each individual holding a Commission must be and must remain in good physical and mental health (as determined by the USCG or medical practitioner performing general fitness examination) 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) that meets the license requirements of the U.S. Coast Guard by a medical practitioner licensed and qualified to practice in the United States on an annual basis to demonstrate good physical and mental health. The Commissioned Pilot must submit to the Commissioner a copy of such medical report signature page (USCG Form 719K) each calendar year. The cost of such medical examination will be at the expense of the Commissioned Pilot.
- (3) In the event of a disagreement between any individual and the Commissioner 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 practitioner licensed and qualified to practice in the United States and to be determined by the Commissioner. A copy of the written report of each such physical examination shall be furnished by the relevant practitioner to the Commissioner and to the individual examined. This examination shall be at the cost and expense of the Commissioner.
- (4) Each such written report shall be not less extensive than that required by the U.S. Coast Guard and must include the signature page (page 9) of the USCG Form 719K, to be submitted to the Commissioner.

3.13: continued

(5) Each pilot must promptly report to the Commissioner in writing all medications (prescription or nonprescription), dietary supplements, and vitamins that were filled, or refilled, and/or taken within 30 days prior to the date the applicant signs the CG-719K and all medications (prescription or nonprescription), dietary supplements, and vitamins that were used for a period of 30 or more days within the last 90 days prior to the date the applicant signs the CG-719K. At any time, all medications (prescription or nonprescription), dietary supplements, and vitamins that have side effects that will impair judgment, balance, or any other requirements for effective and safe performance of routine and emergency duties on board must be promptly reported to the Commissioner in writing.

(a) Pursuant to U.S. Coast Guard regulations, a Commissioned Pilot providing pilotage services under the authority of their U.S. Coast Guard Merchant Mariner Credential shall be subject to substance abuse screening, commonly referred to as “drug testing”. Such drug testing shall conform to all elements of screening, including pre-employment (applicants), random selection, post-accident and probable cause. In the event that a drug test is reported as “positive” to the U.S. Coast Guard, the Commissioned Pilot shall immediately notify the Commissioner *via* the most expedient means of communication. The Commissioner shall immediately suspend the Commission of the Commissioned Pilot. If and when the Commissioned Pilot’s Merchant Mariner Credential is reinstated, the Commissioner may or may not reinstate the Pilot’s Commission but will permit the Commissioned Pilot a hearing to ascertain if reinstatement is appropriate, and if so the Commissioner may require recency trips and/or renewal application.

(b) Commissioned Pilots who are involved in an “unusual incident” as defined in 995 CMR 3.02 or show probable cause to the U.S. Coast Guard shall be subject to urine screen for drugs and blood tests or breathalyzer for alcohol content of the Commissioned Pilot. If the Blood Alcohol Content (BAC) of the Commissioned Pilot is above 0.04%, then the Commissioned Pilot shall immediately notify the Commissioner *via* the most expedient means of communication. The Commissioner shall immediately suspend the Commission of the Commissioned Pilot. If and when the Commissioned Pilot’s license is reinstated, the Commissioner may or may not reinstate the Pilot’s Commission but will permit the Commissioned Pilot a hearing to ascertain if reinstatement is appropriate, and if so the Commissioner may require recency trips and/or renewal application.

3.14: 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 is issued.

(3) Each Commission shall be valid for five years from the date of issue and shall thereafter be renewable by the Commissioner 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 3.14(4).

(4) During each five years term of 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) Ship Handling on a Bridge Simulation (preferably with programs of harbors in District Two), or Ship Handling Using Manned Models (preferably of vessels of the type calling at harbors in District Two);
- (c) ECDIS for Pilots, (or a refresher training if previously taken);
- (d) Portable Pilot Unit (PPU) training; and
- (e) any other course the Commissioner believes requires additional training on new technology.

3.14: continued

(5) New or different training programs may be substituted for those listed in 995 CMR 3.14(4), with a written request made to the Commissioner and subsequent approval received by the Commissioner.

(6) Residency in the Commonwealth of Massachusetts is required to retain Commission.

3.15: 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:

(2) A Warrant Pilot Commission is limited to 1500 gross tons.

(3) All Warrant Pilots are required to continue to ride vessels in excess of restrictions listed in 995 CMR 3.15(2) during their warrant pilot time as recommended by Pilot Association and approved by the Commissioner.

(4) Any two Pilot assignments can be completed with one Branch Pilot and one Warrant Pilot, but the Branch Pilot will be the primary pilot of record. The Warrant will be the secondary and electronics pilot.

3.16: Duties of Pilots

(1) Pilots must 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 will be liable for all damages accruing from their negligence, unskillfulness, unfaithfulness or misconduct.

(3) Each Pilot must, at all times while on duty, have on their person either their original Commission or a copy of said Commission.

(4) Each Pilot, immediately upon boarding any vessel upon which they are to perform pilotage services, must:

- (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 their 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.

(6) Each Pilot must, 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.

(7) Each Pilot must, at all times while performing pilotage services or otherwise on duty refrain from using abusive or insulting language or threatening conduct.

(8) Each Pilot must, 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.

(9) 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 Commissioner.

3.16: continued

- (10) 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 the Pilot's departure, provided however that a Pilot may leave said vessel:
 1. if the Pilot 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.

3.17: Apprentice Training Program

- (1) The term of apprentice training for every trainee shall be a minimum of one year.
- (2) While serving as trainee, the individual must:
 - (a) on a regular basis working a normal work week, ride vessels with at least majority 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 ports of District Two. Trainee to keep log of such particulars as required in 995 CMR 3.17(2)(a) and submit to the Commissioner upon request.
 - (b) for each transit, pilots are required to fill out a Trainee Evaluation Card. Cards to be retained by trainee and submitted to the Commissioner on a monthly basis with a copy to be retained in the Pilot Office.
- (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 Commissioner 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 Commissioner.
- (6) Upon successful conclusion of the required term as a trainee, a trainee shall be considered qualified to file application as an apprentice for a Warrant Pilot Commission. As a trainee approaches the conclusion of their minimum one year training, they will be examined by the Pilot Commissioner and obtain the approval of the Boston Marine Society Trustees, so they can receive their Warrant Commission and begin work promptly. This is contingent upon receiving the final report required by 995 CMR 3.08(1)(i) and fully completing their minimum of one year training.
- (7) A Warrant Pilot must successfully complete 12 round trips, three on vessels over 350 gross tons, all trips under the direction of a Commissioned District Two State Pilot. Each transit shall have a written evaluation, signed by both the apprentice and State Pilot then submitted to the Pilot Commissioner.

3.18: Pilot Organization

- (1) The Pilots for District Two will be known as the “Eastern Point Pilots.”
- (2) Pilots are available 24 hours on every calendar day with a 12-hour estimated time of arrival required.
- (3) The Eastern Point Pilots will 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 Eastern Point 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.

3.19: Pilot Boats

- (1) Any boat used by a Pilot for boarding or departing vessels must:
 - (a) have the word “PILOT” printed on its house or hull in a conspicuous manner;
 - (b) fly the appropriate flags and carry the appropriate lights and symbols as required by the International or Inland Rules of the Road as applicable;
 - (c) 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;
 - (d) be equipped to continuously guard all normal distress and emergency communication channels;
 - (e) have on board all required lifesaving, safety and emergency gear and equipment in good working order and condition; and
 - (f) 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:
 1. the names of all Pilots and crew boarding or leaving the boat and the times of such actions;
 2. the direction and force of wind, sea conditions and weather observations on a periodic basis; and
 3. any unusual events or occurrence.

3.20: 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, one mile south of Eastern Point Lighted Buoy 2.
- (2) The “Eastern Point 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 Two.

3.21: Reports to Commissioner

- (1) Merchant Mariner Credential Validity. In the event any such Merchant Mariner Credential as required 995 CMR 3.12 becomes invalid or the holder loses the right to hold said Merchant Mariner Credential, the holder will immediately inform the Commissioner in writing of such occurrence and will tender to the Commissioner the holder’s Commission, which the Commissioner will retain until the holder obtains all required valid licenses. If the period of the Pilot’s suspended license exceeds one year, recency trips and/or renewal examination may be required by the Commissioner.
- (2) Driver’s License Validity. In the event the holder loses the right to hold a Driver’s License issued by any state or territory, the holder will immediately inform the Commissioner in writing of such event.

3.21: continued

(3) Medical Examination Reports. Each individual holding a Commission must provide the Medical Practitioner signature page (page 9) of CG-719K to the Commissioner, including each time it is updated and submitted anew to the U.S. Coast Guard, and U.S. Coast Guard issued Medical Certificate (CG-4610A).

(4) Transportation Worker's Identification Credential (TWIC). In the event the holder TWIC becomes invalid the holder will immediately inform the Commissioner in writing of such event.

(5) Unusual Incident Reports.

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

(b) The report must include, but is not be limited to:

1. date and time of incident;
2. geographic location, including bearing and distances from known objects;
3. detailed narrative description of incident;
4. cause of incident if determined at time of the report;
5. names and addresses of all persons known to have witnessed incident;
6. description of injuries suffered or damages resulting from incident; if known
7. weather prevailing at time and place of incident;
8. identification and description of any aids to navigation relevant to such incident; and
9. any non-compliant pilot ladder.

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

1. accidental or intentional grounding;
2. collision or allision with any vessel or object;
3. incident resulting in loss of life or serious personal injury and relating to operation of a vessel;
4. incident resulting in serious damage to property and relating to operation of a vessel;
5. 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 \$75,000 in monetary value;
6. any incident which places a Pilot in danger; or
7. 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.

(d) Any Pilot who has a reasonable belief that an unusual incident has occurred and that such unusual incident has not been reported to the Commissioner shall determine from the Commissioner 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.

(6) Reports of Complaints.

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

(b) Upon receipt of each report or complaint filed pursuant to 995 CMR 3.00, the Commissioner shall review the report or complaint and determine if further investigation or proceedings are appropriate or required.

(c) The Commissioner 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.

(7) Reports and Notifications from "Eastern Point Pilots". The "Eastern Point Pilots" shall furnish to the Commissioner, and shall keep current with the Commissioner, the following documents:

(a) A list of the full names, residence addressees, business addresses, and personal and business telephone numbers for all Pilots;

3.21: continued

- (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.

(8) Reporting Standards.

- (a) Any report required by 995 CMR 3.00, except a Report required by 995 CMR 3.22(1), to be filed with the Commissioner shall be completed and filed within five business days of the occurrence of the relevant extent or the discovery of the relevant information. However, the Commissioner 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.
- (b) Any Pilot who fails, neglects or refuses to make such reports to the Commissioner as required by 995 CMR 3.00 may be suspended from duty by the Commissioner until said Pilot makes such report or satisfactorily furnishes to the Commissioner valid and persuasive reasons why such report should not be required.

3.22: 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 Commissioner for permission. Said application must specify the length of such requested leave and must state the reasons for the request. The Commissioner may grant or reject the request after consideration of all the current facts, but primarily the factors set forth in 995 CMR 3.05(2).

(2) 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.

(3) The Commissioner shall provide pilots and their customers a "Pilotage Rate Schedule", based upon the recommendations of the State Pilotage Rate Board, increase such rates for Pilotage services. Pilot rates may be found at: <http://www.masspilotage.com>.

3.23: Emergency Waiver

In an emergency, the Commissioner, 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.

REGULATORY AUTHORITY

995 CMR 3.00: M.G.L. c. 103.