SENATE DOCKET, NO. 116 FILED ON: 1/18/2011

SENATE . . . . . No. 1769

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to out of state mooring.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	☐ *[District]* ☐
Bruce E. Tarr	☐ *[District]* ☐

SENATE DOCKET, NO. 116 FILED ON: 1/18/2011

SENATE . . . . . No. 1769

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1769) of Michael O. Moore and Bruce E. Tarr for legislation realtive to out of state mooring. Transportation.

The Commonwealth of Massachusetts

An Act relative to out of state mooring.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection five of Section two of Chapter 90B of Massachusetts General Law shall be amended by striking said section five and inserting in place thereof the following section:-

(5) A motorboat numbered in accordance with the numbering system of another state, which system has been approved by the secretary; provided, that the certificate of number or similar document awarding a number to such motorboat is in full force and effect; provided, further, that said motorboat is used predominantly outside the territorial waters of Massachusetts and the owner rents or owns property, or otherwise has a real property interest, in said state; and provided, further, that such motorboat shall not have been within the commonwealth for a period of time in excess of sixty consecutive days.

SECTION 2. Section fourteen of Chapter 90B of the Massachusetts General Law shall be amended by striking paragraph (a) and inserting in place thereof the following language:-

Section 14. (a) Whoever violates any provision of section two, three, four, six or nine A or of any rule or regulation pertaining thereto shall be punished by a fine of not more than fifty dollars, except as hereinafter provided. Any person who violates section two, subsection (5) shall be punished by an additional penalty equal in amount to the excise tax of said vessel for the previous fiscal year. Any person against whom a complaint has been issued for a violation of section two or of any rule or regulation pertaining thereto may, if it is the first offense committed by such person in violation of the provisions of this chapter or of any rule or regulation made under authority hereof, appear in person or through an attorney or agent duly authorized in writing, before the clerk of the court having jurisdiction of the offense, and confess the offense charged. In the alternative, any person against whom a complaint has been issued for violation of section five, five A, six or nine A may waive a trial and plead guilty by mailing to the clerk of the court having jurisdiction of the offense, payment in the amount of ten dollars for each

25 offense, by postal note, money order, or certified check made payable to said clerk. Payment by
26 such a person to such clerk of a fine of ten dollars and costs shall operate as a final disposition of
27 the case. Proceedings so disposed of by such clerk shall not be deemed criminal and no person
28 who appears before a clerk of court as provided herein shall be required to report to any
29 probation officer and no record of the case shall be entered in the probation records. Such clerk
30 shall, within three days of such payment, forward to the director a certified copy of such
31 proceedings. For the purpose of counting violations such disposition shall operate as if a finding
32 of guilty had been made in court.