

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 237

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "State Board of Docking Masters"; strike beginning with "prohibiting" in line 3 down through "vessels" in line 19 and substitute "establishing the State Board of Docking Masters in the Department of Labor, Licensing, and Regulation; providing for the membership, powers, and duties of the Board; specifying the terms of the initial members of the Board; requiring an individual to be licensed before the individual may perform certain services; requiring certain vessels to employ a licensed docking master to provide certain services; requiring a certain Board member to take a certain oath; providing that certain individuals are liable for payment of a certain fee if a certain vessel fails to employ a licensed docking master; establishing the requirements that certain individuals must meet to be licensed; establishing certain application and approval procedures for a docking master license; requiring a certain license fee; providing for the term and expiration of a docking master license; providing for the renewal of a docking master license; authorizing the Board to suspend or revoke a docking master license under certain circumstances; establishing certain disciplinary procedures; requiring the Board to follow certain disciplinary procedures; providing for a certain appeal; requiring the Public Service Commission to establish certain fees and charges; requiring the payment of certain fees; establishing the liability of certain individuals for certain fees in a certain manner; requiring the Commission to hold a certain hearing; authorizing the Commission to impose a certain assessment; establishing certain requirements for certain initial members of the Board; establishing a Joint Committee on the Port of Baltimore; providing for the membership and duties of the Joint Committee; requiring the Joint Committee to submit a certain annual report to the Governor and the Legislative Policy Committee by a certain date; requiring certain persons to cooperate with the Committee and take certain actions; providing certain penalties; defining certain terms; and generally relating to the Ports of Maryland and the licensing and regulation of docking masters in the State"; in line 22, strike "11-101, 11-202(a), 11-401, 11-402, 11-404, 11-407,."; strike beginning with "11-502" in line 22 down through "11-506" in line 23; after line 19, insert:

(Over)

“BY adding to

Article - Business Occupations and Professions

Section 5.5-101 through 5.5-501 to be under the new title “Title 5.5. Docking Masters”

Annotated Code of Maryland

(1995 Replacement Volume and 1999 Supplement)”;

after line 25, insert:

“BY adding to

Article - Public Utility Companies

Section 4-303.1

Annotated Code of Maryland

(1998 Volume and 1999 Supplement)”;

and after line 26, insert:

“Article - State Government

Section 2-10A-07

Annotated Code of Maryland

(1999 Replacement Volume)”.

On page 2, strike in their entirety lines 1 through 4, inclusive.

AMENDMENT NO. 3

On pages 2 through 10, strike in their entirety the lines beginning with line 8 on page 2 through line 30 on page 10, and substitute:

“TITLE 5.5. DOCKING MASTERS.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

5.5-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE STATE BOARD OF DOCKING MASTERS.

(C) “DOCKING MASTER” MEANS AN INDIVIDUAL WHO PROVIDES DOCKING SERVICES IN THE PORTS OF MARYLAND.

(D) “PORTS OF MARYLAND” INCLUDES THE PORT OF BALTIMORE, ANNAPOLIS, PINEY POINT, COVE POINT, AND CAMBRIDGE.

(E) “PROVIDE DOCKING SERVICES” MEANS:

(1) TO PILOT A VESSEL WHEN THE VESSEL IS UNDERWAY WITH TUG ASSISTANCE IN ANY OF THE PORTS OF MARYLAND;

(2) TO MANEUVER A VESSEL DURING BERTHING OR UNBERTHING OPERATIONS WITH TUG ASSISTANCE; OR

(3) WHILE ABOARD THE VESSEL, TO SHIFT A VESSEL WITHIN A PORT, WITH TUG ASSISTANCE.

5.5-102.

ANY VESSEL USING TUG ASSISTANCE IN THE PORTS OF MARYLAND, REGARDLESS OF THE WEIGHT OF THE VESSEL OR WHETHER THE VESSEL IS DRIVEN BY MOTOR, STEAM, OR SAIL, SHALL EMPLOY A DOCKING MASTER LICENSED UNDER THIS TITLE TO PROVIDE DOCKING SERVICES.

SUBTITLE 2. STATE BOARD OF DOCKING MASTERS.

5.5-201.

THERE IS A STATE BOARD OF DOCKING MASTERS IN THE DEPARTMENT.

5.5-202.

- (A) (1) THE BOARD CONSISTS OF 7 MEMBERS.
- (2) OF THE 7 MEMBERS OF THE BOARD:
 - (I) 2 SHALL BE LICENSED DOCKING MASTERS;
 - (II) 1 SHALL BE A MEMBER OF THE MARITIME INDUSTRY;
 - (III) 1 SHALL BE A MEMBER OF THE STEAMSHIP INDUSTRY WHO ACTIVELY PROCURES THE SERVICES OF A LICENSED DOCKING MASTER;
 - (IV) 1 SHALL BE A REPRESENTATIVE OF A TOWING BOAT COMPANY SERVING THE PORT OF BALTIMORE; AND
 - (V) 2 SHALL BE CONSUMER MEMBERS.
- (3) THE GOVERNOR SHALL APPOINT EACH MEMBER WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.
- (B) EACH CONSUMER MEMBER OF THE BOARD:
 - (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;
 - (2) MAY NOT BE OR EVER HAVE BEEN EMPLOYED OR EVER HAVE HAD A FINANCIAL INTEREST IN THE SHIPPING OR MARITIME INDUSTRY;
 - (3) MAY NOT BE A LICENSEE OR OTHERWISE SUBJECT TO REGULATION BY THE BOARD;
 - (4) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON REGULATED BY THE BOARD; AND
 - (5) MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR THE PROFESSIONAL MEMBERS OF THE BOARD.

(C) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION FROM A PERSON REGULATED BY THE BOARD.

(D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(E) (1) THE TERM OF AN APPOINTED MEMBER IS 2 YEARS AND BEGINS ON JULY 1.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2000.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM BEGINS SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN 2 TERMS CONSECUTIVELY.

(F) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

5.5-203.

FROM AMONG ITS MEMBERS, THE BOARD SHALL ANNUALLY ELECT A CHAIRMAN.

5.5-204.

(Over)

(A) THE BOARD SHALL MEET AT LEAST ONCE EACH CALENDAR QUARTER, AT THE TIMES AND PLACES THAT THE BOARD REQUIRES.

(B) A MAJORITY OF THE MEMBERS OF THE BOARD IS A QUORUM.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE BUDGET.

5.5-205.

(A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD SHALL:

(1) ADOPT REGULATIONS AND PASS ORDERS TO GOVERN AND REGULATE LICENSED DOCKING MASTERS;

(2) BE RESPONSIBLE FOR SAFETY IN PROVIDING DOCKING SERVICES;

(3) KEEP A LIST OF ALL LICENSEES;

(4) KEEP A RECORD OF ITS PROCEEDINGS; AND

(5) ADOPT AN OFFICIAL SEAL TO AUTHENTICATE ITS PROCEEDINGS, OFFICIAL RECORDS, AND LICENSES.

5.5-206.

THE BOARD SHALL RECEIVE ALL FEES AND OTHER CHARGES COLLECTIBLE

UNDER §§ 5.5-304 AND 5.5-305 OF THIS TITLE.

5.5-207.

BEFORE A MEMBER OF THE BOARD MAY EXAMINE AN APPLICANT FOR A LICENSE, THE MEMBER SHALL TAKE THE FOLLOWING OATH:

“I, _____, DO (SWEAR) (AFFIRM) THAT I WILL IMPARTIALLY EXAMINE AND INQUIRE INTO THE CAPACITY, SKILL, AND EXPERIENCE OF THE APPLICANT OR APPLICANTS IN PROVIDING DOCKING SERVICES AND WILL ADMIT THEM IF I FIND THEM QUALIFIED OR REJECT THEM IF I FIND THEM UNQUALIFIED, WITHOUT FAVOR OR REWARD.”

5.5-208.

THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO THE AUTHORITY OF THE SECRETARY.

SUBTITLE 3. LICENSING.

5.5-301.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PROVIDE DOCKING SERVICES.

(B) IF A VESSEL FAILS TO EMPLOY A LICENSED DOCKING MASTER TO PROVIDE DOCKING SERVICES AS REQUIRED UNDER THIS ARTICLE, THE VESSEL AND ITS MASTER, OWNER, CHARTERER, AND AGENT SHALL BE LIABLE FOR PAYMENT OF THE FULL FEE AS IF A LICENSED DOCKING MASTER HAD BEEN EMPLOYED.

5.5-302.

TO QUALIFY FOR A DOCKING MASTER LICENSE, AN APPLICANT SHALL:

(Over)

- (1) BE AT LEAST 21 YEARS OLD;
- (2) BE A CITIZEN OF THE UNITED STATES;
- (3) PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY COMPLETION OF THE PHYSICAL REQUIREMENTS FOR A FIRST-CLASS PILOT LICENSE, AS DETERMINED BY THE U.S. COAST GUARD;
- (4) AGREE TO PARTICIPATE IN A U.S. COAST GUARD APPROVED RANDOM DRUG TESTING PROGRAM;
- (5) POSSESS THE FOLLOWING U.S. COAST GUARD LICENSES AND ACCREDITATIONS:
 - (I) A FIRST-CLASS PILOT LICENSE FOR STEAM AND MOTOR VESSELS OF UNLIMITED TONNAGE FOR THE WATERS ON WHICH THE APPLICANT WILL OPERATE;
 - (II) A U.S. COAST GUARD ISSUED MASTERS LICENSE FOR STEAM OR MOTOR VESSELS;
 - (III) UNLIMITED RADAR OBSERVER ENDORSEMENT;
 - (IV) CERTIFICATION BY THE U.S. COAST GUARD OF SUCCESSFUL COMPLETION OF AN ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND
 - (V) AUTOMATIC RADAR PILOTING AID (ARPA) CERTIFICATION;
- (6) HAVE A MINIMUM OF 5 YEARS' EXPERIENCE IN THE MARITIME INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED MASTER OR MATE ON TUGS OR INSPECTED VESSELS, OF WHICH AT LEAST 2 YEARS' EXPERIENCE SHALL BE OPERATING A SHIP ASSIST HARBOR TUG AS A LICENSED

MASTER:

(7) COMPLETE THE FOLLOWING TRAINING REQUIREMENTS DETERMINED BY THE BOARD, INCLUDING:

(I) OBSERVATION FROM THE BRIDGE OF A VESSEL OF A MINIMUM OF 300 DOCKINGS OR UNDOCKINGS, WITH AT LEAST 25% OCCURRING AT NIGHT; AND

(II) PERFORMING A MINIMUM OF 250 DOCKINGS, SHIFTINGS, OR UNDOCKINGS UNDER THE SUPERVISION OF A LICENSED DOCKING MASTER, WITH AT LEAST 25% OCCURRING AT NIGHT, AT LEAST 100 OF WHICH SHALL BE PERFORMED IN THE 24 MONTHS PRECEDING THE APPLICANT'S APPLICATION TO THE BOARD, WITH AT LEAST 25% OCCURRING AT NIGHT; AND

(8) MEET THE PHYSICAL REQUIREMENTS FOR THE DOCKING PILOTS LICENSE, AS DETERMINED BY THE BOARD, AND SUBMIT TO AN ANNUAL PHYSICAL EXAMINATION.

(B) (1) VERIFICATION OF THE TRAINING TRIPS REQUIRED UNDER SUBSECTION (A)(7) OF THIS SECTION SHALL BE ATTESTED TO AND SIGNED BY A LICENSED DOCKING PILOT.

(2) FOR AN APPLICANT WHO HAS COMPLETED 250 DOCKINGS, SHIFTINGS, OR UNDOCKINGS REQUIRED FOR LICENSURE AS A DOCKING MASTER ON OR BEFORE OCTOBER 1, 2000, INDEPENDENT VERIFICATION OF THE NUMBER OF DOCKINGS SHALL BE PROVIDED TO THE BOARD BY THE APPLICANT.

5.5-303.

THE BOARD SHALL DETERMINE THE NUMBER OF DOCKING MASTER LICENSES TO BE ISSUED BASED UPON THE SAFETY AND WELL-BEING OF OPERATIONS IN THE PORTS OF MARYLAND.

(Over)

5.5-304.

(A) TO APPLY FOR A DOCKING MASTER LICENSE, AN APPLICANT SHALL SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.

(B) THE BOARD SHALL ESTABLISH AN APPLICATION FEE FOR A DOCKING MASTER LICENSE.

(C) IF THE APPLICANT QUALIFIES FOR A LICENSE UNDER THIS TITLE, AND THE BOARD DETERMINES THAT ADDITIONAL LICENSEES ARE NECESSARY BASED UPON THE SAFETY AND WELL-BEING OF OPERATIONS IN THE PORTS OF MARYLAND, THE BOARD SHALL SEND THE APPLICANT A NOTICE STATING THAT:

(1) THE APPLICANT HAS QUALIFIED FOR THE LICENSE; AND

(2) THE BOARD WILL ISSUE A LICENSE TO THE APPLICANT ON RECEIPT OF A LICENSE FEE OF \$600.

(D) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE AN APPROPRIATE LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE.

(E) THE BOARD SHALL SEAL EACH LICENSE THAT THE BOARD ISSUES WITH ITS OFFICIAL SEAL.

5.5-305.

(A) A DOCKING MASTER LICENSE SHALL BE EFFECTIVE FOR 2 YEARS FROM THE DATE ISSUED.

(B) AT LEAST 60 DAYS BEFORE A DOCKING MASTER LICENSE EXPIRES, THE BOARD SHALL MAIL TO THE DOCKING MASTER LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

(1) A RENEWAL APPLICATION FORM; AND

(2) A NOTICE THAT STATES:

(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(III) THE AMOUNT OF THE RENEWAL FEE.

(C) FROM THE DATE OF EXPIRATION OF A DOCKING MASTER LICENSE, A DOCKING MASTER LICENSEE WHO QUALIFIES FOR LICENSURE UNDER § 5.5-302 OF THIS SUBTITLE SHALL HAVE A 1-YEAR GRACE PERIOD WITHIN WHICH TO RENEW THE DOCKING MASTER LICENSE WITHOUT COMPLETING AN APPLICATION FOR A NEW DOCKING MASTER LICENSE.

5.5-306.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY SUSPEND OR REVOKE ANY DOCKING MASTER LICENSE UPON DETERMINATION THAT EVIDENCE FROM A U.S. COAST GUARD INVESTIGATION PROVIDES SATISFACTORY PROOF THAT A LICENSED DOCKING MASTER:

(1) HAS WILLFULLY VIOLATED ANY OF THE REGULATIONS ADOPTED UNDER THIS TITLE;

(2) HAS ACTED IN A GROSSLY NEGLIGENT MANNER WITH RESPECT TO ANY VESSEL UNDER THE DOCKING MASTER'S CARE; OR

(3) IS MENTALLY OR PHYSICALLY UNFIT TO CARRY OUT THE DUTIES

(Over)

OF A DOCKING MASTER.

(B) (1) BEFORE ANY DISCIPLINARY ACTION MAY BE TAKEN CONCERNING A COMPLAINT AGAINST A LICENSED DOCKING MASTER, THE BOARD SHALL:

(I) REVIEW THE FACTS OF THE INCIDENT GIVING RISE TO THE COMPLAINT; AND

(II) IF THE BOARD FINDS SUFFICIENT CAUSE TO PROCEED WITH DISCIPLINARY ACTION AGAINST THE DOCKING MASTER, NOTIFY THE DOCKING MASTER TO APPEAR BEFORE THE BOARD AND SHOW CAUSE WHY THE DISCIPLINARY ACTION SHOULD NOT BE TAKEN.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL:

(I) BE IN WRITING;

(II) SPECIFY THE NATURE AND SUBSTANCE OF THE COMPLAINT AGAINST THE DOCKING MASTER; AND

(III) BE SERVED ON THE DOCKING MASTER AT LEAST 15 DAYS PRIOR TO THE HEARING DATE:

1. IN PERSON; OR

2. BY CERTIFIED MAIL ADDRESSED TO THE DOCKING MASTER'S LAST KNOWN ADDRESS.

(C) (1) A DOCKING MASTER WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED SHALL IMMEDIATELY SURRENDER THE DOCKING MASTER'S LICENSE TO THE BOARD, WHICH SHALL RETAIN THE DOCKING MASTER LICENSE UNTIL THE PERIOD OF SUSPENSION EXPIRES.

(2) IF A DOCKING MASTER WHOSE LICENSE HAS BEEN REVOKED OR SUSPENDED FAILS TO IMMEDIATELY SURRENDER THE DOCKING MASTER'S LICENSE TO THE BOARD ON DEMAND OR CONTINUES TO PROVIDE DOCKING SERVICES WHILE THE LICENSE IS SUSPENDED OR REVOKED, THE DOCKING MASTER SHALL BE SUBJECT TO THE PENALTIES ESTABLISHED IN § 5.5-501 OF THIS TITLE.

(D) IF A DOCKING MASTER WHOSE LICENSE HAS BEEN SUSPENDED IS OTHERWISE QUALIFIED FOR LICENSURE AT THE TIME THE DOCKING MASTER APPLIES FOR REINSTATEMENT OF THE LICENSE, THE BOARD SHALL REINSTATE THE DOCKING MASTER'S LICENSE WHEN THE SUSPENSION PERIOD EXPIRES.

5.5-307.

(A) IN THIS SECTION, "CONTESTED CASE" HAS THE MEANING STATED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE.

(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE UNDER THIS TITLE MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

SUBTITLE 4. EMPLOYMENT AND PAYMENT OF DOCKING MASTERS.

5.5-401.

(A) THE PUBLIC SERVICE COMMISSION SHALL ESTABLISH FEES TO PROVIDE DOCKING SERVICES IN ACCORDANCE WITH § 4-303.1 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(B) A PERSON THAT EMPLOYS A LICENSED DOCKING MASTER TO PROVIDE DOCKING SERVICES SHALL PAY THE FULL DOCKING SERVICE FEE REGARDLESS OF WHETHER:

(Over)

(1) THE EMPLOYMENT IS REQUIRED UNDER THIS TITLE; OR

(2) THE SERVICES OF THE DOCKING MASTER ARE USED FOR THE ENTIRE DOCKING SERVICE.

(C) NOTWITHSTANDING ANY CONTRACT BETWEEN A LICENSED DOCKING MASTER AND ANY OTHER PARTY, A PERSON THAT EMPLOYS THE LICENSED DOCKING MASTER TO PROVIDE DOCKING SERVICES FOR A VESSEL AND THE MASTER, OWNER, CHARTERER, AND AGENT OF THE VESSEL SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF THE DOCKING SERVICE FEE.

(D) (1) A LICENSED DOCKING MASTER WHO PROVIDES DOCKING SERVICES FOR A VESSEL SHALL HAVE A LIEN ON THE VESSEL AND ITS TACKLE, APPAREL, AND FURNITURE FOR THE FULL AMOUNT OF THE DOCKING SERVICE DUE.

(2) A LIEN ESTABLISHED UNDER THIS SUBSECTION IS ENFORCEABLE IN A COURT OF COMPETENT JURISDICTION.

(E) IF A PERSON FAILS TO EMPLOY A LICENSED DOCKING MASTER TO PROVIDE DOCKING SERVICES FOR A VESSEL AS REQUIRED UNDER THIS TITLE, THE PERSON AND THE VESSEL'S MASTER, OWNER, CHARTERER, AND AGENT SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF THE FULL DOCKING SERVICE FEE AS IF A LICENSED DOCKING MASTER HAD BEEN EMPLOYED.

SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

5.5-501.

A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

11-501.

(a) Except as otherwise provided in this section, each American vessel engaged in

foreign trade and each foreign vessel shall employ a licensed pilot to pilot the vessel when it is underway on the navigable waters of the State, including when the vessel is towing or being towed by another vessel.

(b) Subsection (a) of this section does not apply to a vessel:

(1) maneuvering during berthing or unberthing operations; or

(2) shifting within a port with:

(I) tug assistance; and

(II) a docking master, LICENSED UNDER TITLE 5.5 OF THIS ARTICLE, aboard the vessel.

(c) A vessel that is not required to employ a licensed pilot under subsection (a) of this section may voluntarily employ a licensed pilot when the vessel is underway on the navigable waters of the State.

Article - Public Utility Companies

4-301.1.

(A) THE COMMISSION SHALL ESTABLISH FEES AND CHARGES FOR A LICENSED DOCKING MASTER TO PROVIDE DOCKING SERVICES IN THE PORTS OF MARYLAND AT A JUST AND REASONABLE RATE.

(B) THE COMMISSION SHALL GIVE NOTICE AND HOLD A PUBLIC HEARING ON EACH RATE PROPOSAL AS PROVIDED IN THIS ARTICLE.

(C) IN DETERMINING A JUST AND REASONABLE RATE, THE COMMISSION SHALL CONSIDER:

(Over)

- (1) THE DRAFT, DIMENSIONS, AND TONNAGE OF THE VESSEL;
 - (2) THE DIFFICULTY AND INCONVENIENCE OF THE PARTICULAR SERVICE AND THE TIME AND SKILL REQUIRED TO RENDER THE SERVICE;
 - (3) THE TIME REQUIRED TO RENDER DOCKING SERVICE AT OTHER UNITED STATES PORTS AND THE FEES AND CHARGES FOR THE SERVICE;
 - (4) THE PUBLIC INTEREST IN MAINTAINING EFFICIENT AND RELIABLE DOCKING SERVICE; AND
 - (5) OTHER FACTORS RELEVANT TO THE DETERMINATION OF A JUST AND REASONABLE RATE.
- (D) A DOCKING MASTER LICENSED UNDER TITLE 5A OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE MAY NOT DEMAND OR RECEIVE A DIFFERENT COMPENSATION FOR PROVIDING DOCKING SERVICES THAN THE RATE SET BY THE COMMISSION UNDER THIS SECTION.
- (E) THE COMMISSION SHALL IMPOSE AN ASSESSMENT ON THE LICENSED DOCKING MASTERS BASED ON ASSESSMENT GUIDELINES ESTABLISHED FOR PUBLIC SERVICE COMPANIES UNDER § 2-110 OF THIS ARTICLE.
- (F) ALL FEES AND CHARGES PROVIDED BY APPLICABLE LAW SHALL REMAIN IN EFFECT UNTIL CHANGED BY THE COMMISSION.”.

AMENDMENT NO. 3

On page 10, in line 31, strike “3.” and substitute “2.”; strike beginning with “Special” in line 32 down through “Assignments” in line 33 and substitute “LICENSED DOCKING MASTER SERVICES”; in the same line, strike “§ 11-502(a)” and substitute “§ 5.5-401”; strike beginning with the first “special” in line 34 down through “certification” in line 35 and substitute “DOCKING MASTER LICENSE”; strike beginning with “special” in line 35 down through “assignments” in line 36 and substitute “LICENSED DOCKING MASTER SERVICES”.

AMENDMENT NO. 4

On page 11, in line 1, strike "4." and substitute "3."; strike beginning with "Section" in line 1 down through "2001" in line 2 and substitute "the initial members appointed to the State Board of Docking Masters under § 5.5-202(a)(2)(i) of the Business Occupations and Professions Article shall be docking masters currently performing duties as docking masters in the Port of Baltimore"; after line 2, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial members of the State Board of Docking Masters shall expire as follows:

- (1) 3 members in 2002;
- (2) 3 members in 2003; and
- (3) 1 member in 2004."

and strike beginning with "except" in line 3 down through "Act," in line 4.

AMENDMENT NO. 5

On page 10, after line 30, insert:

"Article - State Government

2-10A-07.

- (A) THERE IS A JOINT COMMITTEE ON THE PORT OF BALTIMORE.
- (B) (1) THE COMMITTEE CONSISTS OF 13 MEMBERS.
 - (2) OF THE 13 MEMBERS:
 - (I) 1. 2 SHALL BE MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE PRESIDENT OF THE SENATE;

(Over)

2. 2 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(II) 9 SHALL BE APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE AS FOLLOWS:

1. 1 REPRESENTATIVE OF THE MARYLAND PORT ADMINISTRATION;

2. 1 REPRESENTATIVE OF THE UNITED STATES COAST GUARD;

3. 2 REPRESENTATIVES OF MARYLAND LABOR ORGANIZATIONS;

4. 1 REPRESENTATIVE OF THE MARITIME/STEAMSHIP INDUSTRY;

5. 1 PILOT LICENSED BY THE STATE BOARD OF PILOTS;

6. 1 DOCKING MASTER LICENSED BY THE STATE BOARD OF DOCKING MASTERS; AND

7. 2 MEMBERS OF THE PUBLIC.

(C) THE MEMBERS OF THE COMMITTEE SERVE AT THE PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

(D) THE PRESIDENT AND THE SPEAKER SHALL JOINTLY APPOINT A SENATOR AND A DELEGATE EACH TO SERVE AS COCHAIRMAN.

(E) (1) THE COMMITTEE SHALL EXAMINE AND EVALUATE ISSUES AFFECTING THE COMPETITIVE POSITION OF THE PORT OF BALTIMORE WITHIN THE INTERNATIONAL PORT INDUSTRY.

(2) THIS EXAMINATION SHALL INCLUDE THE REGULATIONS ADOPTED BY THE STATE BOARD OF PILOTS, THE STATE BOARD OF DOCKING MASTERS, AND THE MARYLAND PORT COMMISSION.

(F) THE SECRETARY OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, AND THE EXECUTIVE DIRECTOR OF THE MARYLAND PORT ADMINISTRATION SHALL:

(1) COOPERATE FULLY WITH THE COMMITTEE; AND

(2) KEEP THE COMMITTEE FULLY INFORMED AS TO ISSUES AFFECTING THE PORT OF BALTIMORE.

(G) THE COMMITTEE SHALL REPORT TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE ON OR BEFORE DECEMBER 31 OF EACH YEAR.”.