

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 237, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Economic Matters Committee Amendments (SB0237/443796/1), in line 5 of Amendment No. 1, after "Board;" insert "providing for the establishment of an association of State licensed docking masters;"; in line 6, strike "certain vessels to employ" and substitute "the employment of"; in line 7, after "services;" insert "clarifying the ability of certain licensed pilots to provide certain services;"; in line 17, after "assessment;" insert "requiring a certain association to collect and distribute certain fees under certain circumstances;"; to in line 22, after "terms;" insert "requiring an evaluation of the Board and regulations that relate to the Board by a certain date; prohibiting certain acts;".

On page 2 of the Economic Matters Committee Amendments, in line 3 of Amendment No. 1, strike "5.5-501" and substitute "5.5-602"; in line 14, after "2-10A-07" insert "and 8-403(m)".

AMENDMENT NO. 2

On page 3 of the Economic Matters Committee Amendments (SB0237/443796/1), after line 1 of Amendment No. 3, insert:

"(B) "ASSOCIATION" MEANS AN ASSOCIATION OF STATE LICENSED DOCKING MASTERS ESTABLISHED BY A MAJORITY OF INDIVIDUALS WHO SATISFY THE LICENSURE REQUIREMENTS OF THIS TITLE ON OCTOBER 1, 2000.";

in lines 2 and 3, strike "(B)" and "(C)", respectively, and substitute "(C)" and "(D)", respectively; in line 4, strike "IN THE PORTS OF MARYLAND"; strike in their entirety lines 5 and 6; strike in their entirety lines 8 and 9; in lines 10 and 12, strike "(2)" and "(3)", respectively, and substitute "(1)" and "(2)", respectively; in line 12, strike "WHILE ABOARD THE VESSEL"; and strike in their entirety lines 15 through 18, inclusive, and substitute "NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A PERSON LICENSED BY THE BOARD OF PILOTS TO PILOT VESSELS OF

(Over)

UNLIMITED DRAFT SHALL BE AUTHORIZED TO:

(1) MANEUVER A VESSEL DURING A BERTHING OR UNBERTHING OPERATION WITH TUG ASSISTANCE; OR

(2) SHIFT A VESSEL WITHIN A PORT WITH TUG ASSISTANCE.”.

On page 13 of the Economic Matters Committee Amendments, in line 8 of Amendment No. 3, strike “§ 5.5-501” and substitute “§ 5.5-503”; after line 19, insert:

“5.5-401.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A LICENSED DOCKING MASTER SHALL BE EMPLOYED FOR:

(1) MANEUVERING A VESSEL DURING THE BERTHING OR UNBERTHING OPERATIONS WITH TUG ASSISTANCE; OR

(2) SHIFTING A VESSEL WITHIN A PORT WITH TUG ASSISTANCE.

5.5-402.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A LICENSED DOCKING MASTER MAY NOT BE REQUIRED TO BE EMPLOYED BY OR HAVE A CONTRACT WITH A TUG BOAT OR TOWING ASSIST OR SHIP ASSIST COMPANY IN THE STATE.”;

in line 20, strike “5.5-401.” and substitute “5.5-403.”.

In the Economic Matters Committee Floor Amendment (SB0237/123096/1), in line 2, strike “60” and substitute “24”.

AMENDMENT NO. 3

On page 4 of the Economic Matters Committee Amendments (SB0237/443796/1), in line 2 of Amendment No. 3, strike “7” and substitute “5”; strike in their entirety lines 5 through 7, inclusive; and in lines 8 and 10, strike “(IV)” and “(V)”, respectively, and substitute “(II)” and “(III)”, respectively.

AMENDMENT NO. 4

On page 7 of the Economic Matters Committee Amendments (SB0237/443796/1), in line 22 of Amendment No. 3, after "BE" insert "JOINTLY AND SEVERALLY".

On page 9 of the Economic Matters Committee Amendments, in lines 8 and 11 of Amendment No. 3, in each instance, after "UNDOCKINGS" insert "IN THE PORT OF BALTIMORE".

AMENDMENT NO. 5

On page 10 of the Economic Matters Committee Amendments (SB0237/443796/1), in line 17 of Amendment No. 3, after "(D)" insert "(1)"; in line 19, after "TITLE" and "AND IS A MEMBER IN GOOD STANDING OF THE ASSOCIATION."

(2) THE ASSOCIATION SHALL ACCEPT AS A MEMBER EACH DOCKING MASTER WHO RECEIVES NOTICE UNDER SUBSECTION (C) OF THIS SECTION AND PAYS THE LICENSE FEE REQUIRED UNDER SUBSECTION (C)(2) OF THIS SECTION".

On page 14 of the Economic Matters Committee Amendments, in line 10 of Amendment No. 3, after "FEE" insert "TO THE LICENSED DOCKING MASTER"; in line 13, after "SERVICE" insert "FEE"; and after line 20, insert:

"5.5-404.

DOCKING SERVICE FEES SHALL BE PAID TO THE ASSOCIATION AS COLLECTION AGENT FOR ITS MEMBERS.

5.5-405.

EACH MONTH, THE DOCKING SERVICE FEES COLLECTED BY THE ASSOCIATION SHALL BE:

(1) USED BY THE ASSOCIATION TO PAY ITS EXPENSES; AND

(Over)

(2) IN ACCORDANCE WITH THE BYLAWS OF THE ASSOCIATION, PAID TO THE REGULARLY WORKING LICENSED DOCKING MASTERS WHO ARE MEMBERS IN GOOD STANDING OF THE ASSOCIATION.”.

On page 16 of the Economic Matters Committee Amendments, in line 12 of Amendment No. 3, strike “5A” and substitute “5.5”; strike beginning with “LICENSED” in line 16 down through “MASTERS” in line 17 and substitute “ASSOCIATION”; and in line 2 from the bottom of the page, strike “§ 5.5-401” and substitute “§ 5.5-403”.

AMENDMENT NO. 6

On page 14 of the Economic Matters Committee Amendments, after line 21 of Amendment No. 3, insert:

“5.5-501.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OR OFFER TO PROVIDE DOCKING SERVICES IN THE STATE UNLESS LICENSED BY THE BOARD.

5.5-502.

THE MASTER OF A VESSEL MAY NOT FAIL TO EMPLOY A DOCKING MASTER AS REQUIRED UNDER § 5.5-401 OF THIS TITLE.”;

and in line 22, strike “5.5-501.” and substitute “5.5-503.”.

AMENDMENT NO. 7

On page 14 of the Economic Matters Committee Amendments (SB0237/443796/1), after line 25 of Amendment No. 3, insert:

“SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

5.5-601.

THIS TITLE MAY BE CITED AS THE "MARYLAND DOCKING MASTERS ACT".

5.5-602.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2010."

On page 19 of the Economic Matters Committee Amendments, in line 14 of Amendment No. 5, after "YEAR." insert:

"8-403.

(M) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION, ON OR BEFORE JULY 1, 2009, AN EVALUATION SHALL BE MADE OF THE STATE BOARD OF DOCKING MASTERS AND THE REGULATIONS THAT RELATE TO THE STATE BOARD OF DOCKING MASTERS."

AMENDMENT NO. 8

On page 17 of the Economic Matters Committee Amendments (SB0237/443796/1), in line 10 of Amendment No. 4, after "2004." insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of Docking Masters may not limit the number of docking master licenses issued in accordance with § 5.5-303 of the Business Occupations and Professions Article, if the effect would be to deny a license to an individual who satisfies the requirements for licensure under Title 5.5 of the Business Occupations and Professions Article on October 1, 2000."

On page 11 of the bill, in line 3, strike "5." and substitute "6."