

SENATE BILL 237

Unofficial Copy
C2

2000 Regular Session
(01r1673)

ENROLLED BILL

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Senators Blount, Bromwell, and Hollinger**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Vessels—Pilots—Special Duty Assignments~~
3 ~~State Board of Docking Masters~~

4 FOR the purpose of ~~prohibiting an individual from providing certain pilotage without~~
5 ~~certain licenses or a certain certification; including a special duty license within~~
6 ~~a certain list of licenses issued to pilots in this State; specifying certain~~
7 ~~requirements for a special duty license; authorizing the State Board of Pilots to~~
8 ~~certify certain licensed individuals to perform pilotage for a special duty~~
9 ~~assignment if the applicant meets certain requirements; specifying the scope of~~
10 ~~a special duty license and a special duty assignment certification; providing for~~
11 ~~the eligibility of a special duty license pilot for certain payments as an inactive~~
12 ~~or permanently disabled pilot; repealing certain exceptions to the requirement~~
13 ~~that certain American and foreign vessels employ a certain licensed pilot under~~
14 ~~certain circumstances; requiring the holder of a special duty license or a special~~
15 ~~duty assignment certification to charge certain fees when performing a special~~
16 ~~duty assignment until the Public Service Commission adopts certain~~
17 ~~regulations; expanding the membership of the State Board of Pilots; defining~~

1 certain terms; altering certain definitions; providing for a delayed effective date
 2 for a portion of this Act; and generally relating to certain requirements
 3 concerning pilots of vessels establishing the State Board of Docking Masters in
 4 the Department of Labor, Licensing, and Regulation; providing for the
 5 membership, powers, and duties of the Board; specifying the terms of the initial
 6 members of the Board; providing for the establishment of an association of State
 7 licensed docking masters; requiring an individual to be licensed before the
 8 individual may perform certain services; requiring ~~certain vessels to employ the~~
 9 employment of a licensed docking master to provide certain services; clarifying
 10 the ability of certain licensed pilots to provide certain services; requiring a certain
 11 Board member to take a certain oath; providing that certain individuals are
 12 liable for payment of a certain fee if a certain vessel fails to employ a licensed
 13 docking master; establishing the requirements that certain individuals must
 14 meet to be licensed; establishing certain application and approval procedures for
 15 a docking master license; requiring a certain license fee; providing for the term
 16 and expiration of a docking master license; providing for the renewal of a docking
 17 master license; authorizing the Board to suspend or revoke a docking master
 18 license under certain circumstances; establishing certain disciplinary
 19 procedures; requiring the Board to follow certain disciplinary procedures;
 20 providing for a certain appeal; requiring the Public Service Commission to
 21 establish certain fees and charges; requiring the payment of certain fees;
 22 establishing the liability of certain individuals for certain fees in a certain
 23 manner; requiring the Commission to hold a certain hearing; authorizing the
 24 Commission to impose a certain assessment; requiring a certain association to
 25 collect and distribute certain fees under certain circumstances; establishing
 26 certain requirements for certain initial members of the Board; establishing a
 27 Joint Committee on the Port of Baltimore; providing for the membership and
 28 duties of the Joint Committee; requiring the Joint Committee to submit a certain
 29 annual report to the Governor and the Legislative Policy Committee by a certain
 30 date; requiring certain persons to cooperate with the Committee and take certain
 31 actions; providing certain penalties; defining certain terms; requiring an
 32 evaluation of the Board and regulations that relate to the Board by a certain
 33 date; prohibiting certain acts; and generally relating to the Ports of Maryland
 34 and the licensing and regulation of docking masters in the State.

35 BY adding to

36 Article - Business Occupations and Professions

37 Section 5.5-101 through ~~5.5-504~~ 5.5-602 to be under the new title "Title 5.5.

38 Docking Masters"

39 Annotated Code of Maryland

40 (1995 Replacement Volume and 1999 Supplement)

41 BY repealing and reenacting, with amendments,

42 Article - Business Occupations and Professions

43 Section ~~11-101, 11-202(a), 11-401, 11-402, 11-404, 11-407, 11-501, 11-502,~~

44 ~~and 11-504 through 11-506~~

45 Annotated Code of Maryland

1 (1995 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article - Public Utility Companies

4 Section 4-303.1

5 Annotated Code of Maryland

6 (1998 Volume and 1999 Supplement)

7 BY adding to

8 Article - State Government

9 Section 2-10A-07 and 8-403(m)

10 Annotated Code of Maryland

11 (1999 Replacement Volume)

12 ~~Article - Business Occupations and Professions~~

13 ~~Section 11-403.1~~

14 ~~Annotated Code of Maryland~~

15 ~~(1995 Replacement Volume and 1999 Supplement)~~

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Business Occupations and Professions**

19 ~~11-101.~~

20 (a) ~~In this title the following words have the meanings indicated.~~

21 (b) ~~"Apprentice pilot" means an individual who is engaged in training, under
22 the supervision of a licensed pilot, to provide pilotage.~~

23 (c) ~~"Association" means the Association of Maryland Pilots.~~

24 (d) ~~"Board" means the State Board of Pilots.~~

25 (e) ~~"FULL MEMBER" MEANS A PILOT WHO IS LICENSED BY THE BOARD FOR A
26 PERIOD OF 3 YEARS OR MORE.~~

27 (F) (1) ~~"License" means, unless the context requires otherwise, a license
28 issued by the Board to provide pilotage.~~

29 (2) ~~"License" includes, unless the context requires otherwise, a limited
30 license OR A SPECIAL DUTY LICENSE.~~

31 ~~[(f)] (G) (1) "Licensed pilot" means a pilot who is licensed by the Board to
32 provide pilotage.~~

33 (2) ~~"Licensed pilot" includes the holder of a limited license OR A SPECIAL
34 DUTY LICENSE.~~

1 ~~[(g)]~~ (H) (1) "Limited license" means a license issued by the Board to provide
2 pilotage as limited by § 11-407 of this title.

3 (2) "Limited license" includes a 37-foot draft limited license, a
4 34-foot draft limited license, and a 28-foot draft limited license.

5 (3) ~~"LIMITED LICENSE" DOES NOT INCLUDE A SPECIAL DUTY LICENSE.~~

6 ~~[(h)]~~ (I) "Pilot" means an individual who provides pilotage.

7 ~~[(i)]~~ (J) (1) "Provide pilotage" means to pilot a vessel under the provisions
8 of this title when the vessel is underway on the navigable waters of the State,
9 including when the vessel is towing or being towed by another vessel.

10 (2) "Provide pilotage" ~~[does not include:~~

11 (i) maneuvering a vessel during berthing or unberthing
12 operations; or

13 (ii) shifting a vessel within a port with tug assistance and a docking
14 master aboard the vessel] ~~INCLUDES A SPECIAL DUTY ASSIGNMENT.~~

15 (K) "SPECIAL DUTY ASSIGNMENT" MEANS:

16 (1) ~~MANEUVERING A VESSEL DURING A BERTHING OR UNBERTHING
17 OPERATION WITH TUG ASSISTANCE; OR~~

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

19 (L) ~~"SPECIAL DUTY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO
20 PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.~~

21 (M) ~~"SPECIAL DUTY LICENSE PILOT" MEANS A PILOT WHO IS LICENSED BY THE
22 BOARD TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.~~

23 ~~11-202.~~

24 (a) (1) ~~The Board consists of [9] 10 members.~~

25 (2) ~~Of the [9] 10 members of the Board:~~

26 (i) ~~1 shall be the Secretary, as an ex officio member, or a designee
27 of the Secretary;~~

28 (ii) ~~1 shall be the President of the Association;~~

29 (iii) ~~3 shall be retired or licensed pilots who have at least 5 years'
30 experience providing pilotage;~~

31 (iv) ~~2 shall be members of the steamship industry who actively
32 employ pilots; [and]~~

1 (v) ~~2 shall be consumer members; AND~~

2 (VI) ~~1 SHALL BE AN INDIVIDUAL WHO HOLDS A SPECIAL DUTY~~
3 ~~LICENSE OR IS CERTIFIED FOR SPECIAL DUTY ASSIGNMENTS.~~

4 (3) ~~The Governor shall appoint each member under paragraph (2)(iii),~~
5 ~~(iv), [and] (v), AND (VI) of this subsection with the advice of the Secretary.~~

6 ~~11-401.~~

7 (a) ~~Except as otherwise provided in this subtitle, an individual shall be~~
8 ~~licensed by the Board before the individual may provide pilotage in the State.~~

9 (b) ~~An individual may provide pilotage to a vessel in distress until a licensed~~
10 ~~pilot comes on board and offers to provide pilotage.~~

11 (e) ~~AN INDIVIDUAL MAY NOT PROVIDE PILOTAGE FOR A SPECIAL DUTY~~
12 ~~ASSIGNMENT UNLESS THE INDIVIDUAL HOLDS:~~

13 (1) ~~A SPECIAL DUTY LICENSE ISSUED UNDER § 11-403.1 OF THIS~~
14 ~~SUBTITLE; OR~~

15 (2) ~~A LICENSE AND A SPECIAL DUTY ASSIGNMENT CERTIFICATION~~
16 ~~ISSUED UNDER § 11-404 OF THIS SUBTITLE.~~

17 (D) ~~A person who provides pilotage without a license is liable for any damages~~
18 ~~that result.~~

19 ~~11-402.~~

20 Subject to the provisions of this subtitle, the Board may issue:

21 (1) ~~a license;~~

22 (2) ~~a 37-foot draft limited license;~~

23 (3) ~~a 34-foot draft limited license; [and]~~

24 (4) ~~a 28-foot draft limited license; AND~~

25 (5) ~~A SPECIAL DUTY LICENSE.~~

26 ~~11-403.1.~~

27 ~~TO QUALIFY FOR A SPECIAL DUTY LICENSE, AN APPLICANT SHALL:~~

28 (1) ~~BE AT LEAST 18 YEARS OLD;~~

29 (2) ~~(1) BE A FULL TIME DOCKING MASTER WHO, ON OR BEFORE~~
30 ~~JANUARY 1, 2000.~~

1 (I) ~~1.~~ ~~MEETS THE REQUIREMENTS OF THIS SECTION; AND~~

2 (II) ~~2.~~ ~~HAS PERFORMED A SPECIAL DUTY ASSIGNMENT;~~

3 1. ~~A.~~ ~~FOR AT LEAST 500 VESSELS IN THE PORT OF~~
4 ~~BALTIMORE AFTER JANUARY 1, 1995; AND~~

5 2. ~~B.~~ ~~FOR AT LEAST 100 VESSELS IN THE PORT OF~~
6 ~~BALTIMORE FROM JANUARY 1, 1999 THROUGH JANUARY 1, 2000; AND~~

7 3. ~~APPLIES TO THE BOARD ON OR BEFORE DECEMBER 31,~~
8 ~~2000; OR~~

9 (II) ~~BE A PART-TIME DOCKING MASTER AS OF JANUARY 1, 2000,~~
10 ~~WHO:~~

11 1. ~~MEETS THE REQUIREMENTS OF THIS SECTION;~~

12 2. ~~HAS PERFORMED A SPECIAL DUTY ASSIGNMENT;~~

13 A. ~~FOR AT LEAST 175 VESSELS IN THE PORT OF BALTIMORE~~
14 ~~FROM JANUARY 1, 1994 THROUGH JANUARY 1, 2000; AND~~

15 B. ~~FOR AT LEAST 500 VESSELS IN THE PORT OF BALTIMORE~~
16 ~~FROM JANUARY 1, 2000 THROUGH JANUARY 1, 2003; AND~~

17 3. ~~APPLIES TO THE BOARD ON OR BEFORE DECEMBER 31,~~
18 ~~2002;~~

19 (3) ~~BE A CITIZEN OF THE UNITED STATES;~~

20 (4) ~~PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY~~
21 ~~COMPLETION OF THE PHYSICAL REQUIREMENT FOR A FIRST CLASS PILOT LICENSE,~~
22 ~~AS DETERMINED BY THE UNITED STATES COAST GUARD;~~

23 (5) ~~AGREE TO PARTICIPATE IN A RANDOM DRUG TESTING PROGRAM~~
24 ~~APPROVED BY THE UNITED STATES COAST GUARD, AS SPECIFIED IN THE BYLAWS OF~~
25 ~~THE ASSOCIATION;~~

26 (6) ~~POSSESS THE FOLLOWING LICENSES AND CERTIFICATIONS ISSUED~~
27 ~~BY THE UNITED STATES COAST GUARD:~~

28 (I) ~~A FIRST CLASS PILOT LICENSE FOR STEAM AND MOTOR~~
29 ~~VESSELS OF ANY GROSS TONS FOR THE WATERS ON WHICH THE APPLICANT INTENDS~~
30 ~~TO OPERATE UNDER A SPECIAL DUTY LIMITED LICENSE;~~

31 (II) ~~A MASTERS LICENSE FOR STEAM OR MOTOR VESSELS UPON~~
32 ~~INLAND WATERS;~~

33 (III) ~~UNLIMITED RADAR OBSERVER ENDORSEMENT;~~

1 (IV) CERTIFICATION OF SUCCESSFUL COMPLETION OF AN
2 ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND

3 (V) CERTIFICATION OF SUCCESSFUL COMPLETION OF THE
4 AUTOMATIC RADAR PILOTING AID (ARPA) PROGRAM; AND

5 (7) HAVE A MINIMUM OF 5 YEARS EXPERIENCE IN THE MARITIME
6 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED
7 MASTER OR MATE ON TUGS OR INSPECTED VESSELS; AND

8 (8) APPLY TO THE BOARD ON OR BEFORE DECEMBER 31, 2000.

9 ~~11-404.~~

10 (a) To qualify for a license other than a limited license OR A SPECIAL DUTY
11 LICENSE, an applicant shall be an individual who [meets the requirements of this
12 section.];

13 [(b)] (1) [An applicant] shall be at least 18 years old[.];

14 [(c)] (2) [An applicant] shall have held a limited license and have provided
15 pilotage for at least 3 years[.]; AND

16 [(d)] (3) [An applicant] shall possess sufficient ability, skill, and experience
17 for the license as determined by the Board through observation of the applicant's
18 performance providing pilotage.

19 (B) AN APPLICANT WHO IS QUALIFIED AND LICENSED UNDER THIS SECTION
20 MAY BE CERTIFIED BY THE BOARD TO PERFORM PILOTAGE FOR A SPECIAL DUTY
21 ASSIGNMENT IF THE APPLICANT:

22 (1) HAS UNDERTAKEN ANY TRAINING THE BOARD MAY REQUIRE FOR A
23 SPECIAL DUTY ASSIGNMENT; AND

24 (2) POSSESSES SUFFICIENT ABILITY, SKILL, AND EXPERIENCE FOR
25 CERTIFICATION AS THE BOARD DETERMINES THROUGH OBSERVATION OF THE
26 PERFORMANCE OF THE APPLICANT IN PROVIDING PILOTAGE ON A SPECIAL DUTY
27 ASSIGNMENT.

28 ~~11-407.~~

29 (a) While a license, other than a limited license OR A SPECIAL DUTY LICENSE,
30 is in effect, it authorizes the licensee to provide pilotage for vessels of [any]
31 UNLIMITED draft.

32 (b) (1) While a 37-foot draft limited license is in effect, it authorizes the
33 licensee to provide pilotage for vessels not exceeding 37-foot draft.

34 (2) While a 34-foot draft limited license is in effect, it authorizes the
35 licensee to provide pilotage for vessels not exceeding 34-foot draft.

1 (3) While a 28-foot draft limited license is in effect, it authorizes the
2 licensee to provide pilotage for vessels not exceeding 28-foot draft.

3 (C) ~~WHILE A SPECIAL DUTY LICENSE OR A SPECIAL DUTY ASSIGNMENT
4 CERTIFICATION IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO PROVIDE PILOTAGE
5 FOR VESSELS OF UNLIMITED DRAFT:~~

6 (1) ~~MANEUVERING DURING BERTHING OR UNBERTHING OPERATIONS
7 WITH TUG ASSISTANCE; OR~~

8 (2) ~~SHIFTING WITHIN A PORT WITH TUG ASSISTANCE.~~

9 ~~11-502.~~

10 (a) The Public Service Commission shall establish pilotage fees in accordance
11 with § 4-303 of the Public Utility Companies Article.

12 (b) (1) Regardless of whether the employment is required under § 11-501(a)
13 of this subtitle or voluntary under [~~§ 11-501(c)~~] § 11-501(B) of this subtitle, a vessel
14 that employs a licensed pilot to provide pilotage shall pay the licensed pilot the full
15 pilotage fee.

16 (2) Regardless of whether the vessel uses the services of the pilot for the
17 entire pilotage, a vessel that employs a licensed pilot to provide pilotage shall pay the
18 licensed pilot the full pilotage fee.

19 (c) Notwithstanding any contract between a licensed pilot who has provided
20 pilotage for a vessel and the master, owner, charterer, or agent of the vessel or any
21 other party, the vessel, its tackle, apparel, and furniture, and the master, owner,
22 charterer, and agent of the vessel shall be jointly and severally liable for payment of
23 the pilotage fee to the licensed pilot.

24 (d) A licensed pilot who has provided pilotage for a vessel shall have a lien for
25 the amount of the pilotage fee due, enforceable in a court of competent jurisdiction, on
26 the vessel and its tackle, apparel, and furniture.

27 (e) If a vessel fails to employ a licensed pilot to provide pilotage as required
28 under § 11-501(a) of this subtitle, the vessel and its master, owner, charterer, and
29 agent shall be jointly and severally liable for payment of the full pilotage fee as if a
30 licensed pilot had been employed.

31 ~~11-504.~~

32 (a) A pilot is eligible for payments as an inactive pilot under § 11-506 of this
33 subtitle if the pilot:

34 (1) chooses to be placed on the list of inactive pilots maintained by the
35 Association; and

36 (2) has been, for at least 25 years:

1 (i) a FULL member in good standing of the Association; and
2 (ii) licensed by the Board to provide pilotage for vessels of unlimited
3 draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

4 (b) A pilot is eligible for reduced payments as an inactive pilot under § 11-506
5 of this subtitle if the pilot:

6 (1) chooses to be placed on the list of inactive pilots maintained by the
7 Association; and

8 (2) has been, for at least 20 years:

9 (i) a FULL member in good standing of the Association; and

10 (ii) licensed by the Board to provide pilotage for vessels of unlimited
11 draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY ASSIGNMENT.

12 11-505.

13 (a) A pilot is eligible for payments as a permanently disabled pilot under §
14 11-506 of this subtitle if:

15 (1) the pilot has:

16 (i) been certified to be permanently incapable of providing pilotage
17 by two physicians chosen by the Board; or

18 (ii) had a federal or State pilot's license revoked for physical
19 disability; and

20 (2) before becoming permanently disabled, the pilot was:

21 (i) a FULL member in good standing of the Association; and

22 (ii) licensed by the Board to provide pilotage for vessels of [any]
23 UNLIMITED draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY
24 ASSIGNMENT.

25 (b) Eligibility for payments as a permanently disabled pilot shall cease if:

26 (1) a pilot who was declared permanently incapable of providing pilotage
27 becomes capable of providing pilotage; or

28 (2) a pilot who had a federal or State pilot's license revoked for physical
29 disability has the license reissued.

30 11-506.

31 (a) Each month, the Association shall distribute the pilotage fees that the
32 Association collects in the following order:

1 (1) within 10 days after the close of each month, the Association shall
 2 pay to the Board for that month an amount determined under subsections (b), (c), and
 3 (d) of this section for distribution to the pilots who, at the beginning of that month,
 4 were eligible for payments as inactive or permanently disabled pilots; and

5 (2) the balance of the pilotage fees collected shall be:

6 (i) ~~first, used by the Association to pay its expenses;~~

7 (ii) ~~second, paid to the Maintenance and Replacement Fund under~~
 8 ~~§ 11-507 of this subtitle; and~~

9 (iii) ~~finally, in accordance with the bylaws of the Association, paid to~~
 10 ~~the regularly working licensed pilots who are members in good standing of the~~
 11 ~~Association.~~

12 (b) ~~The amount to be paid by the Association to the Board for distribution to~~
 13 ~~eligible inactive pilots who for at least 25 years have been FULL members in good~~
 14 ~~standing of the Association and licensed by the Board to provide pilotage for vessels of~~
 15 ~~unlimited draft OR TO PROVIDE PILOTAGE LIMITED TO A SPECIAL DUTY~~
 16 ~~ASSIGNMENT shall be computed by:~~

17 (1) ~~determining the greater of:~~

18 (i) ~~\$200; or~~

19 (ii) ~~40% of the share payable under this subtitle for the month for~~
 20 ~~which the payment is to be made to a regularly working licensed pilot; and~~

21 (2) ~~multiplying the figure determined under item (1) of this subsection~~
 22 ~~by the number of pilots in the Association who, at the beginning of the month for~~
 23 ~~which the payment is to be made, were eligible for payments as inactive pilots under~~
 24 ~~this subsection.~~

25 (c) ~~The amount to be paid by the Association to the Board for distribution to~~
 26 ~~eligible inactive pilots who become inactive with at least 20 years but less than 25~~
 27 ~~years as FULL members in good standing of the Association and licensed by the Board~~
 28 ~~to provide pilotage for vessels of unlimited draft OR TO PROVIDE PILOTAGE LIMITED~~
 29 ~~TO A SPECIAL DUTY ASSIGNMENT shall be computed as follows:~~

30 (1) ~~for each pilot determining the greater of:~~

31 (i) ~~\$200; or~~

32 (ii) 1. ~~32% of the share payable under this subtitle for the month~~
 33 ~~for which the payment is to be made to a regularly working licensed pilot; and~~

34 2. ~~1.6% of the share payable under this subtitle for the~~
 35 ~~month for which the payment is to be made to a regularly working licensed pilot in~~
 36 ~~addition for each year of service in excess of 20 years and up to 25 years; and~~

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

4 TITLE 5.5. DOCKING MASTERS.

5 SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

6 5.5-101.

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

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

11 (2) AN INDIVIDUAL WHO DOES NOT MEET THE LICENSURE
12 REQUIREMENTS OF THIS TITLE, MAY NOT BE A MEMBER OF THE ASSOCIATION.

13 ~~(B)~~ (C) "BOARD" MEANS THE STATE BOARD OF DOCKING MASTERS.

14 ~~(C)~~ (D) "DOCKING MASTER" MEANS AN INDIVIDUAL WHO PROVIDES
15 DOCKING SERVICES IN THE PORTS OF MARYLAND.

16 ~~(D)~~ "PORTS OF MARYLAND" INCLUDES THE PORT OF BALTIMORE, ANNAPOLIS,
17 PINEY POINT, COVE POINT, AND CAMBRIDGE.

18 (E) "PROVIDE DOCKING SERVICES" MEANS:

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

21 ~~(2)~~ (1) TO MANEUVER A VESSEL DURING BERTHING OR UNBERTHING
22 OPERATIONS WITH TUG ASSISTANCE; OR

23 ~~(3)~~ (2) WHILE ABOARD THE VESSEL, TO SHIFT A VESSEL WITHIN A
24 PORT, WITH TUG ASSISTANCE.

25 5.5-102.

26 ANY VESSEL USING TUG ASSISTANCE IN THE PORTS OF MARYLAND,
27 REGARDLESS OF THE WEIGHT OF THE VESSEL OR WHETHER THE VESSEL IS DRIVEN
28 BY MOTOR, STEAM, OR SAIL, SHALL EMPLOY A DOCKING MASTER LICENSED UNDER
29 THIS TITLE TO PROVIDE DOCKING SERVICES. NOTWITHSTANDING ANY OTHER
30 PROVISION OF THIS TITLE, A PERSON LICENSED BY THE BOARD OF PILOTS TO PILOT
31 VESSELS OF UNLIMITED DRAFT SHALL BE AUTHORIZED TO:

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

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

2 SUBTITLE 2. STATE BOARD OF DOCKING MASTERS.

3 5.5-201.

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

5 5.5-202.

6 (A) (1) THE BOARD CONSISTS OF 7 5 MEMBERS.

7 (2) OF THE 7 MEMBERS OF THE BOARD:

8 (I) 2 SHALL BE LICENSED DOCKING MASTERS;

9 ~~(II) 1 SHALL BE A MEMBER OF THE MARITIME INDUSTRY;~~

10 ~~(III) 1 SHALL BE A MEMBER OF THE STEAMSHIP INDUSTRY WHO~~
11 ~~ACTIVELY PROCURES THE SERVICES OF A LICENSED DOCKING MASTER;~~

12 ~~(IV) (II) 1 SHALL BE A REPRESENTATIVE OF A TOWING BOAT~~
13 ~~COMPANY SERVING THE PORT OF BALTIMORE; AND~~

14 ~~(V) (III) 2 SHALL BE CONSUMER MEMBERS.~~

15 (3) THE GOVERNOR SHALL APPOINT EACH MEMBER WITH THE ADVICE
16 OF THE SECRETARY AND THE ADVICE AND CONSENT OF THE SENATE.

17 (B) EACH CONSUMER MEMBER OF THE BOARD:

18 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

19 (2) MAY NOT BE OR EVER HAVE BEEN EMPLOYED OR EVER HAVE HAD A
20 FINANCIAL INTEREST IN THE SHIPPING OR MARITIME INDUSTRY;

21 (3) MAY NOT BE A LICENSEE OR OTHERWISE SUBJECT TO REGULATION
22 BY THE BOARD;

23 (4) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A
24 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
25 REGULATED BY THE BOARD; AND

26 (5) MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR THE
27 PROFESSIONAL MEMBERS OF THE BOARD.

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

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

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

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

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

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

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

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

16 5.5-203.

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

19 5.5-204.

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

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

23 (C) A MEMBER OF THE BOARD:

24 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

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

29 5.5-205.

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

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

1 (3) PROVIDE THE BOARD WITH PROOF OF RECENT SATISFACTORY
2 COMPLETION OF THE PHYSICAL REQUIREMENTS FOR A FIRST-CLASS PILOT
3 LICENSE, AS DETERMINED BY THE U.S. COAST GUARD;

4 (4) AGREE TO PARTICIPATE IN A U.S. COAST GUARD APPROVED RANDOM
5 DRUG TESTING PROGRAM;

6 (5) POSSESS THE FOLLOWING U.S. COAST GUARD LICENSES AND
7 ACCREDITATIONS:

8 (I) A FIRST-CLASS PILOT LICENSE FOR STEAM AND MOTOR
9 VESSELS OF UNLIMITED TONNAGE FOR THE WATERS ON WHICH THE APPLICANT
10 WILL OPERATE;

11 (II) A U.S. COAST GUARD ISSUED MASTERS LICENSE FOR STEAM OR
12 MOTOR VESSELS;

13 (III) UNLIMITED RADAR OBSERVER ENDORSEMENT;

14 (IV) CERTIFICATION BY THE U.S. COAST GUARD OF SUCCESSFUL
15 COMPLETION OF AN ACCREDITED BRIDGE RESOURCE MANAGEMENT PROGRAM; AND

16 (V) AUTOMATIC RADAR PILOTING AID (ARPA) CERTIFICATION;

17 (6) HAVE A MINIMUM OF 5 YEARS' EXPERIENCE IN THE MARITIME
18 INDUSTRY WORKING ON VESSELS IN THE DECK DEPARTMENT AS A LICENSED
19 MASTER OR MATE ON TUGS OR INSPECTED VESSELS, OF WHICH AT LEAST 2 YEARS'
20 EXPERIENCE SHALL BE OPERATING A SHIP ASSIST HARBOR TUG AS A LICENSED
21 MASTER;

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

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

27 (II) PERFORMING A MINIMUM OF 250 DOCKINGS, SHIFTINGS, OR
28 UNDOCKINGS IN THE PORT OF BALTIMORE UNDER THE SUPERVISION OF A
29 LICENSED DOCKING MASTER, WITH AT LEAST 25% OCCURRING AT NIGHT, AT LEAST
30 100 OF WHICH SHALL BE PERFORMED IN THE 24 60 24 MONTHS PRECEDING THE
31 APPLICANT'S APPLICATION TO THE BOARD, WITH AT LEAST 25% OCCURRING AT
32 NIGHT; AND

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

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

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

8 5.5-303.

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

12 5.5-304.

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

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

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

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

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

24 (D) (1) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE AN
25 APPROPRIATE LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF
26 THIS TITLE AND IS A MEMBER IN GOOD STANDING OF THE ASSOCIATION.

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

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

32 5.5-305.

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

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

4 (1) A RENEWAL APPLICATION FORM; AND

5 (2) A NOTICE THAT STATES:

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

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

10 (III) THE AMOUNT OF THE RENEWAL FEE.

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

16 5.5-306.

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

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

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

25 (3) IS MENTALLY OR PHYSICALLY UNFIT TO CARRY OUT THE DUTIES OF
26 A DOCKING MASTER.

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

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

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

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

1 (I) BE IN WRITING;

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

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

6 1. IN PERSON; OR

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

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

13 (2) IF A DOCKING MASTER WHOSE LICENSE HAS BEEN REVOKED OR
14 SUSPENDED FAILS TO IMMEDIATELY SURRENDER THE DOCKING MASTER'S LICENSE
15 TO THE BOARD ON DEMAND OR CONTINUES TO PROVIDE DOCKING SERVICES WHILE
16 THE LICENSE IS SUSPENDED OR REVOKED, THE DOCKING MASTER SHALL BE
17 SUBJECT TO THE PENALTIES ESTABLISHED IN ~~§ 5.5-501~~ § 5.5-503 OF THIS TITLE.

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

22 5.5-307.

23 (A) IN THIS SECTION, "CONTESTED CASE" HAS THE MEANING STATED IN §
24 10-202 OF THE STATE GOVERNMENT ARTICLE.

25 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
26 CONTESTED CASE UNDER THIS TITLE MAY TAKE AN APPEAL AS ALLOWED IN §§
27 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

28 SUBTITLE 4. EMPLOYMENT AND PAYMENT OF DOCKING MASTERS.

29 5.5-401.

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

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

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

1 5.5-402.

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

6 ~~5.5-401.~~ 5.5-403.

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

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

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

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

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

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

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

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

32 5.5-404.

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

1 5.5-405.

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

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

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

8 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

9 5.5-501.

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

13 5.5-502.

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

16 ~~5.5-501.~~ 5.5-503.

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

20 SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

21 5.5-601.

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

23 5.5-602.

24 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
25 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
26 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
27 1, 2010.

28 11-501.

29 (a) Except as otherwise provided in this section, each American vessel engaged
30 in foreign trade and each foreign vessel shall employ a licensed pilot to pilot the vessel
31 when it is underway on the navigable waters of the State, including when the vessel is
32 towing or being towed by another vessel.

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

1 (F) ALL FEES AND CHARGES PROVIDED BY APPLICABLE LAW SHALL REMAIN
 2 IN EFFECT UNTIL CHANGED BY THE COMMISSION.

3 Article - State Government

4 2-10A-07.

5 (A) THERE IS A JOINT COMMITTEE ON THE PORT OF BALTIMORE.

6 (B) (1) THE COMMITTEE CONSISTS OF ~~13~~ 15 MEMBERS.

7 (2) OF THE ~~13~~ 15 MEMBERS:

8 (I) 1. 2 SHALL BE MEMBERS OF THE SENATE OF MARYLAND
 9 APPOINTED BY THE PRESIDENT OF THE SENATE;

10 2. 2 SHALL BE MEMBERS OF THE HOUSE OF DELEGATES
 11 APPOINTED BY THE SPEAKER OF THE HOUSE; ~~AND~~

12 (II) ~~9~~ ~~11~~ 10 SHALL BE APPOINTED JOINTLY BY THE PRESIDENT OF
 13 THE SENATE AND THE SPEAKER OF THE HOUSE AS FOLLOWS:

14 1. 1 REPRESENTATIVE OF THE MARYLAND PORT
 15 ADMINISTRATION;

16 2. ~~1~~ REPRESENTATIVE OF THE UNITED STATES COAST
 17 GUARD;

18 3. 2 REPRESENTATIVES OF MARYLAND LABOR
 19 ORGANIZATIONS;

20 4. 3. 1 REPRESENTATIVE OF THE MARITIME/STEAMSHIP
 21 INDUSTRY;

22 5. 4. 1 PILOT LICENSED BY THE STATE BOARD OF PILOTS;

23 6. 5. 1 DOCKING MASTER LICENSED BY THE STATE
 24 BOARD OF DOCKING MASTERS; ~~AND~~

25 7. 6. 1 REPRESENTATIVE OF A TOWING BOAT COMPANY
 26 SERVING THE PORT OF BALTIMORE; AND

27 8. 7. ~~2~~ 3 MEMBERS OF THE PUBLIC; AND

28 (III) 1 SHALL BE A REPRESENTATIVE OF THE UNITED STATES
 29 COAST GUARD, TO BE APPOINTED BY THE CAPTAIN OF THE PORT, UNITED STATES
 30 COAST GUARD, BALTIMORE.

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

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

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

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

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

12 (1) COOPERATE FULLY WITH THE COMMITTEE; AND

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

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

17 8-403.

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

22 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That after the effective date
 23 of this Act and until the Public Service Commission adopts fees for ~~Special Duty~~
 24 ~~Assignments~~ licensed docking master services pursuant to ~~§ 11-502(a) § 5.5-401 §~~
 25 5.5-403 of the Business Occupations and Professions Article as enacted by this Act,
 26 any holder of a ~~special duty license or a special duty assignment certification~~ docking
 27 master license shall charge the same fees for performing ~~special duty assignments~~
 28 licensed docking master services as such holder was entitled to charge, pursuant to
 29 contract or otherwise, prior to the effective date.

30 SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That ~~Section 2 of this Act~~
 31 ~~shall take effect January 1, 2001~~ the initial members appointed to the State Board of
 32 Docking Masters under § 5.5-202(a)(2)(i) of the Business Occupations and Professions
 33 Article shall be docking masters currently performing duties as docking masters in the
 34 Port of Baltimore.

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

37 (1) 3 members in 2002;

1 (2) 3 members in 2003; and

2 (3) 1 member in 2004.

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

9 ~~SECTION 5- 6.~~ AND BE IT FURTHER ENACTED, That ~~except as provided in~~
10 ~~Section 4 of this Act,~~ this Act shall take effect October 1, 2000.