

HOUSE BILL 1418
EMERGENCY BILL

Unofficial Copy
C2

2001 Regular Session
1r2757

By: **Delegates Mitchell and Love**

Introduced and read first time: February 28, 2001

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 5, 2001

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2001

CHAPTER _____

1 AN ACT concerning

2

State Board of Docking Masters

3 FOR the purpose of increasing the membership of the State Board of Docking

4 Masters; prohibiting a licensed docking master from having certain ownership

5 or financial interests in certain tugboat companies; authorizing the Board to

6 impose certain civil penalties on certain persons under certain circumstances;

7 repealing provisions of law establishing the Joint Committee on the Port of

8 Baltimore; making this Act an emergency measure; providing for a certain

9 effective date for a portion of this Act; and generally relating to the State Board

10 of Docking Masters.

11 BY repealing and reenacting, with amendments,

12 Article - Business Occupations and Professions

13 Section 5.5-202, 5.5-402, and 5.5-503

14 Annotated Code of Maryland

15 (2000 Replacement Volume and 2000 Supplement)

16 BY repealing

17 Article - State Government

18 Section 2-10A-07

19 Annotated Code of Maryland

20 (1999 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Occupations and Professions**

2 5.5-402.

3 (A) Notwithstanding any other provision of this title, a licensed docking
4 master may not be required to be employed by or have a contract with a tug boat or
5 towing assist or ship assist company in the State.

6 (B) (1) A DOCKING MASTER MAY NOT OWN OR OPERATE, OR HAVE ANY
7 FINANCIAL CONTROL OVER, A TUGBOAT COMPANY PROVIDING VESSEL ASSIST
8 OPERATIONS IN THE STATE.

9 (2) THE LIMITATION ON OWNERSHIP IN PARAGRAPH (1) OF THIS
10 SUBSECTION DOES NOT PROHIBIT THE OWNERSHIP OF STOCK IN A CORPORATION
11 REGISTERED ON A NATIONAL SECURITIES EXCHANGE THAT MAY OWN TUGBOATS IN
12 OPERATION IN THE STATE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15 **Article - Business Occupations and Professions**

16 5.5-202.

17 (a) (1) The Board consists of [5] 7 members.

18 (2) Of the [5] 7 members of the Board:

19 (i) ~~2~~ 3 shall be licensed docking masters;

20 (II) ~~2~~ 1 SHALL BE ~~MEMBERS~~ A MEMBER OF THE MARITIME
21 INDUSTRY;

22 [(ii)] (III) 1 shall be a representative of a towing boat company
23 serving the Port of Baltimore; and

24 [(iii)] (IV) 2 shall be consumer members.

25 (3) The Governor shall appoint each member with the advice of the
26 Secretary and the advice and consent of the Senate.

27 (b) Each consumer member of the Board:

28 (1) shall be a member of the general public;

29 (2) may not be or ever have been employed or ever have had a financial
30 interest in the shipping or maritime industry;

31 (3) may not be a licensee or otherwise subject to regulation by the Board;

1 (4) may not, within 1 year before appointment, have had a financial
2 interest in or have received compensation from a person regulated by the Board; and

3 (5) may not be required to meet the qualifications for the professional
4 members of the Board.

5 (c) While a member of the Board, a consumer member may not have a
6 financial interest in or receive compensation from a person regulated by the Board.

7 (d) Before taking office, each appointee to the Board shall take the oath
8 required by Article I, § 9 of the Maryland Constitution.

9 (e) (1) The term of an appointed member is 2 years and begins on July 1.

10 (2) The terms of the members are staggered as required by the terms
11 provided for members on October 1, 2000.

12 (3) At the end of a term, a member continues to serve until a successor is
13 appointed and qualifies.

14 (4) A member who is appointed after a term begins serves only for the
15 rest of the term and until a successor is appointed and qualifies.

16 (5) An appointed member may not serve more than 2 terms
17 consecutively.

18 (f) The Governor may remove a member for incompetence or misconduct.

19 5.5-503.

20 (A) A person who violates any provision of this title is guilty of a misdemeanor
21 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not
22 exceeding 6 months or both.

23 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
24 PROVISION OF THIS SUBTITLE A PENALTY NOT EXCEEDING \$5,000 FOR EACH
25 VIOLATION.

26 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
27 CONSIDER:

28 (I) THE SERIOUSNESS OF THE VIOLATION;

29 (II) THE HARM CAUSED BY THE VIOLATION;

30 (III) THE GOOD FAITH OF THE VIOLATOR;

31 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

32 AND

33 (V) ANY OTHER RELEVANT FACTORS.

1 (3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
2 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

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 15 members.

7 (2) Of the 15 members:

8 (i) 1. 2 shall be members of the Senate of Maryland appointed
9 by the President of the Senate;

10 2. 2 shall be members of the House of Delegates appointed by
11 the Speaker of the House;

12 (ii) 10 shall be appointed jointly by the President of the Senate and
13 the Speaker of the House as follows:

14 1. 1 representative of the Maryland Port Administration;

15 2. 2 representatives of Maryland labor organizations;

16 3. 1 representative of the maritime/steamship industry;

17 4. 1 pilot licensed by the State Board of Pilots;

18 5. 1 docking master licensed by the State Board of Docking
19 Masters;

20 6. 1 representative of a towing boat company serving the
21 Port of Baltimore; and

22 7. 3 members of the public; and

23 (iii) 1 shall be a representative of the United States Coast Guard, to
24 be appointed by the Captain of the Port, United States Coast Guard, Baltimore.

25 (c) The members of the Committee serve at the pleasure of the presiding
26 officer who appointed them.

27 (d) The President and the Speaker shall jointly appoint a Senator and a
28 Delegate each to serve as cochairman.

29 (e) (1) The Committee shall examine and evaluate issues affecting the
30 competitive position of the Port of Baltimore within the international port industry.

1 (2) This examination shall include the regulations adopted by the State
2 Board of Pilots, the State Board of Docking Masters, and the Maryland Port
3 Commission.

4 (f) The Secretary of the Department of Labor, Licensing, and Regulation, the
5 Secretary of the Department of Transportation, and the Executive Director of the
6 Maryland Port Administration shall:

7 (1) cooperate fully with the Committee; and

8 (2) keep the Committee fully informed as to issues affecting the Port of
9 Baltimore.

10 (g) The Committee shall report to the Governor and the Legislative Policy
11 Committee on or before December 31 of each year.]

12 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
13 take effect October 1, 2001.

14 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
15 Section 3 of this Act, this Act is an emergency measure, is necessary for the immediate
16 preservation of the public health and safety, has been passed by a ye and nay vote
17 supported by three-fifths of all the members elected to each of the two Houses of the
18 General Assembly, and shall take effect from the date it is enacted.