

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1016

(Chairman, Economic Matters Committee)

(Departmental – Labor, Licensing, and Regulation)

Economic Matters

State Board of Docking Masters

This departmental bill adds two members to the State Board of Docking Masters, establishes a trainee program for docking masters, establishes two limited classifications of docking licenses and fees, and includes provisions relating to disciplinary action the board may take against a docking master.

Fiscal Summary

State Effect: Potential minimal general fund revenue increase due to new licensing categories and penalty authority. Expenditures will be unaffected.

Local Effect: None.

Small Business Effect: The Department of Labor, Licensing, and Regulation (DLLR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill increases the membership of the board from five to seven by adding the president of the Maryland Association of Docking Pilots and a member of the steamship industry that actively employs docking masters.

Existing regulations pertaining to the qualifications, selection, and listing of applicants for trainee docking master licensure are codified. The board may issue three levels docking master licenses:

- unlimited;
- 37-foot-draft limited; and
- 43-foot-draft limited.

Trainees must first qualify for a 37-foot-draft limited license, gain one year of experience, and meet other specified requirements before qualifying for a 43-foot-draft limited license. After at least one year of experience with a 43-foot-draft license, and meeting other specified requirements, an applicant may qualify for an unlimited license.

A licensee holding an unlimited docking master license may provide docking services for vessels of any draft anywhere within the State. Licensees holding 37-foot-draft limited licenses or 43-foot-draft limited licenses may not provide docking services for vessels exceeding that draft, and are restricted from providing any docking services at the Piney Point petroleum facility (37-foot-draft licensees) or the liquefied natural gas facility at Cove Point (both 37-foot-draft and 43-foot-draft licensees).

Fees are set at \$600 for an unlimited license, and \$300 for either a 37-foot or 43-foot-draft limited license.

The board is authorized to suspend or revoke licenses without a U.S. Coast Guard investigation taking place. If the board wishes to proceed with a disciplinary action, it must notify the docking master to appear for a hearing. Instead of or in addition to suspending or revoking a license, the board may impose a penalty of up to \$2,000 per violation, and must consider the seriousness of and harm caused by the violation, the licensee's history of violations, and the good faith of the licensee in determining the amount of penalty to be imposed.

Current Law: The board is comprised of five members consisting of two docking masters, one representative of a towing boat company, and two consumer members. All members are appointed by the Governor with the advice of the Secretary of DLLR and the advice and consent of the Senate.

The board cannot take disciplinary action to suspend or revoke a license unless a U.S. Coast Guard investigation provides satisfactory proof that a docking master has violated specified regulations, acted in a grossly negligent manner with respect to a vessel under the docking master's care, or is mentally or physically unfit to carry out the duties of a docking master. If called to appear before the board in a disciplinary action, the burden is

on the docking master to show cause as to why the disciplinary action should not be taken.

There are no provisions for the board to assess monetary penalties against a docking master.

Current regulations provide for the appointment of trainees, the qualifications of trainees, the selection of trainees, and the authority of the board to approve a training program operated by the Association of Maryland Docking Pilots. The statutory training provisions of the bill are consistent with the existing regulations.

State Fiscal Effect: General fund revenues could increase minimally due to the creation of the \$300 limited (or trainee) licenses; however, while the number of new licensees is not known at this time, it is expected to be minimal and will be controlled by the board. There are currently ten unlimited docking masters, and the board is charged with selecting an appropriate number of trainees to promote the safety and well-being of port operations. The board would also be authorized to assess fines of up to \$2,000 per violation against docking masters for specified offenses, but with a relatively small number of licensees, revenue generated from fines is expected to be minimal.

Background: The State Board of Docking Masters was created by Chapter 509 of 2000. Since then, DLLR reports that experience with current provisions of the law have led to the revisions contained in the bill, particularly to clarify training requirements for docking masters. DLLR reports that the bill language was drafted with the advice of the board and with the support of the Association of Maryland Docking Pilots.

Additional Information

Prior Introductions: None.

Cross File: SB 580 (Chairman, Education, Health, and Environment Affairs Committee) (Departmental – Labor, Licensing, and Regulation) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

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