

TITLE 125: BOARD OF PROFESSIONAL LICENSING

CHAPTER 125-30 HARBOR PILOTS LICENSURE REGULATIONS

Chapter Authority: 4 CMC §§ 3105 and 3108.

Chapter History: Amdts Adopted 18 Com. Reg. 14658 (Nov. 15, 1996); Amdts Proposed 18 Com. Reg. 14289 (Aug. 15, 1996); Amdts Adopted 16 Com. Reg. 12677 (Dec. 15, 1994); Amdts Proposed 16 Com. Reg. 11828 (Apr. 15, 1994); Amdts Certified 14 Com. Reg. 8658 (Jan. 15, 1992); Amdts Adopted 13 Com. Reg. 7700 (May 15, 1991); Amdts Proposed 13 Com. Reg. 7638 (Feb. 15, 1991); Certified 14 Com. Reg. 8657 (Jan. 15, 1992); Adopted 12 Com. Reg. 7449 (Nov. 15, 1990); Proposed 12 Com. Reg. 7170 (July 15, 1990).

Commission Comment: PL 1-8, ch. 5 (effective Aug. 10, 1978), codified as amended at 4 CMC §§ 3101-3110, created the Board of Professional Licensing, a regulatory board within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(c):

Section 304. Department of Public Works.

...

(c) Board of Professional Licensing. The Board of Professional Licensing is abolished and its functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-99, the “Board of Professional Licensing Amendments Act of 1998,” codified at 4 CMC §§ 3101-3221, took effect on September 21, 1999. PL 11-99 reenacted 4 CMC §§ 3101-3110 with numerous revisions. PL 11-99 § 3 (§ 3101), 4 CMC § 3101, reestablished the Board as a regulatory board “within the Commonwealth government.” The Board is authorized to issue licenses to the professions enumerated in PL 11-99 § 3 (§ 3105), 4 CMC § 3105. PL 11-99 § 3 (§ 3108), 4 CMC § 3108, empowers the Board to adopt rules and regulations to implement the act including rules and regulations to establish credentialing criteria and standards regarding licensing or authorization to practice a profession over which the Board has jurisdiction.

After the enactment of PL 11-99, the Attorney General issued an opinion finding that jurisdiction to license harbor pilots rests with the Commonwealth Ports Authority. The Commonwealth Ports Authority issued amendments to the Harbor Regulations on September 20, 2000 that provide for the licensure of harbor pilots. See 22 Com. Reg. 17470 (Sept. 20, 2000); 22 Com. Reg. 17236 (May 19, 2000); see also NMIAC, title 40, subchapter 20.1, part 400. Those regulations supersede the 1996 Board of Professional Licensing Harbor Pilot Licensure Regulations. See 22 Com. Reg. at 17242 (May 19, 2000).

[Superseded by later regulation of the Commonwealth Ports Authority.]