

SENATE BILL 74

M3, C2, P1

01r0093

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Environment)**

Requested: September 17, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Marine Contractors Licensing Board – Authority, Program**
3 **Evaluation, and Termination**

4 FOR the purpose of establishing that the Marine Contractors Licensing Board is subject to
5 the Maryland Program Evaluation Act; establishing that the Board is a unit in the
6 Department of the Environment; authorizing the Board, by regulation, to establish
7 certain license categories; requiring the Board to include a certain license category
8 on each license issued by the Board; clarifying that an individual or entity is
9 prohibited from conducting, or attempting or offering to conduct, certain marine
10 contractor services unless licensed by the Board to perform the services; providing
11 for the termination of the Board and certain provisions of law relating to the Board
12 after a certain date; altering the definition of a certain term; and generally relating
13 to the Marine Contractors Licensing Board.

14 BY renumbering

15 Article – State Government
16 Section 8–403(35) through (61), respectively
17 to be Section 8–403(36) through (62), respectively
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2019 Supplement)

20 BY adding to

21 Article – State Government
22 Section 8–403(35)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2019 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 1–406
2 Annotated Code of Maryland
3 (2013 Replacement Volume and 2019 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Environment
6 Section 17–101, 17–201, 17–305, and 17–401
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2019 Supplement)

9 BY adding to
10 Article – Environment
11 Section 17–501 to be under the new subtitle “Subtitle 5. Termination of Title”
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That Section(s) 8–403(35) through (61), respectively, of Article – State Government of the
16 Annotated Code of Maryland be renumbered to be Section(s) 8–403(36) through (62),
17 respectively.

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

20 **Article – State Government**

21 8–403.

22 This subtitle applies only to the following governmental activities and units:

23 **(35) MARINE CONTRACTORS LICENSING BOARD (§ 17–201 OF THE**
24 **ENVIRONMENT ARTICLE);**

25 **Article – Environment**

26 1–406.

27 The following units, among other units, are included in the Department:

- 28 (1) Air Quality Control Advisory Council;
29 (2) Hazardous Substances Advisory Council;
30 (3) Radiation Control Advisory Board;
31 (4) Science and Health Advisory Group;

1 (5) Board of Waterworks and Waste System Operators;

2 (6) Board of Well Drillers; [and]

3 (7) Hazardous Waste Facilities Siting Board; AND

4 **(8) MARINE CONTRACTORS LICENSING BOARD.**

5 17–101.

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

7 (b) “Board” means the Marine Contractors Licensing Board.

8 (c) “Entity” means a business with its principal office in the State that employs
9 more than one individual to provide marine contractor services in the State.

10 (d) “License” means a professional license issued by the Board to an individual or
11 entity to perform marine contractor services in the State.

12 (e) “Licensed marine contractor” means an individual or entity that has received
13 a license from the Board to perform marine contractor services.

14 (f) (1) “Marine contractor services” means construction, demolition,
15 installation, alteration, repair, or salvage activities located in, on, [over,] or under State or
16 private tidal wetlands.

17 (2) “Marine contractor services” includes:

18 (i) Dredging and filling;

19 (ii) The construction, demolition, installation, alteration, repair, or
20 salvage of structures, including boathouses, boat or other personal watercraft lifts or
21 ramps, slips, docks, floating platforms, moorings, piers, pier access structures, pilings,
22 wetland observation platforms, wetland walkways, and wharfs; and

23 (iii) The construction, demolition, installation, alteration, repair, or
24 salvage of stabilization and erosion control measures, including revetments, breakwaters,
25 bulkheads, groins, jetties, stone sills, marsh establishments, and beach nourishment or
26 other similar projects.

27 17–201.

28 (a) There is a Marine Contractors Licensing Board **IN THE DEPARTMENT.**

29 (b) Subject to the provisions of this title, the Board is responsible for the licensing
30 and regulation of individuals and entities that provide marine contractor services in the

1 State.

2 17-305.

3 (a) The Board shall issue a license that is valid for 2 years to any applicant who
4 meets the requirements of this title and any regulation adopted under this title.

5 **(B) THE BOARD, BY REGULATION, MAY ESTABLISH LICENSE CATEGORIES**
6 **THAT SPECIFY THE MARINE CONTRACTOR SERVICES EACH LICENSE AUTHORIZES A**
7 **LICENSEE TO PERFORM.**

8 **[(b)] (C)** The Board shall include on each license that the Board issues:

9 **(1) THE LICENSE CATEGORY;**

10 **[(1)] (2)** The full name of the licensee;

11 **[(2)] (3)** The license number;

12 **[(3)] (4)** The location of the principal office and of each branch office if the
13 licensee is an entity;

14 **[(4)] (5)** The date of issuance of the license;

15 **[(5)] (6)** The date on which the license expires; and

16 **[(6)] (7)** The name of the representative member if the licensee is an
17 entity.

18 17-401.

19 An individual or entity may not conduct, attempt to conduct, or offer to conduct **ANY**
20 marine contractor services unless the individual or entity is licensed by the Board **TO**
21 **PERFORM THE SERVICES.**

22 **SUBTITLE 5. TERMINATION OF TITLE.**

23 **17-501.**

24 **SUBJECT TO THE MARYLAND PROGRAM EVALUATION ACT, THE PROVISIONS**
25 **OF THIS TITLE AND ALL REGULATIONS ADOPTED UNDER THIS TITLE CREATING THE**
26 **MARINE CONTRACTORS LICENSING BOARD AND RELATING TO THE REGULATION OF**
27 **MARINE CONTRACTORS ARE OF NO EFFECT AND MAY NOT BE ENFORCED AFTER**
28 **JULY 1, 2031.**

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.