

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1311

(Delegate Beitzel, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources – Tree Expert License – Eligibility Criteria

This bill modifies the experience/education qualifications needed to obtain a tree expert license, by allowing a person to qualify if they have, within the immediately preceding three years, (1) achieved active master logger status from the University of Maryland Extension’s Maryland-Delaware Master Logger Program and (2) held a forest product operator’s license. **The bill terminates September 30, 2022.**

Fiscal Summary

State Effect: Special fund revenues may increase in FY 2021 and 2022, as discussed below. Expenditures are not materially affected.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A person may not engage in the work or business of a tree expert or represent themselves to the public as a tree expert without having received a license from the Department of Natural Resources (DNR). An employee under the supervision of a licensed tree expert is not required to have a license in the name of the employee. A “tree expert” is generally a person who represents that the person is skilled in the science of tree care or removal and engages in the business or work of the treatment, care, or removal of trees over 20 feet tall for compensation. “Tree expert” does not include (1) a person engaged in commercial logging or timber harvesting operations; (2) a person engaged in

the installation of underground facilities or any associated site construction; or (3) a person who treats, cares for, or removes a tree, that is 20 feet tall or less.

To obtain a license, an individual must:

- be 18 or older;
- (1) have two years of relevant college education plus a minimum of one year of experience with a licensed tree expert in Maryland or an acceptable tree expert company in another state or (2) have three years of continuous experience with a licensed tree expert in Maryland or with an acceptable tree expert company in another state immediately preceding the date of application;
- pass a DNR examination; and
- pay an application fee.

Each licensee must carry and show proof of liability and property damage insurance.

Pursuant to DNR regulations, a license applicant must pay to DNR, as part of the examination application, a \$30 fee. A license must be renewed every two years and a \$20 fee must be paid for license renewal. A licensed tree expert must complete at least eight hours of DNR-approved continuing education instruction during each two-year license term.

Background:

Tree Expert Law

The Maryland Tree Expert Law, adopted in 1945, addresses tree care work done for compensation on private or public property in the State and protects consumers by licensing qualified and insured tree care companies and individuals. DNR indicates there are currently approximately 1,300 licensed tree experts.

Maryland-Delaware Master Logger Program

As described by the University of Maryland Extension:

The Maryland-Delaware Master Logger Program is a voluntary training and education program for loggers who work in Maryland and Delaware. The program helps loggers meet the ever-increasing demands of the logging profession. The courses provide information about current environmental regulations, forestry principles, and safe work practices.

Forest Product Operator's License

Any person engaged in a forest products business must have a forest product operator's license issued by DNR. A "forest product operator" is defined under DNR regulations as a person who represents to the public that the person is available to engage in the commercial trade of forest products, including the harvesting, transporting, selling, or re-selling of forest products. To obtain a license, an applicant must (1) pay a fee of \$20 per year; (2) complete a form indicating the applicant's sales of forest products during the previous calendar year; and (3) carry and maintain specified worker's compensation insurance.

State Revenues: Special fund revenues may increase in fiscal 2021 and 2022 from the collection of fees paid by additional applicants for a tree expert license and/or a forest product operator's license under the bill. As mentioned above, an applicant, as part of the examination application for a tree expert license, must pay a \$30 fee and subsequently pay a \$20 license renewal fee every two years. To obtain a forest product operator's license, an applicant must pay a fee of \$20 per year.

DNR indicates that there are 33 individuals in the 2019 directory of the Master Logger Program who are licensed as forest product operators in Maryland. If each of those individuals apply for a tree expert license soon after the bill takes effect and pass their first examination, special fund revenues increase by approximately \$1,000 in fiscal 2021 (presumably no renewal fee would subsequently be paid by those individuals with the bill only in effect for two years). Special fund revenues may increase by a greater amount in fiscal 2021 and/or increase in fiscal 2022 if (1) more individuals end up meeting the new criteria over the course of the two years the bill is in effect and apply for a license; (2) any of the new applicants take the examination more than once (there is a \$20 fee to re-take an examination); or (3) the bill causes additional individuals to obtain a forest product operator's license, in order to meet the new criteria to apply for a tree expert license.

DNR indicates there are:

- approximately 1,300 licensed tree experts in Maryland (as mentioned above);
- 33 individuals in the 2019 directory of the Master Logger Program who are licensed as forest product operators in Maryland (as mentioned above);
- approximately 549 total licensed forest product operators; and
- 150 individuals in the 2019 directory of the Master Logger Program with businesses located in the region of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.

While the bill is in effect for three months of fiscal 2023, it is not expected to materially affect fee revenues in fiscal 2023.

Small Business Effect: The bill may have a meaningful positive small business impact by providing new small business opportunities for persons who can meet the criteria under the bill and obtain a tree expert license. Existing licensed tree experts, however, may be negatively affected by increased competition for tree care or removal work.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 867 (Senator Edwards) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources; Department of Legislative Services

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