

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 195

(Delegate Clark, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

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Marine Contractor License - Authorization, Requirements, and Fees

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This bill authorizes an individual who is employed by a county or municipality in the State to perform specified marine contractor services within the scope of their employment without having to obtain a license. In addition, a local government employee who performs marine contractor services within the scope of their employment and must be licensed is exempt from paying license or testing fees. The bill also explicitly authorizes a unit of local government to qualify for a marine contractor license.

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Fiscal Summary

**State Effect:** Potential minimal decrease in special fund revenues from license and testing fees due to the bill's exemption for local government employees who otherwise would have paid those fees. State expenditures are not materially affected.

**Local Effect:** Potential minimal decrease in local expenditures to the extent that local governments would otherwise obtain a license and incur associated costs. Local revenues are not affected.

**Small Business Effect:** Minimal or none.

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Analysis

**Bill Summary:** An individual who is employed by a county or municipality in the State may perform marine contractor services while performing the duties of their employment without having to obtain a marine contractor license if the individual is performing marine contractor services that (1) would present a *de minimis* risk to human health or the

environment; (2) do not require a federal or State permit; and (3) if the marine contractor services involve an existing structure, do not increase the footprint of the structure. However, if an individual (who is employed by a county or municipality in the State) is performing marine contractor services for the routine maintenance or repair of an existing shore erosion control structure, the individual must obtain a license from the Marine Contractors Licensing Board.

**Current Law:** The Marine Contractors Licensing Board within the Maryland Department of the Environment is responsible for the licensing and regulation of individuals and entities that provide marine contractor services in the State. “Marine contractor services” means construction, demolition, installation, alteration, repair, or salvage activities located in, on, over, or under State or private tidal wetlands. Furthermore, marine contractor services includes (1) dredging and filling; (2) the construction, demolition, installation, alteration, repair, or salvage of structures, including boathouses, boat or other personal watercraft lifts or ramps, slips, docks, floating platforms, moorings, piers, pier access structures, pilings, wetland observation platforms, wetland walkways, and wharfs; and (3) the construction, demolition, installation, alteration, repair, or salvage of stabilization and erosion control measures, including revetments, breakwaters, bulkheads, groins, jetties, stone sills, marsh establishments, and beach nourishment or other similar projects.

Individuals, or the entities they work for, must have a license prior to performing or soliciting marine contractor services in the State. However, an individual who is employed by an agency of the federal government or the State is not required to obtain a license. Additionally, a residential or commercial property owner may perform marine contractor services on their own property without having to obtain a license.

To qualify for a license, applicants must meet specified requirements, including having at least two years of experience as a full-time marine contractor or demonstrating similar contractor experience, having a federal tax identification number, passing a written marine contractor test, and having specified insurance. There is a \$75 fee for the examination that covers the testing material costs. Applicants must provide specified information, complete a specified application form, and pay a license application fee set by the board. License fees are currently set at \$550, and licenses are valid for two years.

To renew a marine contractor’s license, a licensee needs to submit satisfactory proof of completion of 12 hours of approved continuing education at the time of renewal, as specified. License renewal fees are also \$550.

## **Additional Information**

**Prior Introductions:** HB 333 of 2021 passed the House with amendments and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 1533 of 2020 passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

**Designated Cross File:** SB 454 (Senators Bailey and Jackson) - Education, Health, and Environmental Affairs.

**Information Source(s):** Baltimore City; Anne Arundel, Harford, Kent, Montgomery, and Worcester counties; cities of College Park and Havre de Grace; Town of Leonardtown; Maryland Department of the Environment; Department of Legislative Services

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