

SENATE BILL 52

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C2

1999 Regular Session
(9r0111)

ENROLLED BILL

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Labor, Licensing and Regulation)

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Foresters - Scope of Practice and Licensure**

3 FOR the purpose of authorizing the Board of Foresters to allow licensees to be placed
4 in a certain status of licensure; authorizing the Board to impose a certain ~~fees~~
5 fee; defining a certain term; and generally relating to the scope of practice and
6 licensure of foresters.

7 BY repealing and reenacting, with amendments,
8 Article - Business Occupations and Professions
9 Section 7-101 and 7-308
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1998 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Business Occupations and Professions**

2 7-101.

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

4 (b) "Board" means the State Board of Foresters.

5 (C) (1) "FORESTRY" MEANS THE APPLICATION, FOR COMPENSATION, OF
6 SCIENTIFIC TECHNIQUES TO THE PLANTING, CONSERVATION, PROTECTION, AND
7 MANAGEMENT OF TREES AND RELATED RESOURCES FOR THEIR CONTINUING USE,
8 WHETHER FOUND IN LARGE NUMBERS AND AREAS COMMONLY KNOWN AS FORESTS,
9 WOODLANDS, AND WOODLOTS OR IN SMALL GROUPINGS AND INDIVIDUAL TREES IN
10 SUBURBAN AND URBAN SETTINGS.

11 (2) "FORESTRY" INCLUDES:

12 (I) CONSULTATION, INVESTIGATION, EVALUATION, OR PLANNING
13 OF ANY FORESTRY ACTIVITY THAT IS DESCRIBED UNDER PARAGRAPH (1) OF THIS
14 SUBSECTION; OR

15 (II) HAVING RESPONSIBILITY FOR ANY FORESTRY ACTIVITY THAT
16 IS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

17 (3) "FORESTRY" DOES NOT INCLUDE:

18 (I) THE SERVICES OF A TREE EXPERT, AS DEFINED UNDER §
19 5-415(C) OF THE NATURAL RESOURCES ARTICLE;

20 (II) PRACTICES AND SERVICES GENERALLY PROVIDED BY:

21 1. AN ARBORICULTURIST;

22 2. A GARDENER;

23 3. A HORTICULTURIST;

24 4. A LANDSCAPE CONTRACTOR;

25 5. A LANDSCAPE GARDENER;

26 6. A NURSERYMAN; OR

27 7. AN ORCHARDIST; OR

28 (III) THE CUTTING, HAULING, HANDLING, OR PROCESSING OF
29 FOREST PRODUCTS.

30 [(c)] (D) "License" means, unless the context requires otherwise, a license
31 issued by the Board to practice forestry.

1 [(d)] (E) "Licensed forester" means, unless the context requires otherwise, an
2 individual who is licensed by the Board to practice forestry.

3 [(e)] (1) "Practice forestry" means to apply, for compensation, scientific
4 techniques to the protection, management, and use of trees and related resources,
5 whether found in large numbers and areas commonly known as forests, woodlands,
6 and woodlots or in small groupings and individual trees in suburban and urban
7 settings.

8 (2) "Practice forestry" includes:

9 (i) to consult, investigate, evaluate, or plan any forestry activity
10 that is described under paragraph (1) of this subsection; or

11 (ii) to have responsible charge of any forestry activity that is
12 described under paragraph (1) of this subsection and is performed by another.

13 (3) "Practice forestry" does not include:

14 (i) the services of a tree expert, as defined under § 5-415(c) of the
15 Natural Resources Article; or

16 (ii) practices and services generally provided by:

- 17 1. an arboriculturist;
- 18 2. a gardener;
- 19 3. a horticulturist;
- 20 4. a landscape contractor;
- 21 5. a landscape gardener;
- 22 6. a nurseryman; or
- 23 7. an orchardist.

24 (f) "Responsible charge" means direct control and personal direction of the
25 practice of forestry that requires initiative, professional skill, and independent
26 judgment.]

27 7-308.

28 (a) Unless a license is renewed for a 2-year term as provided in this section,
29 the license expires on the first September 30 that comes:

- 30 (1) after the effective date of the license; and
- 31 (2) in an even-numbered year.

1 (b) At least 30 days before a license expires, the Board shall mail to the
2 licensee, at the last known address of the licensee:

3 (1) a renewal application form; and

4 (2) a notice that states:

5 (i) the date on which the current license expires;

6 (ii) the date by which the Board must receive the renewal
7 application for the renewal to be issued and mailed before the license expires; and

8 (iii) the amount of the renewal fee.

9 (c) (1) Before a license expires, the licensee periodically may renew it for an
10 additional 2-year term, if the licensee:

11 (i) otherwise is entitled to be licensed;

12 (ii) except as provided in subsection (d) of this section, pays to the
13 Board a renewal fee of \$100; and

14 (iii) submits to the Board a renewal application on the form that the
15 Board provides.

16 (2) (i) 1. Except as provided in sub-subparagraph 2 of this
17 subparagraph, the Board may not renew a license unless the licensee meets the
18 continuing education requirements of this section.

19 2. The continuing education requirement does not apply to:

20 A. the first renewal of a license by a licensee; OR

21 B. A LICENSEE WHO HAS INACTIVE STATUS OR WHO HAS
22 APPLIED FOR INACTIVE STATUS.

23 (ii) [In and after the license term that begins in 1996, to] TO
24 qualify for renewal of a license, for each 2-year license term of a license, a licensee
25 shall complete successfully at least 8 hours of instruction provided through programs
26 that the Board approves.

27 (d) A licensee serving on active duty in the armed forces of the United States
28 is exempt from the renewal fee required by this section.

29 (e) The Board shall renew the license of each licensee who meets the
30 requirements of this section.

31 (f) The Secretary may determine that licenses issued under this subtitle shall
32 expire on a staggered basis.

33 (G) (1) A LICENSEE MAY APPLY TO THE BOARD FOR INACTIVE STATUS.

1 (2) THE BOARD SHALL GRANT INACTIVE STATUS TO A LICENSEE IF THE
2 LICENSEE:

3 (I) OTHERWISE IS ENTITLED TO BE LICENSED; AND

4 (II) PAYS TO THE BOARD AN INACTIVE LICENSE FEE OF \$25.

5 (3) AN INDIVIDUAL MAY RETURN TO ACTIVE STATUS IF THE INDIVIDUAL
6 MEETS THE REQUIREMENTS FOR RENEWAL OF A LICENSE UNDER THIS SECTION.

7 ~~(H) IF A RENEWAL APPLICATION IS SUBMITTED TO THE BOARD MORE THAN 60~~
8 ~~DAYS AFTER THE LICENSE EXPIRES, THE LICENSE MAY BE RENEWED ONLY IF THE~~
9 ~~APPLICANT PAYS TO THE BOARD A \$25 LATE FEE IN ADDITION TO THE RENEWAL FEE.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1999.