

SENATE BILL 52

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1999 Regular Session
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(PRE-FILED)

By: **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Labor, Licensing and Regulation)

Requested: July 27, 1998
Introduced and read first time: January 13, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: February 2, 1999

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 certain fees;
5 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:

14 **Article - Business Occupations and Professions**

15 7-101.

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

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

18 (C) (1) "FORESTRY" MEANS THE APPLICATION, FOR COMPENSATION, OF
19 SCIENTIFIC TECHNIQUES TO THE PLANTING, CONSERVATION, PROTECTION, AND

1 MANAGEMENT OF TREES AND RELATED RESOURCES FOR THEIR CONTINUING USE,
2 WHETHER FOUND IN LARGE NUMBERS AND AREAS COMMONLY KNOWN AS FORESTS,
3 WOODLANDS, AND WOODLOTS OR IN SMALL GROUPINGS AND INDIVIDUAL TREES IN
4 SUBURBAN AND URBAN SETTINGS.

5 (2) "FORESTRY" INCLUDES:

6 (I) CONSULTATION, INVESTIGATION, EVALUATION, OR PLANNING
7 OF ANY FORESTRY ACTIVITY THAT IS DESCRIBED UNDER PARAGRAPH (1) OF THIS
8 SUBSECTION; OR

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

11 (3) "FORESTRY" DOES NOT INCLUDE:

12 (I) THE SERVICES OF A TREE EXPERT, AS DEFINED UNDER §
13 5-415(C) OF THE NATURAL RESOURCES ARTICLE;

14 (II) PRACTICES AND SERVICES GENERALLY PROVIDED BY:

- 15 1. AN ARBORICULTURIST;
- 16 2. A GARDENER;
- 17 3. A HORTICULTURIST;
- 18 4. A LANDSCAPE CONTRACTOR;
- 19 5. A LANDSCAPE GARDENER;
- 20 6. A NURSERYMAN; OR
- 21 7. AN ORCHARDIST; OR

22 (III) THE CUTTING, HAULING, HANDLING, OR PROCESSING OF
23 FOREST PRODUCTS.

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

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

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

33 (2) "Practice forestry" includes:

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

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

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

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

8 (ii) practices and services generally provided by:

- 9 1. an arboriculturist;
- 10 2. a gardener;
- 11 3. a horticulturist;
- 12 4. a landscape contractor;
- 13 5. a landscape gardener;
- 14 6. a nurseryman; or
- 15 7. an orchardist.

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

19 7-308.

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

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

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

- 26 (1) a renewal application form; and
- 27 (2) a notice that states:
 - 28 (i) the date on which the current license expires;
 - 29 (ii) the date by which the Board must receive the renewal
30 application for the renewal to be issued and mailed before the license expires; and

1 (iii) the amount of the renewal fee.

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

4 (i) otherwise is entitled to be licensed;

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

7 (iii) submits to the Board a renewal application on the form that the
8 Board provides.

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

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

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

14 B. A LICENSEE WHO HAS INACTIVE STATUS OR WHO HAS
15 APPLIED FOR INACTIVE STATUS.

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

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

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

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

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

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

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

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

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

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

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