

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 867 (Senator Edwards)
Education, Health, and Environmental Affairs

Allegany County and Garrett County - Definition of "Tree Expert" - Alteration

This bill, under provisions that require tree experts to be licensed, excludes from the definition of "tree expert," in Allegany and Garrett counties, persons compensated for cutting, trimming, or removing specified trees on private property who meet certain criteria, including specified timber harvesting experience and logging training and education.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill excludes from the definition of "tree expert," in Allegany and Garrett counties, a person who:

- for the immediately preceding three years, has (1) participated in the Department of Natural Resources' (DNR) Maryland Master Logging Program and (2) been engaged continuously in the practice of timber harvesting;
- carries liability and property damage insurance in the same form and amount as is required for a licensed tree expert; and

- is compensated for cutting, trimming, or removing trees on private property that are (1) dead; (2) diseased; or (3) a safety hazard to property, buildings, or other structures on the private property.

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 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: 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.

DNR indicates that there is a Maryland-Delaware Master Logger Program that is not administered by the department but by the University of Maryland Extension (UME). As described by UME:

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.

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 to be able to engage in the specified tree care or removal work for compensation in Allegany and Garrett counties without being licensed as a tree expert. License tree experts, however, may be negatively affected by increased competition for tree care or removal work in those counties.

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 (a “forest product operator” is 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);
- approximately 549 licensed forest product operators (which may or may not be “engaging continuously in the practice of timber harvesting”); 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.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1311 (Delegate Beitzel, *et al.*) - Environment and Transportation.

Information Source(s): Department of Natural Resources; Allegany and Garrett counties; Department of Legislative Services

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