

SENATE BILL 454

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2lr2175
CF HB 195

By: **Senators Bailey and Jackson**

Introduced and read first time: January 27, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2022

CHAPTER _____

1 AN ACT concerning

2 **Marine Contractor License – ~~Performance of Services – Licensing~~**
3 **Authorization, Requirements, and Fees**

4 FOR the purpose of authorizing a unit of local government to qualify for a marine contractor
5 license; exempting an individual employed by a county or municipality in the State
6 who performs marine contractor services while in the performance of the duties of
7 their employment from paying a fee for the issuance or renewal of a marine
8 contractor license or a test administered by the Marine Contractors Licensing Board;
9 authorizing an individual employed by a county or municipality in the State to
10 perform marine contractor services while in the performance of the duties of their
11 employment without having to obtain a marine contractor license under certain
12 circumstances; and generally relating to marine contractor licenses and fees.

13 BY repealing and reenacting, with amendments,
14 Article – Environment
15 Section 17–301
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2021 Supplement)

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

20 **Article – Environment**

21 17–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Except as otherwise provided in this title, a person shall be licensed by the
 2 Board as a marine contractor or be employed by an individual or entity that is licensed as
 3 a marine contractor before the person may:

4 (1) Perform marine contractor services in the State; or

5 (2) Solicit to perform marine contractor services in the State.

6 (b) An individual ~~or~~, an entity, **OR A UNIT OF LOCAL GOVERNMENT** may qualify
 7 for a license.

8 (c) An individual who is employed by an agency of the federal government or the
 9 State may perform marine contractor services while in the performance of the duties of
 10 their employment without having to obtain a license from the Board under this title.

11 (d) A residential or commercial property owner may perform marine contractor
 12 services on the property owner's own property without having to obtain a license from the
 13 Board under this title.

14 **(E) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS EMPLOYED**
 15 **BY A COUNTY OR MUNICIPALITY IN THE STATE.**

16 **(2) AN INDIVIDUAL WHO PERFORMS MARINE CONTRACTOR SERVICES**
 17 **WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT IS NOT**
 18 **REQUIRED TO PAY A FEE FOR:**

19 **(I) THE ISSUANCE OR RENEWAL OF A LICENSE; OR**

20 **(II) A TEST ADMINISTERED BY THE BOARD.**

21 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 22 **PARAGRAPH, AN INDIVIDUAL MAY PERFORM MARINE CONTRACTOR SERVICES**
 23 **WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT**
 24 **HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE IF THE**
 25 **INDIVIDUAL IS PERFORMING MARINE CONTRACTOR SERVICES ~~FOR:~~**

26 ~~**1. THE ROUTINE MAINTENANCE OR REPAIR OF A TIDAL**~~
 27 ~~**IMPOUNDMENT DIKE, AN AGRICULTURAL DRAINAGE DITCH, A HIGHWAY DRAINAGE**~~
 28 ~~**DITCH, A ROADSIDE DRAINAGE DITCH, OR AN OUTLET FOR A ROADSIDE DRAINAGE**~~
 29 ~~**DITCH; OR**~~

30 ~~**2. ANY OTHER MARINE CONTRACTOR SERVICE THAT**~~
 31 ~~**THE BOARD DETERMINES WOULD THAT:**~~

1 **1. WOULD PRESENT A DE MINIMIS RISK TO HUMAN**
2 **HEALTH OR THE ENVIRONMENT;**

3 **2. DO NOT REQUIRE A FEDERAL OR STATE PERMIT; AND**

4 **3. IF THE MARINE CONTRACTOR SERVICES INVOLVE AN**
5 **EXISTING STRUCTURE, DO NOT INCREASE THE FOOTPRINT OF THE STRUCTURE.**

6 **(II) IF AN INDIVIDUAL IS PERFORMING MARINE CONTRACTOR**
7 **SERVICES FOR THE ROUTINE MAINTENANCE OR REPAIR OF AN EXISTING SHORE**
8 **EROSION CONTROL STRUCTURE, THE INDIVIDUAL SHALL OBTAIN A LICENSE FROM**
9 **THE BOARD UNDER THIS TITLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.