

STATE OF MARYLAND
MARYLAND DEPARTMENT OF THE ENVIRONMENT
Ben Grumbles, Secretary

BILL NO: Senate Bill 74

COMMITTEE: Education, Health, and Environmental Affairs

POSITION: Support

TITLE: Environment – Maryland Marine Contractors Licensing Board- Authority, Program Evaluation, and Termination

BILL ANALYSIS: This bill establishes that the Marine Contractors Licensing Board (Board) is a unit of the Maryland Department of Environment (MDE) and as such will be subject to the Maryland Program Evaluation Act. As a unit of MDE, the Program Evaluation Act will provide for the termination of the Board and certain provisions of law relating to the Board after July 31, 2031. The bill would also authorize the Board, through regulation, to establish certain license categories and require the Board to include a license category on each license issued by the Board. The bill will clarify that an individual or entity is prohibited from conducting, or attempting or offering to conduct, certain marine contractor services unless licensed by the Board to perform the services. The bill also alters the definition of a certain term in the definitions subtitle.

POSITION AND RATIONALE: The Department supports the proposed legislation.

Making the Board a unit of MDE will give MDE oversight and supervision of Board actions related to licensed and unlicensed marine contractors. These proposed amendments would make the operation and organization of the Marine Contractors Licensing Board (Board) consistent with MDE's two other occupational licensing boards: the Board of Waterworks and Waste System Operators and the Board of Well Drillers. As a unit of MDE the Board will be able to refer any decision to deny, suspend, or revoke a license, reprimand a licensee, or impose a penalty on a contractor to MDE for review and entitles the person against whom the action is contemplated to an opportunity for a contested case hearing. Further, MDE will have review of decisions to issue any final policy, guidance, or correspondence from the Board regarding the scope of practice of the licensed profession. This legislation would ensure adequate State supervision of actions by a professional licensing board located at MDE and would protect the Board from possible antitrust liability.

Once the Board becomes a unit of MDE it would subject the Board to the requirements of the Maryland Program Evaluation Act (Act) as required of all departmental units. The Act requires that the Board and its authorizing statute be evaluated on a periodic basis to determine if the unit's activities are necessary for public interest. In keeping with the requirements of the Act a termination section is included in Title 17. MDE proposes to amend the statute to allow more clarity to the regulated community in how the Board carries out its functions.

Establishing license categories would allow the Board to issue licenses based on the type of work performed and the experience of a contractor. The license issued to a contractor would progress based on the contractor's level of actual experience. As the contractor becomes more proficient in the trade, the contractor would receive a higher category license. A license issued based on the contractor's actual skills would also give a consumer of contractor services more certainty of the credentials of each contractor.

The word "over" is being removed from Title 17 definition of "marine contractor services" subsection which currently reads "in, on, over, or under State or private tidal wetlands." The subsection is being amended to limit the jurisdictional definition of certain marine contractor services to only those contractor activities that would occur in, on or under State or private tidal wetlands. The amendment seeks to exclude work which in practical terms would not be defined as marine contractor services with no contact to tidal wetlands. Examples would include paving contractors, or electrical or plumbing services where licenses are required by other agencies.