

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 382

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “- Wetland Permits and Authorizations” and substitute “- Tidal Wetlands Licenses”; in line 4, after “of” insert “exempting certain licensed marine contractors from certain home improvement contractor licensing requirements; requiring the Department of the Environment to make certain notifications regarding certain wetlands license applications and delineations on or before a certain length of time; requiring the Department to grant, deny, or condition certain tidal wetlands licenses on or before a certain length of time under certain circumstances; requiring the Department to issue a certain public notice and provide an opportunity to submit certain comments or request a certain hearing under certain circumstances; establishing a Marine Contractors Licensing Board; providing for the membership of the Board;”; in line 5, strike “Department of the Environment” and substitute “Board”; strike beginning with “authorizing” in line 6 down through “duties” in line 7 and substitute “establishing certain powers and duties of the Board”; in line 8, after “the” insert “Board to recommend certain regulations for adoption by the”; in the same line, strike “to adopt certain regulations and” and substitute “of the Environment and to”; in line 9, strike “roster” and substitute “record”; in lines 13, 14, 16, 17, 18, 24, 28, and 30, in each instance, strike “Secretary” and substitute “Board”; in line 19, strike “providing that a license is void under certain circumstances;”; in line 23, after “to” insert “adopt regulations to”; in line 24, after “of” insert “certain”; in line 26, strike “the” and substitute “a”; in line 27, strike “a certain fee” and substitute “certain fees”; and in line 29, strike “a firm” and substitute “an entity”.

On page 2, in line 1, strike “Secretary” and substitute “Board”; in line 2, after “deny,” insert “refuse to renew,”; in line 5, after “law,” insert “establishing a civil penalty for certain violations; requiring certain penalties that are collected to be paid into the Wetlands and Waterways Program Fund for administration of the Board;”; strike beginning with “requiring” in line 5 down through “association;” in line 16; in

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line 17, strike “or consult”; in line 18, after “circumstances;” insert “providing that certain property owners are not required to hire a licensed marine contractor under certain circumstances;”; in the same line, after “establishing” insert “a”; in the same line, strike “administrative fines” and substitute “fine”; in lines 18 and 19, strike “or consult”; in line 19, after “required;” insert “establishing a certain notification requirement applicable to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; providing for certain processing times for certain tidal wetlands license applications;”; strike beginning with “and” in line 20 down through “term” in line 21 and substitute “; requiring all marine contractors performing certain services to register with the Department and pay a certain fee on or before a certain date; prohibiting a marine contractor that fails to register from performing or soliciting to perform certain services after a certain date; requiring the Department, for certain initial recommendations of appointments to the Board, to select marine contractors from a certain list”; and strike beginning with the first “and” in line 22 down through “process” in line 23.

**AMENDMENT NO. 2**

On page 2, after line 23, insert:

“BY repealing and reenacting, with amendments,

Article - Business Regulation

Section 8-301

Annotated Code of Maryland

(2004 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article - Environment

Section 16-101(h) through (n) and 16-202

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)”;

in line 25, strike “Business Occupations and Professions” and substitute “Environment”; in line 26, strike “22-101 through 22-401” and substitute “16-101(h) and 16-106; and 17-101 through 17-403”; in the same line, strike “22.” and substitute “17.”; in line 29, strike “2004” and substitute “2007”; and strike in their entirety lines 30 through 44, inclusive.

AMENDMENT NO. 3

On page 3, after line 2, insert:

“Article – Business Regulation

8–301.

(a) Except as otherwise provided in this title, a person must have a contractor license whenever the person acts as a contractor in the State.

(b) Except as otherwise provided in this title, a person must have a subcontractor license or contractor license whenever the person acts as a subcontractor in the State.

(c) Except as otherwise provided in this title, a person must have a salesperson license or contractor license whenever the person sells a home improvement in the State.

(d) This section does not apply to:

(1) an individual who works for a contractor or subcontractor for a salary or wages but who is not a salesperson for the contractor;

(2) a clerical employee, retail clerk, or other employee of a licensed contractor who is not a salesperson, as to a transaction on the premises of the licensed contractor;

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(3) a solicitor for a contractor who calls an owner by telephone only;

(4) an architect, electrician, plumber, heating, ventilation, air-conditioning, or refrigeration contractor, or other person who:

(i) is required by State or local law to meet standards of competency or experience before engaging in an occupation or profession;

(ii) currently is licensed in that occupation or profession under State or local law; and

(iii) is:

1. acting only within the scope of that occupation or profession; or

2. installing a central heating or air-conditioning system;

(5) a security systems technician licensed under Title 18 of the Business Occupations and Professions Article; [or]

**(6) A MARINE CONTRACTOR LICENSED UNDER TITLE 17, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR**

**[(6)] (7) a person who is selling a home improvement to be performed by a person described in item (4) of this subsection.**

Article – Environment

(h) “LICENSED MARINE CONTRACTOR” HAS THE MEANING STATED IN TITLE 17, SUBTITLE 3 OF THIS ARTICLE.

(I) (1) “Pier” means any pier, wharf, dock, walkway, bulkhead, breakwater, piles, or other similar structure.

(2) “Pier” does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

[(i)] (J) “Person” means any natural person, partnership, joint-stock company, unincorporated association or society, the federal government, the State, any unit of the State, a political subdivision, or other corporation of any type.

[(j)] (K) (1) “Private wetlands” means any land not considered “State wetland” bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth.

(2) “Private wetlands” includes wetlands, transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

[(k)] (L) (1) “Public notice” means the public notice and public informational hearing procedures established in § 5–204(b) through (e) of this article.

(2) “Public notice” does not mean notice as provided for in § 16–303 of this title.

[(l)] (M) “Regular or periodic tidal action” means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

~~[(m)]~~ (N) “Secretary” means the Secretary of the Environment.

~~[(n)]~~ (O) “State wetlands” means any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered “private wetland” to the extent of the interest transferred.

**16-106.**

**(A) (1) A PERSON THAT UNDERTAKES OR AUTHORIZES AN ACTIVITY THAT REQUIRES A LICENSE OR PERMIT UNDER THIS TITLE SHALL:**

**(I) HIRE A LICENSED MARINE CONTRACTOR TO DO THE WORK; OR**

**(II) BE A LICENSED MARINE CONTRACTOR.**

**(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOMEOWNER SHALL BE EXEMPT FROM THE REQUIREMENT TO BE OR TO HIRE A LICENSED MARINE CONTRACTOR UNDER SUBSECTION (A) OF THIS SECTION IF:**

**(I) THE HOMEOWNER PERFORMS MARINE CONTRACTOR SERVICES ON THE HOMEOWNER’S PROPERTY; AND**

**(II) THE HOMEOWNER OBTAINS THE NECESSARY TIDAL WETLANDS LICENSES OR PERMITS REQUIRED UNDER THIS TITLE.**

(B) (1) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.

(C) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SECTION, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF SUBSECTION (A) OF THIS SECTION OR ANY REGULATION ADOPTED UNDER THIS SECTION.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED \$10,000 FOR EACH VIOLATION.

(D) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND ESTABLISHED UNDER § 5-203.1 OF THIS ARTICLE, FOR THE ADMINISTRATION OF THE MARINE CONTRACTORS LICENSING BOARD ESTABLISHED UNDER TITLE 17 OF THIS ARTICLE.

(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS SECTION.

16-202.

(a) A person may not dredge or fill on State wetlands without a license.

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(B) TO APPLY FOR A LICENSE, THE APPLICANT SHALL SUBMIT A DELINEATION OF THE AFFECTED TIDAL WETLANDS AND ALL OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(C) (1) WITHIN 45 DAYS FROM RECEIPT OF THE APPLICATION, THE DEPARTMENT SHALL NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE AND WHETHER THE DELINEATION IS CORRECT.

(2) IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT ABOUT THE APPLICATION OR DELINEATION WITHIN 45 DAYS, THE DELINEATION SHALL BE TREATED BY THE DEPARTMENT AS CORRECT, AND THE APPLICATION SHALL BE TREATED AS COMPLETE.

(D) ONCE THE APPLICATION IS COMPLETE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL GRANT, DENY, OR CONDITION A LICENSE WITHIN 45 DAYS IF:

(1) THE APPLICATION IS NOT SUBJECT TO PUBLIC NOTICE AND HEARING REQUIREMENTS UNDER SUBSECTION (G) OF THIS SECTION; OR

(2) THE APPLICATION DOES NOT REQUIRE AN ACTION BY THE BOARD.

(E) (1) ONCE THE APPLICATION IS COMPLETE UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE PUBLIC NOTICE OF AN OPPORTUNITY TO SUBMIT WRITTEN COMMENTS OR TO REQUEST A HEARING IN ACCORDANCE WITH § 5-204(B) THROUGH (E) OF THIS ARTICLE.



(2) A HEARING REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD WITHIN 45 DAYS OF THE HEARING REQUEST, UNLESS EXTENUATING CIRCUMSTANCES JUSTIFY AN EXTENSION OF TIME.

(3) THE HEARING THAT MAY BE REQUESTED UNDER THIS SUBSECTION IS NOT A CONTESTED CASE HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

[(b)] (F) The Secretary shall assist the Board in determining whether to issue a license to dredge or fill State wetlands. The Secretary shall submit a report indicating whether the license should be granted and, if so, the terms, conditions, and consideration required after consultation with any interested federal, State, and local unit, and after issuing public notice, holding any requested hearing, and taking any evidence the Secretary thinks advisable.

[(c)] (G) (1) Upon receipt of a report by the Secretary, the Board shall decide if issuance of the license is in the best interest of the State, taking into account the varying ecological, economic, developmental, recreational, and aesthetic values each application presents. If the Board decides to issue the license, the issuance of the license shall be for consideration and on terms and conditions the Board determines. Every license shall be in writing.

(2) With respect to an application for a license to fill or construct a shore erosion control structure other than riprap on State wetlands, the Board may issue the license without public notice if the fill area is less than 300 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line and if after a site visit the report of the Secretary recommends that the license be granted. The Board may issue a license without public notice where an emergency exists caused by act of God, natural disaster, catastrophe, or other similar natural event when the health, safety, or welfare of the citizens of the State would be jeopardized by a delay caused by time

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requirements for public notice. However, the license may be granted by the Board only with the concurrence of the Secretary. The Secretary shall provide prompt public notice of the emergency license issuance and the opportunity to submit written comments or to request a hearing to determine whether the emergency license shall be revoked or made permanent. If a hearing is requested, the hearing shall be scheduled within 30 days of the emergency issuance of the license.

(3) If the report of the Secretary recommends that a license be granted, the Board may issue the license without public notice:

(i) To fill or construct a shore erosion control structure of riprap on State wetlands if the fill area is less than 500 feet in length parallel to the fast land as close to the fast land as structurally feasible but not more than 10 feet channelward of the mean high water line;

(ii) To repair or replace a bulkhead for the purpose of shore erosion control where the bulkhead is presently functional, but is deteriorating or damaged, provided that the repair or replacement structure does not extend more than 18 inches channelward of the existing structure. Repair or replacement may include riprap placed along the base of the bulkhead, provided that the riprap shall not extend more than 10 feet channelward of the bulkhead;

(iii) To fill near shore shallow water bottom extending no more than 35 feet channelward of the mean high water line provided the fill area is less than 500 feet in length parallel to the fast land for the purpose of shore erosion control by landscaping and wetland plant establishment;

(iv) To construct or repair a private noncommercial boat ramp provided the ramp does not exceed 12 feet in width and extend more than 30 feet channelward of the mean high water line; or

(v) To maintenance dredge a mooring, private or commercial boat ramp, mobile boat hoist slip, or marine railway when no more than 100 cubic yards of material nor an area greater than 1,500 square feet need to be dredged.

(4) With respect to the maintenance dredging of projects in State wetlands for which a license is to be issued, the license may include provision for periodic maintenance dredging if recommended by the report of the Secretary provided that the maintenance dredging be effected:

(i) Within the area, depth, and in conformity with other limitations contained in the license;

(ii) That no more than 500 cubic yards of material be dredged at each maintenance dredging to restore licensed works;

(iii) That the material from maintenance dredging be deposited upon the designated or other upland site approved by the Secretary; and

(iv) That the Secretary be notified and approve of each maintenance dredging operation.

(5) The provisions for periodic maintenance dredging under paragraph (4) of this subsection shall be effective for no more than 6 years beyond the date of issuance of the license.

(6) If the licensee desires to continue maintenance dredging beyond the expiration date authorized in paragraph (5) of this subsection, the licensee must obtain a new license by submitting an application to the Board for review in accordance with the procedures of this section.

**[(d)] (H)** The provisions of this section do not apply to any operation for:

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(1) Dredging and filling being conducted as of July 1, 1970, as authorized under the terms of an appropriate permit or license granted under the provisions of existing State and federal law;

(2) Dredging of seafood products by any licensed operator, harvesting of seaweed, or mosquito control and abatement as approved by the Department of Agriculture;

(3) Improvement of wildlife habitat or agricultural drainage ditches as approved by an appropriate unit;

(4) Routine maintenance or repair of existing bulkheads, provided that there is no addition or channelward encroachment; or

(5) Aquaculture activities occurring in Aquaculture Enterprise Zones established under Title 4, Subtitle 11A of the Natural Resources Article under an aquaculture lease issued by the Department of Natural Resources.

**[(e)] (1)** (1) The Board may not approve a license or an amendment to a license authorizing the dredge material deposited in the Hart–Miller Island Dredged Material Containment Facility to exceed an elevation of:

(i) 44 feet above the mean low water mark in the north cell; and

(ii) 28 feet above the mean low water mark in the south cell.

(2) On or after January 1, 2010, the Board may not approve a license or an amendment to a license authorizing the deposit of dredge material at the Hart–Miller Dredged Material Containment Facility.”.

AMENDMENT NO. 4

On page 3, strike line 3 in its entirety; in line 4, strike “**22.**” and substitute “**17.**”; in line 5, after “**DEFINITIONS**” insert “; **GENERAL PROVISIONS**”; in line 6, strike “**22-101.**” and substitute “**17-101.**”; in line 9, strike “**DEPARTMENT**” and substitute “**BOARD**”; in the same line, strike “**DEPARTMENT OF THE ENVIRONMENT**” and substitute “**MARINE CONTRACTORS LICENSING BOARD**”; in line 10, strike “**FIRM**” and substitute “**ENTITY**”; in line 13, after “**(D)**” insert “**(1)**”; in the same line, after “**A**” insert “**PROFESSIONAL**”; in the same line, strike “**SECRETARY**” and substitute “**BOARD**”; in the same line, after “**TO**” insert “**AN INDIVIDUAL OR ENTITY TO**”; in line 14, strike “**PROVIDE**” and substitute “**PERFORM**”; after line 14, insert:

“(2) **“LICENSE” MEANS A MARINE CONTRACTOR LICENSE.**”;

strike beginning with “**A**” in line 15 down through “**STATE**” in line 17 and substitute “**AN INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO PERFORM MARINE CONTRACTOR SERVICES**”; in line 18, strike “**THE**”; in line 19, after “**INSTALLATION,**” insert “**ALTERATION,**”; in the same line, strike “**SALE,**”; in lines 19 and 20, strike “**OF STRUCTURES**” and substitute “**ACTIVITIES**”; in line 20, strike “**THE STATE’S**” and substitute “**, ON, OVER, OR UNDER STATE OR PRIVATE**”; in the same line, strike “**AND NONTIDAL**”; strike beginning with the last comma in line 20 down through “**WHARFS**” in line 24; in line 25, strike “**THE**” and substitute “;”;

(I) **DREDGING AND FILLING;**

(II) **THE CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE OF STRUCTURES, INCLUDING BOATHOUSES, BOAT OR OTHER PERSONAL WATERCRAFT LIFTS OR RAMPS, SLIPS, DOCKS, FLOATING PLATFORMS, MOORINGS, PIERS, PIER ACCESS STRUCTURES, PILINGS, WETLAND OBSERVATION PLATFORMS, WETLAND WALKWAYS, AND WHARFS; AND**

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**(III) THE**;

in line 26, after “INSTALLATION,” insert “ALTERATION,”; in the same line, strike “SALE,”; in line 27, strike “MECHANISMS” and substitute “MEASURES”; in line 28, strike “AND”; in line 29, after “SILLS” insert “, MARSH ESTABLISHMENTS, AND BEACH NOURISHMENT OR OTHER SIMILAR PROJECTS”; and strike line 30 in its entirety.

**AMENDMENT NO. 5**

On page 3, in line 31, strike “SECRETARY” and substitute “MARINE CONTRACTORS LICENSING BOARD”.

On page 4, in line 1, strike “22-201.” and substitute “17-201.”; in line 2, before “SUBJECT” insert:

**“(A) THERE IS A MARINE CONTRACTORS LICENSING BOARD.**

**(B)**;

in the same line, strike “SECRETARY” and substitute “BOARD”; in line 3, strike “PERSONS” and substitute “INDIVIDUALS AND ENTITIES”; and after line 4, insert:

**“17-202.**

**(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.**

**(2) OF THE SEVEN MEMBERS:**

(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

(II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES;

(III) THREE SHALL BE LICENSED MARINE CONTRACTORS AND SHALL INCLUDE:

1. ONE FROM ANNE ARUNDEL, CALVERT, CHARLES, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES;

2. ONE FROM BALTIMORE CITY, OR BALTIMORE, CECIL, HARFORD, KENT, OR QUEEN ANNE'S COUNTIES; AND

3. ONE FROM CAROLINE, DORCHESTER, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES; AND

(IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE, WHO REPRESENT DIVERSE INTERESTS, AND SHALL INCLUDE:

1. ONE FROM BALTIMORE CITY, OR ANNE ARUNDEL, BALTIMORE, CALVERT, CHARLES, HARFORD, PRINCE GEORGE'S, OR ST. MARY'S COUNTIES; AND

2. ONE FROM CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES.

(B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.

(2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR INCOMPETENCE, MISCONDUCT, NEGLIGENCE OF DUTY, OR OTHER SUFFICIENT CAUSE.

17-203.

(A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND SECRETARY ANNUALLY.

(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF OFFICERS.

17-204.

(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.



**(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

**(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET.**

**AMENDMENT NO. 6**

On page 4, in line 5, strike “**22-202.**” and substitute “**17-205.**”; strike beginning with “**IN**” in line 6 down through “**SECRETARY**” in line 7 and substitute “**THE BOARD**”; in line 8, strike “**ADOPT**” and substitute “**RECOMMEND**”; in the same line, after “**REGULATIONS**” insert “**FOR ADOPTION BY THE SECRETARY**”; in the same line, after “**OUT**” insert “**THE PROVISIONS OF**”; in the same line, after the semicolon insert “**AND**”; strike beginning with “**USE**” in line 9 down through “**MAKE**” in line 11 and substitute “**MAKE**”; strike beginning with “**IN**” in line 13 down through “**SECRETARY**” in line 14 and substitute “**THE BOARD**”; strike beginning with “**ADOPT**” in line 15 down through “**AND**” in line 16 and substitute “**CARRY OUT THE PROVISIONS OF THIS TITLE;**

**(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER THIS TITLE; AND**;

in line 17, strike “**(2) KEEP**” and substitute “**(3) KEEP**”; in the same line, strike “**ROSTER**” and substitute “**CURRENT RECORD**”; in the same line, strike “**THE**” and substitute “**ALL**”; in lines 17 and 18, strike “**FIRMS WITH LICENSES**” and substitute “**ENTITIES LICENSED**”; in line 18, strike “**ON THE ROSTER**”; in line 19, strike “**THE**” and substitute “**THE**”; in the same line, strike “**FIRMS**” and substitute “**ENTITIES THAT ARE**”; in line 20, strike “**THE LICENSE**” and substitute “**THE**”; in the same line, after “**DATES**” insert “**OF THE LICENSES**”; in line 21, strike “**ANY**” and substitute

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“ANY”; in the same line, strike “SECRETARY” and substitute “BOARD”; and after line 22, insert:

“17-206.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.

(2) THE FEES IMPOSED BY THE BOARD SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.

(B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO THE WETLANDS AND WATERWAYS PROGRAM FUND UNDER § 5-203.1 OF THIS ARTICLE FOR THE ADMINISTRATION OF THE BOARD.”.

AMENDMENT NO. 7

On page 4, in line 23, strike “MARINE CONTRACTOR LICENSES” and substitute “LICENSING”; in line 24, strike “22-301.” and substitute “17-301.”; in line 25, strike “A” and substitute “EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A”; in the same line, strike “SECRETARY” and substitute “BOARD”; and in line 26, strike “FIRM” and substitute “ENTITY THAT IS”.

On page 5, in line 1, strike “PROVIDE” and substitute “PERFORM”; in line 2, strike “SOLICIT” and substitute “SOLICIT”; in the same line, strike “PROVIDE” and substitute “PERFORM”; in line 4, strike “A FIRM” and substitute “AN ENTITY”; after line 4, insert:

“(C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR THE STATE MAY PERFORM MARINE CONTRACTOR SERVICES

WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.”;

in line 5, strike “**22-302.**” and substitute “**17-302.**”; in line 7, after “SECTION” insert “AND ANY REGULATIONS ADOPTED UNDER THIS SECTION”; in lines 8 and 11, in each instance, strike “A FIRM” and substitute “AN ENTITY”; in lines 8, 9, and 10, in each instance, strike “FIRM” and substitute “ENTITY”; in lines 13 and 18, in each instance, strike “HAVE” and substitute “HAVE”; in line 14, after “CONTRACTOR” insert “OR DEMONSTRATE SIMILAR CONTRACTOR EXPERIENCE”; in line 15, strike “PASS” and substitute “PASS”; strike beginning with “SECRETARY” in line 16 down through “ASSOCIATION” in line 17 and substitute “BOARD”; in line 18, after “NUMBER;” insert “AND”; strike beginning with “BE” in line 19 down through “CARRY” in line 21 and substitute “CARRY”; in line 22, strike “COMMERCIAL” and substitute “COMMERCIAL”; and in line 24, strike “WORKERS” and substitute “WORKERS”.

AMENDMENT NO. 8

On page 5, in line 26, strike “**22-303.**” and substitute “**17-303.**”; in line 27, strike “AN” and substitute “TO APPLY FOR A LICENSE, AN”; and in the same line, strike “FOR A LICENSE”.

On page 6, in lines 1, 2, 5, 13, and 19, in each instance, strike “SECRETARY” and substitute “BOARD”; in lines 1 and 3, in each instance, strike “SUBMIT” and substitute “SUBMIT”; in line 5, strike “PAY” and substitute “PAY”; in the same line, after the second “THE” insert “REQUIRED APPLICATION”; strike beginning with “REQUIRED” in line 5 down through “SECTION” in line 6 and substitute “SET BY THE BOARD”; in lines 7 and 18, in each instance, strike “A FIRM” and substitute “AN ENTITY”; in line 9, strike “FIRM’S” and substitute “ENTITY’S”; strike beginning with “AN” in line 10 down through “(C)” in line 12; in lines 14, 15, 16, and 26, in each instance, strike the first “THE” and substitute “THE”; in line 20, strike “A” and

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substitute "A"; in the same line, strike "FIRM'S" and substitute "ENTITY'S"; in line 21, strike "FOR" and substitute "FOR"; in the same line, strike "FIRM" and substitute "ENTITY"; in line 28, strike "ANY" and substitute "ALL"; in the same line, strike "NAME" and substitute "NAMES"; and in line 29, strike "CONDUCTING THE BUSINESS OF MARINE CONTRACTING" and substitute "PERFORMING MARINE CONTRACTOR SERVICES".

On page 7, in line 1, strike "AS" and substitute "AS"; in lines 1, 5, 12, 18, 23, 26, and 27, in each instance, strike "SECRETARY" and substitute "BOARD"; in line 3, strike "AN" and substitute "AN"; in line 4, strike "IF" and substitute "IF"; in lines 4 and 10, in each instance, strike "A FIRM" and substitute "AN ENTITY"; in lines 4 and 13, in each instance, strike "FIRM" and substitute "ENTITY"; in lines 5, 8, and 14, strike "(D)", "(E)", and "(F)", respectively, and substitute "(C)", "(D)", and "(E)", respectively; in line 7, strike "§ 22-401" and substitute "§ 17-403"; in line 8, strike "APPLICATION" and substitute "INDIVIDUAL SHALL SIGN THE APPLICATION"; in line 9, strike "SHALL BE SIGNED,"; in the same line, strike ", BY THE INDIVIDUAL"; strike beginning with the second "THE" in line 10 down through "AS" in line 11; in line 12, after "MEMBER" insert "OF THE ENTITY SHALL SIGN THE APPLICATION FORM UNDER OATH"; in line 15, strike "§ 22-302(C)(5)" and substitute "§ 17-302(C)(4)"; in lines 17 and 22, strike "22-304." and "22-305.", respectively, and substitute "17-304." and "17-305.", respectively; in line 24, strike "EACH" and substitute "ANY"; in line 25, strike "SUBTITLE" and substitute "TITLE AND ANY REGULATION ADOPTED UNDER THIS TITLE"; in line 28, strike the first "THE" and substitute "THE"; and in line 29, strike "THE" and substitute "THE".

On page 8, in lines 1, 3, 4, and 5, in each instance, strike the first "THE" and substitute "THE"; in lines 2, 6, and 13, in each instance, strike "A FIRM" and substitute "AN ENTITY"; strike in their entirety lines 7 through 11, inclusive; in lines 12, 20, and 28, strike "22-306.", "22-307.", and "22-308.", respectively, and substitute "17-306.", "17-307.", and "17-308.", respectively; in lines 14 and 19, in each instance,

strike “FIRM” and substitute “ENTITY”; in line 15, strike “EMPLOY” and substitute “EMPLOY”; in line 18, strike “REPRESENT” and substitute “REPRESENT”; in line 22, strike “INCLUDE” and substitute “INCLUDE”; and in line 25, strike “PROMINENTLY” and substitute “PROMINENTLY”.

On page 9, in line 1, strike “BY REGULATION, THE” and substitute “THE”; in the same line, after “SHALL” insert “ADOPT REGULATIONS TO”; in line 3, strike “THE” and substitute “A”; in the same line, after “SETS” insert “, IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION”; in lines 4, 23, 24, and 28, in each instance, strike “SECRETARY” and substitute “BOARD”; in line 4, strike “1 MONTH” and substitute “2 MONTHS”; in line 5, strike “MAIL” and substitute “SEND”; in the same line, strike “AT” and substitute “, BY FIRST-CLASS MAIL OR ELECTRONICALLY, TO”; in lines 7 and 8, in each instance, strike “A” and substitute “A”; in lines 9 and 13, in each instance, strike the first “THE” and substitute “THE”; in line 10, strike “THAT THE SECRETARY” and substitute “THE DATE BY WHICH THE BOARD”; in line 11, strike “AT LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE”; in line 14, strike “A” and substitute “BEFORE A LICENSE EXPIRES, THE”; in line 16, strike “IS” and substitute “IS”; in line 17, strike “(I) PAYS TO THE SECRETARY A” and substitute “PAYS TO THE BOARD:”

**(I) THE REQUIRED**;

in the same line, strike “OF \$300” and substitute “SET BY THE BOARD”; in line 18, strike “PAYS TO THE SECRETARY ANY” and substitute “ANY”; in the same line, after “FEES;” insert “AND”; in line 19, strike “SUBMITS” and substitute “SUBMITS”; strike beginning with “SECRETARY” in line 19 down through “AND” in line 21 and substitute “BOARD:”

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS ESTABLISHED UNDER § 17-302 OF THIS SUBTITLE;

(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD ACTIONS TAKEN UNDER THIS TITLE; AND”;

in line 22, strike “(4) SUBMITS TO THE SECRETARY A” and substitute “(IV) A”; after line 23, insert:

“(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING EDUCATION INSTRUCTION COVERING MARINE CONTRACTOR SUBJECT MATTER APPROVED BY THE BOARD.

(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:

1. OFFERED BY A QUALIFIED INSTRUCTOR; OR
2. CONDUCTED BY AN EDUCATIONAL INSTITUTION APPROVED BY THE BOARD.

(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY CONTINUING EDUCATION COURSE.”;

in line 24, strike “(E)” and substitute “(F)”; in line 26, strike “22-309.” and substitute “17-309.”; and in line 27, strike “THAT IS A FIRM”.

On page 10, in line 1, strike “THE ADDITION OF A BRANCH OFFICE” and substitute “IF THE LICENSEE IS AN INDIVIDUAL OR ENTITY, ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS”; strike beginning with “ANY” in line 2 down through “OFFICE” in line 3 and substitute “IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH OFFICE”; in line 4, strike “22-310.” and substitute “17-310.”; in line 7, strike “(B)” and substitute “(C)”; in lines 7, 10, 11, and 17, in each instance, strike “SECRETARY” and substitute “BOARD”; in line 8, after “DENY,” insert “REFUSE TO RENEW,”; in line 9, strike “VIOLATES” and substitute “:

(1) VIOLATES”;

in the same line, after “TITLE” insert “OR ANY REGULATION ADOPTED UNDER THIS TITLE”;

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER PERSON;

(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PRACTICING MARINE CONTRACTOR SERVICES;

(5) FAILS TO COMPLY WITH THE TERMS OF A TIDAL WETLANDS AUTHORIZATION ISSUED UNDER § 16-202 OR § 16-307 OF THIS ARTICLE;

**(6) VIOLATES ANY PROVISION OF, OR REGULATIONS ADOPTED UNDER, § 16-202 OR § 16-307 OF THIS ARTICLE; OR**

**(7) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:**

**(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR APPROVAL; OR**

**(II) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER LEGAL REQUIREMENT”;**

in line 10, after “(B)” insert **“THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED MARINE CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(7) OF THIS SECTION.**

**(C)”;**

strike beginning with “HOLD” in line 13 down through “ARTICLE” in line 14 and substitute **“THE OPPORTUNITY FOR A HEARING BEFORE THE BOARD”**; after line 14, insert:

**“(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**



**(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE SHALL BE:**

**(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR**

**(II) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL OR ENTITY.”;**

in line 15, strike “(2)” and substitute “(4)”; after line 17, insert:

**“(D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS AUTHORIZED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.”;**

and in line 18, strike “(C)” and substitute “(E)”.

**AMENDMENT NO. 9**

On page 10, after line 22, insert:

**“17-401.**

**AN INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT MARINE CONTRACTOR SERVICES UNLESS THE INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD.**

**17-402.**

UNLESS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM MARINE CONTRACTOR SERVICES IN THE STATE.”;

in line 23, strike “**22-401.**” and substitute:

“**17-403.**”;

in line 24, before “**A**” insert:

“(A) **(1)**”;

in the same line, strike “**KNOWINGLY**”; in the same line, after “**TITLE**” insert “**OR ANY REGULATION ADOPTED UNDER THIS TITLE**”; in line 26, strike “**\$1,000**” and substitute “**\$10,000**”; and after line 26, insert:

“(2) **EACH DAY THAT A PERSON CONDUCTS MARINE CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.**”

(B) **(1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SUBTITLE, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF THIS TITLE, OR ANY REGULATION ADOPTED UNDER THIS TITLE.**

(2) **A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED \$10,000 FOR EACH VIOLATION.**

(C) **ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER**

§ 5-203.1 OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.”.

On pages 10 through 19, strike in their entirety the lines beginning with line 27 on page 10 through line 14 on page 19, inclusive.

AMENDMENT NO. 10

On page 19, after line 14, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before December 31, 2010, all marine contractors performing marine contractor services in the State or soliciting to perform marine contractor services in the State shall:

(i) Register with the Department of the Environment; and

(ii) Pay a \$300 registration fee.

(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2011, unless extended by an action of the Board.

(b) After December 31, 2010, any marine contractor that fails to register with the Department may not perform or solicit to perform marine contractor services in the State and shall be subject to the penalties established in § 17-403 of the Environment Article, as enacted by Section 1 of this Act.

(c) For the initial three licensed marine contractor members required to be appointed to the Marine Contractors Licensing Board in accordance with § 17-202 of the Environment Article, as enacted by Section 1 of this Act, the Department shall select marine contractors from the list of the registrants compiled under subsection (a) of this section for recommendation to the Governor for appointment to the Board.”;

(Over)

and in line 15, strike “2.” and substitute “3.”.