

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Robert M. Summers, Ph.D., Acting Secretary

BILL NO: Senate Bill 223

COMMITTEE: Education, Health and Environmental Affairs

POSITION: Oppose

TITLE: Environment – Marine Contractor Services – Boat Lifts

BILL ANALYSIS:

Senate Bill 223 (SB 223) modifies the definition of “marine contractor services” under §17-101(f) of the Environment Article to exempt individuals who install or repair boatlifts from the requirement that they be licensed as a marine contractor under the newly-enacted Marine Contractors Licensing Program.

POSITION AND RATIONALE:

The Maryland Department of the Environment (Department or MDE) opposes SB 223. Based on the information that has been provided by registered marine contractors, it is unclear what problem, if any, this Bill is attempting to correct. The Licensing Program is just getting underway and changes to it before it is fully implemented are premature. Carving out exceptions to the Licensing Program at this early stage could potentially cause confusion to the industry and regulated community.

According to Section 2 of Chapter 286 of the 2010 Laws of Maryland, all marine contractors performing marine contractor services in the State or soliciting to perform marine contractor services were required to register with MDE by December 31, 2010. Any marine contractor that failed to register with MDE may not perform or solicit to perform marine contractor services and may be subject to penalties established by the law.

The Marine Contractor Registration Form developed by MDE has four possible fields to check to reflect the type of work a contractor performs:

- Piers, boatlifts, and associated structures;
- Structural shoreline erosion control;
- Non-structural shoreline erosion control; and
- Dredging.

As of February 7, 2011, 130 marine contractors were registered with the Department, as required by law and only six contractors limited their scope of services to "piers, boatlifts, and associated structures." Furthermore, when the Department contacted the six contractors to determine the exact services being offered to the public, no contractor restricted their operations to the installation or repair of boatlifts. Because the Bill's proposed exemption applies only to boatlift repair or installation, and because, as shown by the registration data, all marine contractors perform services in addition to boatlift repair and installation, SB 223 would have very limited, or no, application.

In addition, from the perspective of the marine contractors supporting the development of Licensing Program, one purpose of the Licensing Program was to attempt to ferret out unscrupulous ("pirate") contractors who build projects quickly and without permits from those presumably law-abiding contractors who welcome professional licensure. One benefit to the Department is that the Licensing Board will have the ability to revoke a contractor's professional license as a penalty for violations of tidal wetlands laws. For property owners, the Licensing Program will provide a valuable resource for finding reputable contractors.

FOR MORE INFORMATION,
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