

Appendix A:
Environmental Article, Title 17, Annotated Code of Maryland

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§17–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the Marine Contractors Licensing Board.
- (c) “Entity” means a business with its principal office in the State that employs more than one individual to provide marine contractor services in the State.
- (d) “License” means a professional license issued by the Board to an individual or entity to perform marine contractor services in the State.
- (e) “Licensed marine contractor” means an individual or entity that has received a license from the Board to perform marine contractor services.
- (f) (1) “Marine contractor services” means construction, demolition, installation, alteration, repair, or salvage activities located in, on, or under State or private tidal wetlands.
 - (2) “Marine contractor services” includes:
 - (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
 - (iii) The construction, demolition, installation, alteration, repair, or salvage of stabilization and erosion control measures, including revetments, breakwaters, bulkheads, groins, jetties, stone sills, marsh establishments, and beach nourishment or other similar projects.

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§17–201.

- (a) There is a Marine Contractors Licensing Board in the Department.
- (b) Subject to the provisions of this title, the Board is responsible for the licensing and regulation of individuals and entities that provide marine contractor services in the State.

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§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, neglect of duty, or other sufficient cause.

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§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.

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§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.

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§17–205.

(a) The Board may:

(1) Recommend regulations for adoption by the Secretary to carry out the provisions of this title; and

(2) Make inquiries and conduct an investigation regarding any applicant for a license.

(b) The Board shall:

(1) Carry out the provisions of this title;

(2) Collect and account for the fees provided for under this title; and

(3) Keep a current record of all individuals and entities licensed under this title, including:

(i) The names of individuals and entities that are licensed;

(ii) The issuance and expiration dates of the licenses; and

(iii) Any other information that the Board considers appropriate.

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§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.

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§17–301.

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

- (1) Perform marine contractor services in the State; or
- (2) Solicit to perform marine contractor services in the State.

(b) An individual, an entity, or a unit of local government may qualify for a license.

(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.

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

(e) (1) This subsection applies to an individual who is employed by a county or municipality in the State.

(2) An individual who performs marine contractor services while in the performance of the duties of their employment is not required to pay a fee for:

- (i) The issuance or renewal of a license; or
- (ii) A test administered by the Board.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, an individual 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 if the individual is performing marine contractor services that:

1. Would present a de minimis risk to human health or the environment;

2. Do not require a federal or State permit; and

3. If the marine contractor services involve an existing structure, do not increase the footprint of the structure.

(ii) If an individual is performing marine contractor services for the routine maintenance or repair of an existing shore erosion control structure, the individual shall obtain a license from the Board under this title.

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§17-302.

(a) To qualify for a license, an applicant shall meet the requirements of this section and any regulations adopted under this section.

(b) If the applicant is an entity, the entity shall appoint a member of the entity as the representative member to make the application on behalf of the entity.

(c) An individual applicant or, if the applicant is an entity, the representative member shall:

(1) Have at least 2 years of experience as a full-time marine contractor or demonstrate similar contractor experience;

(2) Pass a written marine contractor test recognized by the Board;

(3) Have a federal tax identification number; and

(4) Carry:

(i) Commercial general liability insurance with a \$300,000 total aggregate minimum; and

(ii) Workers' compensation insurance, unless exempt by law.

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§17–303.

- (a) (1) To apply for a license, an applicant shall:
 - (i) Submit to the Board an application on the form that the Board provides;
 - (ii) Submit the documents required under this section; and
 - (iii) Pay to the Board the required application fee set by the Board.
- (2) If the applicant is an entity, the representative member shall complete the application form and otherwise be responsible for the entity's compliance with this section.
- (b) (1) If the applicant is an individual, the application form provided by the Board shall require:
 - (i) The name of the applicant;
 - (ii) The address of the applicant; and
 - (iii) The current and previous employment of the applicant relevant to the field of marine contracting.
- (2) If the applicant is an entity, the application form provided by the Board shall require:
 - (i) A list of the entity's owners; and
 - (ii) For each entity owner, the same information required regarding an individual applicant under paragraph (1) of this subsection.
- (3) For all applicants, the application form shall require:
 - (i) The address of the applicant's proposed principal place of business and of each proposed branch office;

(ii) All trade or fictitious names that the applicant intends to use while performing marine contractor services; and

(iii) As the Board considers appropriate, any other information to assist in the evaluation of:

1. An individual applicant; or
2. If the applicant is an entity, any entity member.

(c) The application form provided by the Board shall contain a statement advising the applicant of the penalties for violation of this title provided under § 17–403 of this title.

(d) (1) If the applicant is an individual, the individual shall sign the application form under oath.

(2) If the applicant is an entity, the representative member of the entity shall sign the application form under oath, and shall provide proof to the Board that the representative member is a member of the entity.

(e) An applicant for a license shall submit with the application proof of the insurance required under § 17–302(c)(4) of this subtitle.

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§17-304.

The Board may not issue a license to an applicant whose trade or fictitious name or trademark is so similar to that used by another licensee that the public may be confused or misled by the similarity.

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§17–305.

(a) The Board shall issue a license that is valid for 2 years to any applicant who meets the requirements of this title and any regulation adopted under this title.

(b) The Board, by regulation, may establish license categories that specify the marine contractor services each license authorizes a licensee to perform.

(c) The Board shall include on each license that the Board issues:

- (1) The license category;
- (2) The full name of the licensee;
- (3) The license number;
- (4) The location of the principal office and of each branch office if the licensee is an entity;
- (5) The date of issuance of the license;
- (6) The date on which the license expires; and
- (7) The name of the representative member if the licensee is an entity.

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§17–306.

While a license to an entity is in effect, the license authorizes the entity to:

(1) Employ as marine contractors individuals who are not licensed marine contractors to provide marine contractor services to the public on behalf of the licensee; and

(2) Represent itself to the public as a licensed marine contractor entity.

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§17-307.

A licensed marine contractor shall:

(1) Include the contractor's marine contractor license number in all advertising related to the provision of marine contractor services; and

(2) Prominently display the contractor's marine contractor license number on all large equipment used in the course of the licensee's work as a marine contractor.

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§17–308.

(a) The Secretary shall adopt regulations to stagger the terms of the licenses.

(b) A license expires on the date the Secretary sets, in accordance with subsection (a) of this section.

(c) At least 2 months before a license expires, the Board shall send to the licensee, by first-class mail or electronically, to the last known address of the licensee:

(1) A renewal application form; and

(2) A notice that states:

(i) The date on which the current license expires;

(ii) The date by which the Board must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(iii) The amount of the renewal fee.

(d) Before a license expires, the licensee may renew the license for an additional 2-year term if the licensee:

(1) Is otherwise entitled to be licensed;

(2) Pays to the Board:

(i) The required renewal fee set by the Board; and

(ii) Any outstanding fees; and

(3) Submits to the 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

(iv) A renewal application on the form that the Board provides.

(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.

(f) The Board shall renew the license of each licensee who meets the requirements of this section.

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§17-309.

Within 5 days after the change, a licensee shall submit to the Board written notice of:

- (1) 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; and
- (2) If the licensee is an entity, the addition of a branch office.

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§17–310.

(a) Except as otherwise provided in § 10–226 of the State Government Article, and subject to the notice and hearing requirements in subsection (c) of this section, the Board may deny, refuse to renew, suspend, or revoke a license if the applicant or licensee:

(1) Violates any provision of this title 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.

(b) 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) (1) Before the Board takes any final action under subsection (a) of this section, the Board shall give the applicant or licensee against whom the action is contemplated notice and the opportunity for a hearing before the Board.

(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.

(4) If, after due notice, the applicant or licensee against whom the action is contemplated fails or refuses to appear, the Board may hear and determine the matter.

(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.

(e) For purposes of this section, an act or omission of any principal, agent, or employee of an applicant or licensee may be construed to be the act or omission of the applicant or licensee, as well as of the principal, agent, or employee.

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§17-401.

An individual or entity may not conduct, attempt to conduct, or offer to conduct any marine contractor services unless the individual or entity is licensed by the Board to perform the services.

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§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.

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§17-403.

(a) (1) A person who violates any provision of this title or any regulation adopted under this title 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.

(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.

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§17-501.

Subject to the Maryland Program Evaluation Act, the provisions of this title and all regulations adopted under this title creating the Marine Contractors Licensing Board and relating to the regulation of marine contractors are of no effect and may not be enforced after July 1, 2031.

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