



Questions & Answers About...

Marine Contractors Registration

1. Why do Marine Contractors have to register with the Maryland Department of the Environment by December 31, 2010?

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 must register with the Maryland Department of the Environment (Department) by December 31, 2010. Any marine contractor that fails to register with the Department may not perform or solicit to perform marine contractor services and may be subject to penalties established by the law.

Departmental registration is the precursor to the issuance of a marine contractors license. In 2011, Governor O'Malley will appoint a seven-member Marine Contractors Licensing Board (Board), which will be responsible for the licensing and regulation of individuals and entities that provide marine contractor services in the State. The Board will carry out the provisions of the new law; collect and account for fees associated with the licensing program; and keep a current record of all licensed individuals and entities.

2. Who must register with the Department?

An individual or entity that performs marine contractor services in the State or solicits to provide perform marine contractor services in the State must register with the Department. An entity is a business that employs more than one individual to provide marine contractor services in the State. After December 31, 2010, only a marine contractor that has registered with the Department may perform or solicit to perform marine contractor services in the State. It is important to note that an individual who is employed by an agency of the federal government or the State does not have to register to perform marine contractor services while in the performance of the duties of their employment.

3. If my marine contracting business employs more than one employee, how do I register both my company and my employees?

You must identify a representative member to file a registration application with the Department on behalf of the company. The Department will assign a registration number to the company (entity) and issue a registration card to the representative member.

4. Will I be required to pay a registration fee?

Yes. An individual marine contractor or an entity must pay a \$300 registration fee. It is important to note that the registration fees collected by the Department will be used solely for the administration of the Marine Contractors Licensing Board.

5. What are marine contractor services?

Marine contractor services means construction, demolition, installation, alteration, repair, or salvage activities located in, on, over, or under State or private tidal wetlands. These activities include (1) dredging and filling; (2) 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 (3) 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.

6. How long is the registration period?

The Registration Cards issued by the Department will expire on December 31, 2011, unless extended by an action of the Marine Contractors Licensing Board, which was established by Chapter 286 of the 2010 Laws of Maryland. The Department anticipates that the Board will be operational and issuing marine contractor licenses by December 31, 2011.

7. Can I delay registering with the Department until I have a specific need to perform marine contractor services?

Yes, you can delay your registration. However, after December 31, 2010, you can not perform or solicit to perform marine contractor services in the State. Furthermore, if you perform marine contractor services without being registered with the Department, you may be subject to penalties established by the law.

8. What are the penalties associated with the law for not registering with the Department?

The new law provides for criminal and civil penalties for violations. A person who violates any provision of Chapter 286 of the 2010 Laws of Maryland or any regulation adopted to implement the law 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. Furthermore, each day that a person conducts marine contractor services without being registered constitutes a separate offense. A civil action may also be brought against a person for a violation of the law or its implementing regulations and a person may be liable for a civil penalty not to exceed \$10,000 for each violation.

9. Do I need a Maryland Home Improvement Commission (MHIC) License in order to perform marine contractor services in the State?

Yes, during the registration period, an MHIC License is required for the construction, improvement, or replacement, on land adjacent to the building, of a driveway, fall-out shelter, fence, garage, landscaping, deck, *pier*, porch, or swimming pool. In addition, a

MHIC License is required to construct a *shore erosion control project*, as defined under § 8-1001 of the Natural Resources Article, for a residential property. Once you are licensed by the Marine Contractors Licensing Board, you will no longer need a MHIC License to perform or solicit to perform marine contractor services. It is important to note, that marine contractor services include the construction, demolition, installation, alteration, repair, or salvage activities located in, on, over, or under State or private tidal wetlands. Consequently, if you perform marine contractor services in, on, over, or under State or private tidal wetlands and perform work landward of State or private tidal wetlands, you may be required to have an MHIC License in addition to a Marine Contractors License. For additional information please contact the Division of Occupational and Professional Licensing, Department of Labor, Licensing and Registration by telephone at 1-888-218-5925 (toll free) or by email at op@dllr.state.md.us.

10. Do I need to register with the Department if I am hired by a marine contractor or an individual property owner to prepare and submit a Joint Permit Application for Construction in any Floodplain, Waterway or Wetland Area in Maryland?

No, an individual that has been hired by a marine contractor or an individual property owner to act as an agent for the purpose of preparing and submitting a Joint Permit Application does not need to register with the Department by December 31, 2010 or obtain a Marine Contractors License in the future.

11. My company performs routine maintenance for property owners, which frequently includes minor repairs to a pier. Do I need to register with the Department before the December 31, 2010 registration deadline?

A property owner is not required to register with the Department or obtain a marine contractors license before performing routine maintenance and repair on his/her pier. A contractor hired to perform the work, however, must be registered with the Department to perform this work and obtain a marine contractors license in the future. According to the law, marine contractor services includes 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.

12. My company does wetland consulting and management services and is occasionally asked to plant small mitigation or restoration sites. Do I need to register with the Department before the December 31, 2010 registration deadline?

Yes, the creation, restoration and enhancement of wetland sites are considered marine contractor services and you will need to register with the Department by December 31, 2010 and obtain a marine contractors license in the future. According to the law, marine contractor services includes 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.

- 13. My company performs wetland delineations and I am frequently hired to perform delineations for marine contractors or individual property owners to ensure the accuracy of the wetland delineation, which can streamline the regulatory process by expediting the permit application review process. Do I need to register with the Department before the December 31, 2010 registration deadline?**

No, an individual or company that has been hired by a marine contractor or an individual property owner to perform wetland delineations does not need to register with the Department or obtain a Marine Contractors License in the future.

- 14. My company develops and implements eradication programs for *Phragmites australis* (common reed). A typical plan frequently consists of a combination of ground, aerial and manual herbicide application methods followed by a controlled burn. Do I need to register with the Department before the December 31, 2010 registration deadline?**

If the plan is limited to herbicide application and a controlled burn, you do not need to register with the Department by December 31, 2010 or obtain a Marine Contractors License in the future. However, if the plan includes the removal of the root mass, then you will need to register with the Department in order to perform the work after December 31, 2010 and obtain a Marine Contractors License in the future.