

***MARINE CONTRACTORS LICENSING BOARD***

***c/o Maryland Department of the Environment***

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**MARINE CONTRACTORS LICENSING BOARD**

**MEETING MINUTES – December 12, 2016**

**Location:** DNR Wye Island NRMA Conference Center, Queenstown, MD

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| **BOARD MEMBERS PRESENT** | **OTHERS PRESENT** |
| Chris McCabe, At Large Member | Thomas Blair, Board Administrator |
| Jordan Loran, DNR Representative | Mathew Standeven, Board Counsel |
| Andrew May, MDE Representative-Designee | Andy Hanas, New DNR Designee |
| Douglas Suess, At Large Member |  |
| Robert Murtha, SoMD Rep Designee |  |

**CALL TO ORDER**

Vice Chairman, Chris McCabe called the meeting to order at 10:18 AM at DNR Wye Island NRMA Conference Center, Queenstown, MD. Five Board members (including MDE designee, Andrew May and SoMD Representative Designee Robert Murtha), and the Board’s Administrator, and Counsel were present. Andy Hanas with DNR was also present (see below).

**AGENDA REVIEW**

The Board reviewed the agenda for the meeting which included review of October 13, 2016 minutes and November 14, 2016 notes, review of testing dates, number of applications received to date, registered contractors who have not applied for licensure, introduction of DNR designee, status of draft regulations, review of Del Simonaire inquiry and board decisions concerning license requirements for solicitation for marine work.

**REVIEW OF PRIOR MEETING MINUTES**

Board Members reviewed the draft October 13, 2016 meeting minutes and draft November 14, 2016 meeting notes; the October 13 meeting minutes were voted on and approved by the Board.

**Introduction of Andy Hanas, DNR Board Designee**

Mr. Loran introduced Andy Hanas, who has been designated by the Secretary of the Natural Resources as the new DNR Board Representative. Mr. Loran stated that he will be retiring in July of 2017 and Mr. Hanas has been selected to take over his position on the Board effective at this meeting, pending approval by the Governor’s office and appointment by the Legislature. Mr. Hanas gave short history of his experience and background and stated his willingness to be a representative on the Board.

**OLD BUSINESS**

**Update on testing and licensing**

Mr. Blair updated the Board on license testing performed to date, license fee payment, and license mailout. Mr. Blair stated that all applicants have passed the test. Mr. Blair noted that 161 out of 195 applicants have tested or have signed up for testing. An email was sent to all applicants that have not signed up for testing yet. All applicants that have passed the test have been mailed a letter with attached remittance form requesting payment of the license fee. Approximately 75 license fee payments have been received and licenses have been mailed to those licensees.

Mr. Blair also stated that there are approximately 120 registered marine contractors who have not applied to become licensed. Board members recommended that an email or letter be sent to these contractors advising of the registration expiration. Mr. Blair noted that a letter was sent in late October to all registered contractors that have not applied for licensure stating that the registration expires on December 31, 2016. He noted there has been little response from the registrants due to the mailing, but he will send an email as a final notification.

Mr. Seuss suggested that all counties with tidal waters should receive a listing of the licensed contractors and the licensing requirements. He also suggested that the website should note the licensing requirements as well as a pamphlet that could be handed out at boat shows that notes the licensing requirements.

There was a discussion on how to approach contractors who have tested and not paid the license fee after 1/1/17. Members suggested that the license show the issuance date relative to the payment date of the fee.

Board members requested that the administrator reserve dates for testing for the first half of 2017 so future applicants are aware of when testing will be administered.

**Draft Marine Contractor Regulations**

According to Mr. Standeven the draft regulations have been approved by Water Management and were forwarded to the MDE Secretary’s office for approval. The Secretary’s office had questions concerning the license fees charged to the contractors. WMA staff responded to the questions, noting that the fees charged are not new to the contractors and are only used for maintenance of the license program. Mr. Standeven noted he has not heard anything more about the draft regulations being approved.

**Update on Delegate Simonaire’s Contractor Grandfathering**

Mr. Blair stated that Board Chair Mr. Rehbein contacted Delegate Simonaire’s staff by phone concerning Delegate Simonaire’s inquiry about possibly proposing a legislation grandfathering all currently registered contractors without testing requirements. Mr. Rehbein stated in the phone call that grandfathering would be counterproductive since approximately 160 contractors have taken and passed the license test, paid their fees and become licensed. The Board has not heard anything more from the delegate’s office concerning a bill.

**NEW BUSINESS**

**Discussion of MCLB License Number Marking of Equipment**

The Board members discussed an inquiry by a licensed contractor concerning the requirement in the law that states that all “large equipment” used by a contractor must be marked with the contractor’s license number. The Board members agreed that at least one piece of equipment or vehicle on a work site should be marked with the license number and that if the equipment changes from day to day that there should always be at least one vehicle marked on the work site. The Board agreed that “large equipment” can be defined as any piece of equipment or vehicle used by the contractor on a work site.

**Discussion of Solicitation Definition applied to MCLB Law**

Mr. Standeven discussed an inquiry received from the MDTA concerning the definition of “solicitation” as it is applied in Title 17. He stated that he has sent an email response to the MDTA representative stating that solicitation does not include a response to a bid request and that a contractor need not be licensed to respond to a bid solicitation.

**ADJOURNMENT**

Mr. McCabe requested adjournment of the meeting at 11:55 am. A motion to adjourn by Board members was made and the motion passed.