



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary  
Charles Glass, Deputy Secretary

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January 29, 2020

The Honorable Paul G. Pinsky  
Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Cheryl C. Kagan  
Vice Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***Re: Support with Amendments – Senate Bill 219 - State Boat Act - Abandoned or Sunken Vessels - Removal***

Dear Chair Pinsky, Vice Chair Kagan and Committee Members:

The Maryland Department of Natural Resources is providing the following support on Senate Bill 219 if amended. This bill seeks to provide increased flexibility for the department to address sunken or abandoned boats.

The department is in firm support of the bill sponsor's stated purpose of providing flexibility for the Maryland Abandoned Boat and Debris Program; however, there are several key issues in the bill text that open the possibility of an unsustainable operational impact on DNR.

Under the new provisions of subsection (g)(2) of this bill, the department would be required to take an abandoned or sunken vessel into custody without notice whenever it determines that the vessel "poses an immediate hazard or obstruction to navigation, a potential health hazard, or a potential environmental hazard." There is great ambiguity as to what constitutes a hazard, and certainly a *potential* hazard, and executing the law would create confusing situations for both the department and the boating public. In addition, the department views the current language as opening the door for double or triple the number of boats pulled from state waters as more vessels meet the expanded criteria.

Similarly, subsection (g)(4)(i) of this legislation may cause the department to expend additional funding to take a vessel into custody because it requires "reasonable measures to ensure that the vessel is not damaged." Costs and court hearings associated with this could become overwhelming due to the original conditions of abandoned or sunken vessels, the expensive nature of boat repairs, and mitigation of environmental hazards. DNR's Hydrographic Operations Unit may not possess all the specialized equipment that would be necessary to implement such measures. The storage of vessels presents additional liabilities of theft or malicious destruction of property, regardless of where the vessel is stored.

The Maryland Department of Natural Resources respectfully requests a favorable report for Senate Bill 219 if appropriate amendments are adopted by the Committee to address the above issues.

Respectfully submitted,  
James W. McKittrick  
Director, Legislative and Constituent Services

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