

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Natural Resources**
(DLS Control No. 15-421)

Overview and Legal and Fiscal Impact

The regulation corrects technical errors in existing definitions applicable to boating regulations and adds definitions for clarity and consistency for controlled water ski areas, public bathing beaches and swimming areas, and designated rowing areas.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Natural Resources:

Boating: Definitions: COMAR 08.04.01.01

Legal Analysis

Background

The Maryland Boat Act Advisory Committee was established as part of the Boating Act in 1960. The purpose of the committee is to make recommendations to the Secretary of the Department of Natural Resources on boating regulation requests. Members of the committee include boaters and representatives from water use organizations. The committee meets regularly to review regulatory requests.

In response to concerns, including concerns expressed by Governor Hogan, that State boating regulations are complicated and difficult for the public to navigate, the committee reviewed the subtitles on Boating (.04) and Boating – Speed Limits and Operation of Vessels (.18). It is expected that the committee will recommend comprehensive regulations in 2016 to streamline the requirements under Subtitle .04 and Subtitle .18 so that regulations that apply statewide are under Subtitle .04 and regulations that apply to a specific river system are under Subtitle .18. At this time, the committee recommends that both subtitles include the same definitions. This regulation implements the committee’s recommendation as it pertains to Subtitle .04. The department is also proposing identical definitions for Subtitle .18.

Summary of Regulation

The regulations correct technical errors in existing definitions applicable to boating regulations and add definitions for clarity and consistency for boating regulations pertaining to controlled water ski areas, public bathing beaches and swimming areas, and designated rowing areas.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 8-704(c) and 8-712 of the Natural Resources Article as statutory authority for the regulations. Section 8-704(c) requires the department to adopt, in part, regulations governing the numbering of vessels for identification, safety equipment on vessels, operations of vessels so that each vessel may be operated with equal freedom or under similar requirements as other vessels of that type or size on all waters of the State, and the issuance of certificates of title and certificates of boat number. Section 8-712 requires specified vessels to be numbered for identification in a specified manner.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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