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**By: Delegates Clagett, Busch, and Perry**

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Operation of Boats - Noise Levels - All State Waters**

3 FOR the purpose of establishing noise level requirements for the operation of vessels on  
4 all waters of the State by eliminating the provisions limiting statutory noise levels  
5 only to the nontidal waters of the State; eliminating a certain noise level as  
6 measured in a certain manner; requiring that noise levels on all waters of the State  
7 be measured in a certain manner; and generally relating to statutory noise levels on  
8 the waters of the State.

9 BY repealing and reenacting, with amendments,  
10 Article - Natural Resources  
11 Section 8-725.4  
12 Annotated Code of Maryland  
13 (1990 Replacement Volume and 1995 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Natural Resources**

17 8-725.4.

18 (a) The provisions of this section do not apply to persons who regularly catch or  
19 harvest seafood for sale while actually engaged in the catching or harvesting of the  
20 seafood.

21 (b) (1) [Except as provided in subsection (d) of this section, a person may not  
22 operate a vessel on the tidal waters of the State so as to exceed a noise level of 75dB(a),  
23 measured from a point on shore using generally accepted testing procedures imposed by  
24 regulations adopted by the Department based on the Marine Environment Sound Level  
25 Measurement Procedure, SAE J 1970.

26 (2) (i) [Except as provided in subsection (d) of this section, a person may  
27 not operate a vessel on the [nontidal] waters of the State so as to exceed the following  
28 noise levels:

29 [1.] (I) For engines manufactured before January 1, 1993, a noise  
30 level of 90dB(a); or

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1 [2.] (II) For engines manufactured on or after January 1, 1993, a  
2 noise level of 88dB(a).

3 [(ii)] (2) Noise level limits for [nontidal] waters OF THE STATE shall be  
4 measured using generally accepted testing procedures imposed by regulations adopted by  
5 the Department based on the Marine Environment Sound Level Measurement  
6 Procedure, SAE J 2005.

7 (3) An owner or lessee of a vessel may not allow the vessel to be operated on  
8 waters of the State in violation of [paragraphs (1) and (2)] PARAGRAPH (1) of this  
9 subsection.

10 (c) A person may not own or operate on any waters of the State any vessel  
11 manufactured after January 1, 1990 that is not equipped with a muffler or device or  
12 system which muffles or suppresses engine noise in accordance with regulations adopted  
13 by the Department.

14 (d) The Department may adopt regulations to permit exceptions to this section,  
15 including exceptions for:

16 (1) Economic hardship;

17 (2) Vessels participating or preparing to participate in a U.S. Coast Guard  
18 or Department approved race or event;

19 (3) The testing, repair, or development of vessel engines conducted by a  
20 bona fide engine or boat manufacturer or service person; and

21 (4) Vessels belonging to a volunteer fire department, ambulance company,  
22 rescue squad company, or advance life support company or a political subdivision.

23 (e) In addition to the provisions of subsection (b) of this section, the Department  
24 may adopt regulations to enforce this section, including regulations establishing noise  
25 limitations.

26 (f) (1) A person who violates any provision of this section is guilty of a  
27 misdemeanor and on conviction is subject to a fine not exceeding:

28 (i) For the first offense, \$500; and

29 (ii) For the second offense, \$1,000 or imprisonment of 30 days or both.

30 (2) Paragraph (1) of this subsection does not limit or supersede any other  
31 penalty that may be imposed under this subtitle for a violation of any other law or  
32 regulation adopted under this subtitle.

33 (g) All regulations adopted by the Department under this section shall be in  
34 accordance with the Administrative Procedure Act under Title 10 of the State  
35 Government Article.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 June 1, 1996.