

**By: Senator Astle**

Introduced and read first time: January 31, 1996  
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 28, 1996

CHAPTER \_\_\_\_\_

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; making the maximum noise level limit the same  
7 regardless of the date certain engines are manufactured; requiring that noise levels  
8 on all waters of the State be measured in a certain manner; providing for the  
9 effective date of this Act; and generally relating to statutory noise levels on the  
10 waters of the State.

11 BY repealing and reenacting, with amendments,  
12 Article - Natural Resources  
13 Section 8-725.4  
14 Annotated Code of Maryland  
15 (1990 Replacement Volume and 1995 Supplement)

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

18 **Article - Natural Resources**

19 8-725.4.

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

23 (b) (1) [Except as provided in subsection (d) of this section, a person may not  
24 operate a vessel on the tidal waters of the State so as to exceed a noise level of 75dB(a),

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1 measured from a point on shore using generally accepted testing procedures imposed by  
2 regulations adopted by the Department based on the Marine Environment Sound Level  
3 Measurement Procedure, SAE J 1970.

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

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

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

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

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

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

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

24 (1) Economic hardship;

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

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

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

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

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

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

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

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

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

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