

Chapter 178

(Senate Bill 127)

AN ACT concerning

Natural Resources – Marine Gathering Permit – Establishment

FOR the purpose of prohibiting a person from sponsoring or holding a marine gathering without obtaining a permit from the Department of Natural Resources; requiring an organizer or sponsor of a marine gathering to submit a permit application and pay a certain permit fee to the Department ~~within a certain time period~~; prohibiting the Department from requiring a certain permit application to be submitted within a certain time period; requiring the Department to adopt certain regulations governing marine gathering permits; requiring the Department to issue a certain permit under certain circumstances and in accordance with certain requirements; authorizing the Department to require certain terms in a certain permit; authorizing the Department to recommend certain actions to a certain applicant for a certain purpose; prohibiting the Department from requiring any additional terms or conditions in a certain permit; requiring the Department to notify the local law enforcement unit of the county in which the marine gathering will occur and certain public safety organizations before issuing a permit; authorizing a police officer to terminate and disband a marine gathering for failure to obtain a certain permit or to comply with the terms of a certain permit; establishing certain civil and criminal penalties for a violation of this Act; defining ~~a~~ certain term terms; and generally relating to the establishment of ~~the~~ a marine gathering permit.

BY adding to

Article – Natural Resources

Section 8–725.7

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Natural Resources

8–725.7.

~~(A) IN THIS SECTION, “MARINE GATHERING”;~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(1) (2)~~ (I) MEANS “MARINE GATHERING” MEANS AN INTENTIONAL CONGREGATION OF AT LEAST ~~50~~ 100 VESSELS IN THE WATERS OF THE STATE THAT, BY ITS NATURE, CIRCUMSTANCES, OR LOCATION, CREATES EXTRA OR UNUSUAL HAZARDS TO LIFE OR PROPERTY;~~AND.~~

~~(2)~~ (II) DOES “MARINE GATHERING” DOES NOT INCLUDE:

~~(I)~~ 1. A RACE, A REGATTA, A PARADE, AN EXHIBITION, OR OTHER MARINE EVENT FOR WHICH A PERMIT IS REQUIRED BY THE UNITED STATES COAST GUARD;

~~(II)~~ 2. A DOCKING COMPETITION; OR

~~(III)~~ 3. VESSELS DOCKED OR MOORED AT A MARINA.

(3) “PERMIT” MEANS A MARINE GATHERING PERMIT ISSUED IN ACCORDANCE WITH THIS SECTION.

(B) A PERSON MAY NOT SPONSOR OR HOLD A MARINE GATHERING WITHOUT OBTAINING A WRITTEN PERMIT FROM THE DEPARTMENT.

(C) (1) ~~AT LEAST 60 DAYS BEFORE SPONSORING OR HOLDING A MARINE GATHERING ON THE WATERS OF THE STATE, THE~~ THE ORGANIZER OR SPONSOR OF THE MARINE GATHERING SHALL SUBMIT A PERMIT APPLICATION TO THE DEPARTMENT AND PAY AN APPLICATION FEE ESTABLISHED BY THE DEPARTMENT.

(2) THE APPLICATION FEE MAY NOT EXCEED THE COST OF PROCESSING ~~AND ENFORCING~~ THE PERMIT.

(3) THE DEPARTMENT MAY NOT REQUIRE THE APPLICATION TO BE SUBMITTED MORE THAN 45 DAYS BEFORE THE MARINE GATHERING.

(D) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING THE APPLICATION FOR, AND ISSUANCE OF, ~~AND TERMS AND CONDITIONS FOR~~ THE PERMIT.

~~(2) THE TERMS AND CONDITIONS FOR THE PERMIT MAY INCLUDE PROVISIONS GOVERNING:~~

~~(I) THE PLACEMENT OF BUOYS;~~

~~(H) THE PRESENCE OF SECURITY OFFICERS WITH ARREST POWERS;~~

~~(HH) A LIMITATION ON THE DURATION OF THE MARINE GATHERING; AND~~

~~(IV) ANY OTHER TERMS AND CONDITIONS CONSIDERED NECESSARY BY THE DEPARTMENT TO ENSURE PUBLIC SAFETY. IF A PERMIT IS NEEDED TO ENSURE PUBLIC SAFETY, THE DEPARTMENT SHALL ISSUE A PERMIT IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.~~

(3) THE DEPARTMENT MAY REQUIRE IN THE TERMS OF A PERMIT ONE OR MORE OF THE FOLLOWING REQUIREMENTS:

(I) THE PRESENCE OF SECURITY OFFICERS AT THE MARINE GATHERING;

(II) THE PRESENCE OF RESCUE PERSONNEL OR LIFEGUARDS AT THE MARINE GATHERING;

(III) THE PLACEMENT OF BUOYS AT THE MARINE GATHERING; AND

(IV) LIMITATIONS ON THE DURATION OF THE MARINE GATHERING.

(4) THE DEPARTMENT MAY:

(I) RECOMMEND ADDITIONAL ACTIONS TO AN APPLICANT TO FURTHER SAFEGUARD THE PARTICIPANTS OF THE MARINE GATHERING; BUT

(II) NOT REQUIRE ANY ADDITIONAL TERMS OR CONDITIONS IN A PERMIT BEYOND WHAT MAY BE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(E) BEFORE ISSUING A MARINE GATHERING PERMIT, THE DEPARTMENT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT OF THE COUNTY IN WHICH THE MARINE GATHERING WILL OCCUR AND PUBLIC SAFETY ORGANIZATIONS THAT THE DEPARTMENT CONSIDERS NECESSARY.

(F) A POLICE OFFICER MAY TERMINATE AND DISBAND A MARINE GATHERING:

(1) HELD WITHOUT THE NECESSARY PERMIT; OR

(2) IN VIOLATION OF THE TERMS OF A PERMIT.

~~**(F) (G) (1) A PERSON WHO VIOLATES THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION IS LIABLE TO THE STATE FOR THE COST OF DISBANDING THE MARINE GATHERING OR IMPLEMENTING THE PERMIT TERMS AND CONDITIONS.**~~

~~**(2)**~~ A PERSON WHO VIOLATES THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

~~**(3) (2)**~~ A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION ~~IS GUILTY IS:~~

(I) GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$2,000 OR BOTH \$5,000; AND

(II) LIABLE TO THE STATE FOR THE COST OF DISBANDING THE MARINE GATHERING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012.

Approved by the Governor, May 2, 2012.