



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

February 12, 2020

The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee
House Office Building, Room 251
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation Committee
House Office Building, Room 251
Annapolis, MD 21401

Re: Support with Amendments – House Bill 143 - State Boat Act - Abandoned or Sunken Vessels - Removal

Dear Chair Barve, Vice Chair Stein, and Committee Members:

The Maryland Department of Natural Resources is providing the following support on House Bill 143 if amended. The Committee should be aware that its crossfile, Senate Bill 219, has been amended with the department's full support and is set to pass on the Senate Floor.

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 House Bill 143 if appropriate amendments are adopted to conform with Senate Bill 219.

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

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Contact: James W. McKittrick, Director, Legislative and Constituent Services
Jamesw.mckittrick@maryland.gov ♦ 443-510-5013

BY:
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 143
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 6 down through “disaster;” in line 9; in line 10, after “determination;” insert “altering a certain notice requirement to apply to each known secured party rather than each secured party;”; in the same line, after the second “to” insert “each known secured party and”; and strike beginning with “requiring” in line 14 down through “Act;” in line 16.

AMENDMENT NO. 2

On page 3, in line 8, strike “AND (3)”; in line 18, after “each” insert “KNOWN”; in line 21, strike “5” and substitute “15”; in line 22, strike “OR (3)”; and in line 25, after “EACH” insert “KNOWN”.

On pages 4 and 5, strike in their entirety the lines beginning with line 29 on page 4 through line 5 on page 5, inclusive.

On page 5, in line 12, strike “ADMINISTRATIVE COSTS OF THE”.