



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 11, 2025

BILL NUMBER: House Bill 1260 – First Reader

SHORT TITLE: State Boat Act - Abandoned or Sunken Recreational Vessels - Identification and Removal

DEPARTMENT’S POSITION: OPPOSE

EXPLANATION OF DEPARTMENT’S POSITION

The Department agrees with the concept of removing abandoned and sunken vessels from Maryland waters, as their presence can contribute to the degradation of the environment, present hazards to navigation, and understands it can be a great source of frustration to the otherwise law abiding boating public and others. However, the Department has legal, constitutional, and practical concerns with the new criteria proposed in this bill. To seize, remove, or take into custody any vessel based upon these criteria would place the Department at risk of depriving a legitimate vessel owner of their legal and rightful property.

While the Department and other government entities may issue permits to individuals, businesses, or associations for the placement of moorings or pilings, such permits do not confer any private ownership interest in the installed apparatus. As a result, there is no designated owner or controlling party, and no permission is required for its use. Additionally, single moorings do not require a permit.

The text in this bill does not establish whether 60 days means 60 consecutive days, 60 days per calendar year, or some other time frame. In any case, it would be impractical for the Department to monitor vessels anchored in Maryland waters to establish that the vessel has been unattended for the specified period of time. To successfully establish that the criteria had been met would require 24/7/365 surveillance of the vessel. Interpreted to be 60 consecutive days, any movement of the vessel, regardless of how slight, would restart the 60-day clock. Likewise, any visit to the vessel by the owner, regardless of how brief, would restart the 60-day clock. Interpreting the language to mean 60 days in some time period not specified in the bill would be unfair, as it is reasonable to say that most vessels are unattended for that time period during the course of a summer, and certainly during a year.

It has long been the practice of the Department to enforce vessel registration requirements while vessels are underway. The Department does not require vessels tied to piers, docks, moorings, pilings, or at anchor, to have a current vessel registration or display a valid registration decal. That a vessel is not registered or displaying a valid registration decal is not an indicator that the vessel is abandoned by the owner.

Practically, most vessels docked, anchored, or moored in the water have some level of standing water present in the bilge. Determining what level of standing water is acceptable would be subjective and

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lead to inconsistent determinations regarding the status of vessels. Legal and constitutional concerns exist with this criterion, as Department personnel would be required, in many cases, to unlawfully enter and search an unoccupied vessel to determine if standing water is present.

A vessel that appears to be in poor condition above the waterline, though aesthetically unappealing, may nonetheless be structurally sound, capable of maintaining adequate buoyancy, and free from any environmental hazards. There is no minimum condition standard under this criterion that would independently justify a determination, except in cases where a vessel is sunken, which is already sufficiently addressed by statute.

By federal regulation, adopted by Maryland regulations, a vessel of less than seven meters in length, when at anchor not in or near a narrow channel, fairway or where other vessels normally navigate, is not required to be equipped with or display an anchor light.

Assessing the acceptability of mooring equipment condition is inherently subjective and depends on various factors, including vessel size, fluctuating sea conditions, and environmental changes. This criterion does not establish a minimum condition standard for determining compliance. As a result, such evaluations would be inconsistent and lack uniform application.

BACKGROUND INFORMATION

Introduced as HB 293 in 2024. Natural Resources Article § 8-721 governs the criteria for determining whether a vessel is determined to have been abandoned, as well as the removal and disposal of abandoned and sunken vessels. This statute was last modified during the 2020 Regular Session of the Maryland General Assembly (HB0143/SB0219).

BILL EXPLANATION

This bill establishes new criteria for determining that a vessel has been abandoned on, or has sunken in, Maryland waters.