

# SENATE BILL 127

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Marine Gathering Permit – Establishment**

3 FOR the purpose of prohibiting a person from sponsoring or holding a marine  
4 gathering without obtaining a permit from the Department of Natural  
5 Resources; requiring an organizer or sponsor of a marine gathering to submit a  
6 permit application and pay a certain permit fee to the Department within a  
7 certain time period; requiring the Department to adopt certain regulations  
8 governing marine gathering permits; requiring the Department to notify the  
9 local law enforcement unit of the county in which the marine gathering will  
10 occur before issuing a permit; establishing certain civil and criminal penalties  
11 for a violation of this Act; defining a certain term; and generally relating to the  
12 establishment of the marine gathering permit.

13 BY adding to

14 Article – Natural Resources

15 Section 8–725.7

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2011 Supplement)

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

20 **Article – Natural Resources**

21 **8–725.7.**

22 **(A) IN THIS SECTION, “MARINE GATHERING”:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(1) MEANS AN INTENTIONAL CONGREGATION OF AT LEAST 50**  
2 **VESSELS IN THE WATERS OF THE STATE THAT, BY ITS NATURE,**  
3 **CIRCUMSTANCES, OR LOCATION, CREATES EXTRA OR UNUSUAL HAZARDS TO**  
4 **LIFE OR PROPERTY; AND**

5           **(2) DOES NOT INCLUDE:**

6                   **(I) A RACE, A REGATTA, A PARADE, AN EXHIBITION, OR**  
7 **OTHER MARINE EVENT FOR WHICH A PERMIT IS REQUIRED BY THE UNITED**  
8 **STATES COAST GUARD;**

9                   **(II) A DOCKING COMPETITION; OR**

10                   **(III) VESSELS DOCKED OR MOORED AT A MARINA.**

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

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

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

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

23                   **(2) THE TERMS AND CONDITIONS FOR THE PERMIT MAY INCLUDE**  
24 **PROVISIONS GOVERNING:**

25                   **(I) THE PLACEMENT OF BUOYS;**

26                   **(II) THE PRESENCE OF SECURITY OFFICERS WITH ARREST**  
27 **POWERS;**

28                   **(III) A LIMITATION ON THE DURATION OF THE MARINE**  
29 **GATHERING; AND**

1                   **(IV) ANY OTHER TERMS AND CONDITIONS CONSIDERED**  
2 **NECESSARY BY THE DEPARTMENT TO ENSURE PUBLIC SAFETY.**

3           **(E) BEFORE ISSUING A MARINE GATHERING PERMIT, THE**  
4 **DEPARTMENT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT OF THE**  
5 **COUNTY IN WHICH THE MARINE GATHERING WILL OCCUR.**

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

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

13                   **(3) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT**  
14 **VIOLATION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION**  
15 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**  
16 **IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$2,000**  
17 **OR BOTH.**

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