

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 127

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Natural
Resources)

Education, Health, and Environmental Affairs

Environmental Matters

Natural Resources - Marine Gathering Permit - Establishment

This departmental bill requires a person to obtain a written permit from the Department of Natural Resources (DNR) prior to sponsoring or holding a gathering of at least 100 vessels in State waters, subject to specified exceptions. Organizers or sponsors must submit a permit application and fee to DNR prior to sponsoring or holding a “marine gathering.” DNR is required to establish an application fee that does not exceed the cost of processing the permit. DNR must adopt regulations governing the application and issuance of a permit. The bill establishes enforcement provisions, including criminal penalties.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: DNR special fund expenditures increase minimally in FY 2012 and future years to establish and process permits; however, special fund revenues increase correspondingly due to permit application fees. DNR workloads may decrease to the extent the bill shifts some enforcement responsibility to permit holders. The criminal penalty provisions of the bill are not anticipated to have a material impact on State finances.

Local Effect: The criminal penalty provisions of the bill are not anticipated to have a material impact on local finances or operations. Enforcement can be handled with existing resources.

Small Business Effect: DNR has determined that the bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: A “marine gathering” is an intentional congregation of at least 100 vessels in State waters that, by its nature, circumstances, or location, creates extra or unusual hazards to life or property. A “marine gathering” does not include (1) a race, regatta, parade, exhibition, or other marine event for which the U.S. Coast Guard requires a permit; (2) a docking competition; or (3) vessels docked or moored at a marina.

DNR is prohibited from requiring an application for a marine gathering permit to be submitted more than 45 days before the marine gathering.

If a permit is needed to ensure public safety, DNR must issue a permit. DNR is authorized to include the following requirements in the terms of a permit: (1) the presence of security officers at the marine gathering; (2) the presence of rescue personnel or lifeguards at the marine gathering; (3) the placement of buoys at the marine gathering; and (4) limitations on the duration of the marine gathering. DNR may recommend additional safety actions to an applicant, but it may require additional terms or conditions in a permit.

Before issuing a permit, DNR must notify specified local law enforcement units and public safety organizations. The bill authorizes a police officer to terminate and disband a marine gathering held without the necessary permit or in violation of the terms of a permit.

Violators are guilty of a misdemeanor and, upon conviction, subject to a fine of up to \$1,000. A person who commits a second or subsequent offense is subject to a fine of up to \$5,000 and is liable to the State for the cost of disbanding the marine gathering.

Current Law: The State Boat Act, enacted in 1960, governs boating in the State. DNR’s Natural Resources Police (NRP) enforces the law and its regulations. Any revenue DNR collects under the State Boat Act must be deposited in the State Treasury and used exclusively for the administration, functions, and objectives of the State Boat Act. These funds are credited to DNR.

Background: Large marine party events such as AquaPalooza, Bumper Bash, and Canal Days continue to grow in size and public disturbance, presenting NRP with significant challenges. These social gatherings typically involve nearly 1,000 vessels and thousands

of people, and they frequently demand the presence of at least 10 to 20 NRP officers per event to maintain public safety on the water. At these events, NRP officers maintain safe navigation channels, rescue swimmers and boaters from the water, prevent disorderly situations from becoming assaults, prevent trespassing on private property, and address property and safety threats caused by excessive alcohol consumption and crowds. For example, during the two-day Canal Days party held in 2010 near Chesapeake City, officers issued 10 operating-under-the-influence citations, 25 other citations, and 13 warnings and responded to 1 boating accident. DNR advises that these events essentially monopolize NRP's entire force stationed within the county of the event.

While the U.S. Coast Guard requires permits for marine events such as regattas, boat races, and marine-related fireworks displays, it does not provide law enforcement services for or address general marine gathering events. In 2011, there were approximately 10 marine gathering events in the State. DNR advises that at least 28 other states either require event permits or prohibit large marine gatherings.

Marine gathering permits will allow NRP and local law enforcement agencies to better prepare for these large events. As part of the terms and conditions for a marine gathering permit, as authorized by the bill, DNR may require event organizers to have a minimum number of security officers at the gathering. Further, DNR may require event organizers to place buoys marking the gathering's boundaries and navigation pathways. Such requirements would shift some of the policing burden at these events from DNR to the event sponsors.

State Fiscal Effect: Overall, the bill is anticipated to have a minimal impact on DNR finances. Although DNR's special fund expenditures increase minimally beginning in fiscal 2012 to establish and process the new permitting requirement, special fund revenues from permit application fees are anticipated to offset those costs. In addition, DNR can absorb any costs associated with promulgating marine gathering permit regulations and notifying local law enforcement entities, as required by the bill. Based on data from 2011, it is assumed that approximately 10 marine gathering permits are issued each year.

To the extent the bill shifts enforcement responsibility from DNR to permit holders, NRP workloads decrease minimally.

The criminal penalty provisions of this bill are not anticipated to have a material impact on State finances or operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford and Talbot counties, Department of Natural Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2012
mm/lgc Revised - Senate Third Reader - April 3, 2012

Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Natural Resources – Marine Gatherings Permit – Establishment

BILL NUMBER: SB 127

PREPARED BY: Maryland Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.