

HOUSE BILL 860

M1

(5lr2204)

ENROLLED BILL

— Environment and Transportation/Education, Health, and Environmental Affairs —

Introduced by **Delegates Stein, Anderson, Barkley, Carr, Frush, Lafferty, Luedtke, B. Robinson, S. Robinson, and ~~Waldstreicher~~ Waldstreicher, McIntosh, and Lam**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Aquatic Invasive Species – ~~Inspection and~~ Decontamination of Vessels**
3 **(State Lakes Invasive Species Act of 2015)**

4 FOR the purpose of ~~authorizing the Department of Natural Resources to take certain~~
5 ~~actions for the inspection and decontamination of vessels; requiring the Department~~
6 ~~to adopt certain regulations; prohibiting a person~~ an owner of a vessel from placing
7 ~~a vessel or having a~~ the vessel or having the vessel placed in a lake at a public launch
8 ramp or public dock after a certain date unless the ~~person~~ owner has taken certain
9 actions; making ~~a person~~ an owner who violates this Act ~~guilty of a misdemeanor~~
10 ~~and~~ subject to certain penalties; requiring the Department of Natural Resources to
11 convene a certain workgroup to evaluate actions that reduce the spread of aquatic
12 invasive species from vessels placed in lakes that are owned or managed by the State;
13 requiring the workgroup to make certain recommendations and to submit a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 report to certain committees of the General Assembly on or before a certain date;
 2 providing for the application of this Act; and generally relating to the inspection and
 3 decontamination of vessels.

4 BY adding to

5 Article – Natural Resources
 6 Section 8–703.3
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume and 2014 Supplement)

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

11 **Article – Natural Resources**

12 **8–703.3.**

13 (A) THIS SECTION APPLIES TO A VESSEL THAT IS OPERATED IN A LAKE THAT
 14 IS OWNED OR MANAGED BY THE STATE.

15 ~~(B) (1) THE DEPARTMENT MAY:~~

16 ~~(i) STOP, DETAIN, OR INSPECT A VESSEL FOR THE PRESENCE~~
 17 ~~OF AN AQUATIC INVASIVE SPECIES;~~

18 ~~(ii) DECONTAMINATE, OR ORDER THE DECONTAMINATION OF,~~
 19 ~~A VESSEL THAT IS CONTAMINATED WITH AN AQUATIC INVASIVE SPECIES;~~

20 ~~(iii) ESTABLISH AN AQUATIC INVASIVE SPECIES STATION; AND~~

21 ~~(iv) ESTABLISH AN INSPECTION AND DECONTAMINATION~~
 22 ~~CERTIFICATION PROGRAM TO CERTIFY THAT A VESSEL HAS PASSED INSPECTION.~~

23 ~~(2) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE~~
 24 ~~PROPER MANNER FOR DRYING A VESSEL AS REQUIRED UNDER SUBSECTION (C)(3)~~
 25 ~~OF THIS SECTION, INCLUDING THE AMOUNT OF TIME NECESSARY FOR A VESSEL TO~~
 26 ~~DRY.~~

27 ~~(C) (B) A PERSON AFTER APRIL 1, 2017, AN OWNER OF A VESSEL MAY NOT~~
 28 ~~PLACE A THE VESSEL OR HAVE A THE VESSEL PLACED IN A LAKE AT A PUBLIC~~
 29 ~~LAUNCH RAMP OR PUBLIC DOCK UNLESS THE PERSON OWNER HAS:~~

30 ~~(1) CLEANED CLEANED THE VESSEL AND REMOVED ALL VISIBLE~~
 31 ~~ORGANIC MATERIAL, INCLUDING PLANTS, ANIMALS, AND MUD;~~

~~(2) DRAINED THE VESSEL OF ALL WATER, INCLUDING:~~

~~(i) REMOVING A PLUG OR OTHER BARRIER THAT PREVENTS WATER DRAINAGE; AND~~

~~(ii) IF THE VESSEL IS EQUIPPED WITH A PUMP, RUNNING THE PUMP TO REMOVE WATER; AND~~

~~(3) DRIED ALL COMPARTMENTS, SPACES, AND ASSOCIATED EQUIPMENT THAT HOLD OR MAY HOLD WATER, INCLUDING COMPLYING WITH GUIDELINES FOR DRYING AND DRYING TIMES AS ESTABLISHED BY THE DEPARTMENT BY REGULATION.~~

~~(D) (C) (1) (i) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 3 MONTHS OR BOTH.~~

~~(ii) A PERSON FOUND GUILTY OF A SECOND OR SUBSEQUENT VIOLATION OF ANY PROVISION OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

~~(2) IN ADDITION TO A PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$500 FOR EACH VIOLATION. AN OWNER OF A VESSEL WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING:~~

~~(1) \$100 FOR A FIRST VIOLATION;~~

~~(2) \$250 FOR A SECOND VIOLATION; AND~~

~~(3) \$500 FOR A THIRD OR SUBSEQUENT VIOLATION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Natural Resources shall convene a workgroup consisting of the Department, at least one expert in boat cleaning and decontamination programs, and other stakeholders representative of interested parties to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State.

(b) The workgroup shall:

(1) make recommendations on the most appropriate actions to reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State, including:

- 1 (i) recommended budget items;
- 2 (ii) recommended funding sources; and
- 3 (iii) prioritized activities and resources; and

4 (2) include a plan in the report required under subsection (c) of this section
 5 to implement the recommendations of the workgroup by July 1, 2016.

6 (c) On or before December 31, 2015, the workgroup shall report its
 7 recommendations to the Senate Education, Health, and Environmental Affairs Committee
 8 and the House Environment and Transportation Committee, in accordance with § 2-1246
 9 of the State Government Article.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 11 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.