

HOUSE BILL 860

M1

5lr2204

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

Introduced and read first time: February 13, 2015
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2015

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 from placing a vessel or having a
7 vessel placed in a lake unless the person has taken certain actions; making a person
8 who violates this Act guilty of a misdemeanor and subject to certain penalties;
9 requiring the Department of Natural Resources to convene a certain workgroup to
10 evaluate actions that reduce the spread of aquatic invasive species from vessels
11 placed in lakes that are owned or managed by the State; requiring the workgroup to
12 make certain recommendations and to submit a certain report to certain committees
13 of the General Assembly on or before a certain date; providing for the application of
14 this Act; and generally relating to the ~~inspection and~~ decontamination of vessels.

15 BY adding to
16 Article – Natural Resources
17 Section 8–703.3
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2014 Supplement)

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

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.



1 Article – Natural Resources

2 ~~8-703.3.~~

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

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

6 ~~(I) STOP, DETAIN, OR INSPECT A VESSEL FOR THE PRESENCE~~
7 ~~OF AN AQUATIC INVASIVE SPECIES;~~

8 ~~(II) DECONTAMINATE, OR ORDER THE DECONTAMINATION OF,~~
9 ~~A VESSEL THAT IS CONTAMINATED WITH AN AQUATIC INVASIVE SPECIES;~~

10 ~~(III) ESTABLISH AN AQUATIC INVASIVE SPECIES STATION; AND~~

11 ~~(IV) ESTABLISH AN INSPECTION AND DECONTAMINATION~~
12 ~~CERTIFICATION PROGRAM TO CERTIFY THAT A VESSEL HAS PASSED INSPECTION.~~

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

17 ~~(C) (B)~~ A PERSON MAY NOT PLACE A VESSEL OR HAVE A VESSEL PLACED
18 IN A LAKE UNLESS THE PERSON HAS:

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

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

22 ~~(I) REMOVING A PLUG OR OTHER BARRIER THAT PREVENTS~~
23 ~~WATER DRAINAGE; AND~~

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

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

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

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

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

16 (b) The workgroup shall:

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

20 (i) recommended budget items;

21 (ii) recommended funding sources; and

22 (iii) prioritized activities and resources; and

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

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

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