

In subsection (a) of this section, the former reference to a "partnership or corporation" is deleted as included in the term "person" which as defined in § 8-101(d) of this title includes a "partnership ... [or] public or private corporation".

In subsection (a)(3) of this section, the former reference to "destroy[ing] ... any wharf or other structure" is deleted as implicit in the reference to "damag[ing] a wharf or structure".

Also in subsection (a)(3) of this section, the reference to a "county" is substituted for the former obsolete reference to the "county commissioners" in light of Md. Constitution, Art. XI-A, § 3, which states that "all references ... in the ... laws of this State to the Mayor of Baltimore and City Council of the City of Baltimore or to the County Commissioners of the Counties, shall be construed to refer to the Mayor of Baltimore and City Council of the City of Baltimore and to the President or Chairman and County Council herein provided for whenever such construction would be reasonable". In 1945, when former § 484 was enacted, only Baltimore City operated under a charter; the counties were governed by Boards of County Commissioners. Thus, this reference was to all counties, and was not meant to be limited to the current non-charter counties that are not governed by county councils and some form of a county executive.

Also in subsection (a)(3) of this section, the former reference to a county "in which said public landing is located" is deleted as surplusage.

Also in subsection (a)(3) of this section, the former reference to a person "who erects such wharf or structures" is deleted as surplusage.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (b) of this section sets a minimum fine of \$25, rather than a maximum fine, for each violation of this section.

Defined term: "Person" § 8-101

8-725.5. SPEED LIMIT ON SENECA CREEK.

(A) PROHIBITED SPEED.

A PERSON MAY NOT OPERATE A VESSEL ON SENECA CREEK IN MONTGOMERY COUNTY AT A SPEED IN EXCESS OF 6 KNOTS.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE OF NOT LESS THAN \$25 AND NOT EXCEEDING \$200 OR BOTH.

REVISOR'S NOTE: Chapter 26, Acts of 2002, which enacted the Criminal Law Article, also added this section, which is new language derived without substantive change from former Art. 27, § 21(c) and, as it related to the vessel speed limit on Seneca Creek, (b).