

In subsection (c) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly what was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute, is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (c) of this section, the former reference to a "master" is deleted as implicit in the reference to a "person" in command.

Also in subsection (c) of this section, the former word "thereof" is deleted as surplusage.

In subsection (d) of this section, the reference to the "Natural Resources Police Force" is substituted for the former obsolete reference to the "commanding officer of the State fishery force", the predecessor agency.

Defined terms: "Person" § 8-101
"Vessel" § 8-701

8-738.1. OPERATING VESSEL IN RECKLESS OR DANGEROUS MANNER.

(A) PROHIBITED.

A PERSON MAY NOT:

(1) OPERATE A VESSEL RECKLESSLY OR IN A MANNER THAT MAY ENDANGER ANOTHER OR THE PROPERTY OF ANOTHER ON A BAY, CREEK, LAKE, RIVER, OR STREAM IN THE STATE; OR

(2) COME INTO A WHARF OR BATHING SHORE RECKLESSLY OR IN A MANNER THAT MAY ENDANGER A PERSON OR PROPERTY.

(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(a) and (c).

In subsection (a) of this section, the reference to a "vessel" is substituted for the former reference to a "boat" for consistency in this subtitle.

Also in subsection (a) of this section, the former reference to "fresh or salt water" is deleted as implicit in the general reference to bodies of water.

In subsection (b) of this section, the former phrase "in the discretion of the court" is deleted as implicit in setting minimum and maximum penalties.