

SENATE BILL 417

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M2

2000 Regular Session
0lr1815

By: **Senator Stoltzfus**
Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 13, 2000

CHAPTER 278

1 AN ACT concerning

2 **~~Somerset County~~ - Power Dredging - Oysters**

3 FOR the purpose of authorizing the Department of Natural Resources to grant
4 permits to persons before allowing them to catch oysters with a power dredge in
5 ~~Somerset County~~ certain counties; authorizing the Department to issue a power
6 dredge permit to holders of an oyster harvester license; prohibiting persons
7 permitted to catch oysters with a power dredge from harvesting oysters by any
8 other method on certain days; providing for the termination of this Act; and
9 generally relating to harvesting oysters with a power dredge.

10 BY repealing and reenacting, with amendments,
11 Article - Natural Resources
12 Section 4-1014, 4-1014.1, 4-1014.2, and 4-1014.3
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1999 Supplement)

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

17 **Article - Natural Resources**

18 4-1014.

19 (a) This section applies only to the waters of the State that lie contiguous to
20 Somerset County in the Chesapeake Bay.

1 (b) A person shall be [licensed] PERMITTED by the Department before the
2 person may catch oysters with a power dredge in the waters of the State that lie
3 contiguous to Somerset County, as described in subsection (a) of this section.

4 (c) (1) A person may [not] hold an oyster harvester license and a power
5 dredge [license] PERMIT simultaneously.

6 (2) The Department[

7 (i) May] MAY issue a power dredge [license] PERMIT only to the
8 holder of an oyster harvester license[; and

9 (ii) Shall suspend a person's oyster harvester license on issuance of
10 a power dredge license until the time that the holder surrenders the power dredge
11 license to the Department].

12 (3) [(i) If a person wants to reobtain the person's previously valid
13 oyster harvester license, the person shall return the person's currently valid power
14 dredging license to the Department.

15 (ii) Upon receipt of the power dredging license, the Department
16 shall exchange at no cost the power dredging license for the person's former, currently
17 valid oyster license.] A PERSON WHO IS PERMITTED TO CATCH OYSTERS WITH A
18 POWER DREDGE UNDER THIS SECTION MAY NOT HARVEST OYSTERS BY ANY OTHER
19 HARVESTING METHOD ON DAYS WHEN OYSTERS ARE HARVESTED WITH A POWER
20 DREDGE.

21 (d) The Department shall establish zones by regulation within the following
22 areas in which a person may catch oysters by power dredge only during the power
23 dredging season from November 1 to March 30:

24 (1) In the waters of this State that lie contiguous to Somerset County,
25 including all of the waters from the area of Kedges Straits from a line drawn from the
26 quick flash buoy at Fog Point east to Solomons Lump Light, north to Sheepshead
27 Point, and along the west side of South March Island to the crab pot line on Pry
28 Island; and

29 (2) In the waters of Tangier Sound, that area enclosed by a line
30 beginning at buoy "8", then eastward to James Island Light, then to the range marker
31 at Great Point, then following the shoreline southward to the Maryland/Virginia line,
32 then westward to buoy "6", then northward to buoy "8", the point of beginning.

33 (3) In the waters of Tangier Sound, that area beginning at the junction
34 red and green buoy at the mouth of the Monokin River and Big Annemessex River,
35 then southward to flashing four second buoy at Janes Island, then southwestward to
36 Horse Hammock Point, then northward along the eastern shoreline of Smith Island
37 and to Fishing Point, then northeastward to the flashing green four bell number 5
38 buoy, then southeastward to the point of beginning.

1 (4) In the waters of Tangier Sound, that area beginning at the junction
2 red and green buoy at the mouth of the Monokin River and Big Annemessex River,
3 then northward to Piney Island, then northeastward to the southeastern most point
4 of land of St. Pierre Island, then to the southernmost point of land at Normal Point,
5 then following the shoreline in a southwest direction to Hazard Point, then continuing
6 along the shoreline southward to the mouth of the Big Annemessex River, then to the
7 point of land due north of day beacon number 5, then across the Big Annemessex
8 River to Long Point, then following the shoreline southwest to Flatcar Point, then
9 back to the point of beginning.

10 (e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a
11 person may not catch oysters with a power dredging [license] PERMIT:

12 (i) On Saturday or Sunday; or

13 (ii) Before sunrise or after 3:00 p.m. on any day Monday through
14 Friday.

15 (2) In addition to the provisions of § 4-1013(e) and (f) of this subtitle, a
16 person who has a power dredging [license] PERMIT under this section:

17 (i) Has a limit of 12 bushels for each person or 24 bushels per boat,
18 with a limit of two [licensed] PERMITTED power dredgers per boat; and

19 (ii) May use only a power dredge bar that has a minimum size of 36
20 inches up to a maximum size of 42 inches.

21 (f) (1) The Secretary may adopt regulations to carry out the intent of this
22 section.

23 (2) The regulations adopted by the Secretary may vary the limits
24 established under subsection (e)(2)(i) of this section.

25 (3) (i) The regulations shall establish an oyster sanctuary of not less
26 than 100 acres within the area described in subsection (d)(4) of this section.

27 (ii) A person may not catch oysters in the sanctuary established
28 under subparagraph (i) of this paragraph.

29 (iii) The sanctuary shall be established before the opening of the
30 power dredge season.

31 (4) The regulations shall authorize the Department to establish a
32 program at the beginning of the power dredge season to purchase oysters at no less
33 than market price from a person who has a power dredge [license] PERMIT under
34 this section to be transplanted for restoration purposes to the oyster sanctuary
35 described by regulation in accordance with paragraph (3) of this subsection.

36 (5) A person may not catch oysters in any area closed to hydraulic clam
37 dredging under § 4-1006.1 of this subtitle.

1 (6) The Department shall adopt regulations reserving areas on a
2 rotational basis for restoration and harvesting purposes.

3 (7) The Department shall adopt regulations establishing an appropriate
4 penalty to be assessed against a person convicted of taking oysters from a sanctuary
5 or reserved area.

6 (g) (1) There is an oyster sanctuary in the area known as the Webster
7 ground that includes all the waters inshore of a line northeasterly from Long Point to
8 latitude 38 degrees, 12.63 minutes and longitude, 75 degrees, 51.85 minutes, a
9 designated point in Monie Bay, then southwesterly to the eastern entrance to Pigeon
10 House Creek.

11 (2) A person may not catch oysters in the oyster sanctuary described in
12 paragraph (1) of this subsection.

13 4-1014.1.

14 (a) This section applies to the waters of the State that lie contiguous to
15 Calvert County in the Chesapeake Bay.

16 (b) Except for a person who holds a dredge boat license from the Department
17 and catches oysters under § 4-1013 of this subtitle, a person shall be [licensed]
18 PERMITTED by the Department before the person may catch oysters by power dredge
19 in waters subject to this section.

20 (c) (1) A person may [not] hold an oyster harvester license and a power
21 dredging [license] PERMIT simultaneously.

22 (2) The Department[:

23 (i) May] MAY issue a power dredging [license] PERMIT only to the
24 holder of an oyster harvester license]; and

25 (ii) Shall suspend a person's oyster harvester license on issuance of
26 a power dredging license until the holder surrenders the power dredging license to the
27 Department].

28 (3) [(i) If a person wishes to recover the person's previously valid oyster
29 harvester license, the person shall return the person's currently valid power dredging
30 license to the Department.

31 (ii) On receipt of the power dredging license, the Department shall:

32 1. Exchange the power dredging license for the person's
33 former oyster harvester license at no cost; and

34 2. Validate the oyster harvester license for current use] A
35 PERSON WHO IS PERMITTED TO CATCH OYSTERS WITH A POWER DREDGE UNDER

1 THIS SECTION MAY NOT HARVEST OYSTERS BY ANY OTHER HARVESTING METHODS
2 ON DAYS WHEN OYSTERS ARE HARVESTED WITH A POWER DREDGE.

3 (d) The Department shall establish zones by regulations within the following
4 areas in which a person may catch oysters by power dredge only during the power
5 dredging season from November 1 to March 30 in the waters of the State contiguous
6 to Calvert County from its border with Anne Arundel County south of Holland Point,
7 southward to Drum Point, southward to the border waters of St. Mary's County
8 following the dredge line toward Hog Point in St. Mary's County, following the Calvert
9 and St. Mary's county line in a northeasterly direction to the Dorchester County line,
10 following the Calvert and Dorchester county line in a northwesterly line to the
11 junction of Calvert, Dorchester, and Talbot county line, continuing in a northwesterly
12 direction along the Calvert and Talbot county line to the junction of Calvert, Talbot,
13 and Anne Arundel county line and back to the point of beginning.

14 (e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a
15 person may not catch oysters under a power dredging [license] PERMIT:

16 (i) On Saturday or Sunday;

17 (ii) Before sunrise or after 3 p.m. on any day Monday through
18 Friday; or

19 (iii) In any area closed to hydraulic clam dredging under § 4-1006.1
20 of this subtitle.

21 (2) In addition to the provisions of § 4-1013(e) and (f) of this subtitle, a
22 person who holds a power dredging [license] PERMIT under this section:

23 (i) Has a limit of 12 bushels for each person or 24 bushels per boat,
24 with a limit of two [licensed] PERMITTED power dredgers per boat; and

25 (ii) May use only a power dredge bar of at least 36 inches and not
26 exceeding 42 inches.

27 (f) (1) The Secretary shall adopt regulations to implement this section.

28 (2) The regulations adopted by the Secretary may vary the limits
29 established under subsection (e)(2)(i) of this section.

30 (3) (i) The regulations shall establish an oyster sanctuary of not less
31 than 100 acres in the vicinity of Plum Point in the waters described in subsection (d)
32 of this section.

33 (ii) A person may not catch oysters in the oyster sanctuary
34 described in the regulations.

35 (iii) The sanctuary shall be established before the opening of the
36 power dredge season.

1 (4) The regulations may vary the power dredge bar limits established
2 under subsection (e)(2)(i) of this section.

3 (5) The regulations shall authorize the Department to establish a
4 program at the beginning of the power dredge season to purchase oysters at no less
5 than market price from a person who has a power dredge [license] PERMIT under
6 this section to be transplanted for restoration purposes in the oyster sanctuary
7 described in regulations under this subsection.

8 (6) The Department shall adopt regulations reserving areas on a
9 rotational basis for restoration and harvesting purposes.

10 (7) The Department shall adopt regulations establishing an appropriate
11 penalty to be assessed against a person convicted of taking oysters from a sanctuary
12 or reserved area.

13 4-1014.2.

14 (a) This section applies to the waters of the State that lie contiguous to St.
15 Mary's County in the Chesapeake Bay.

16 (b) Except for a person who holds a dredge boat license from the Department
17 and catches oysters under § 4-1013 of this subtitle, a person shall be [licensed]
18 PERMITTED by the Department before the person may catch oysters by power dredge
19 in waters subject to this section.

20 (c) (1) A person may [not] hold an oyster harvester license and a power
21 dredging [license] PERMIT simultaneously.

22 (2) The Department[:

23 (i) May] MAY issue a power dredging [license] PERMIT only to the
24 holder of an oyster harvester license[; and

25 (ii) Shall suspend a person's oyster harvester license on issuance of
26 a power dredging license until the holder surrenders the power dredging license to the
27 Department].

28 (3) [(i) If a person wishes to recover the person's previously valid oyster
29 harvester license, the person shall return the person's currently valid power dredging
30 license to the Department.

31 (ii) On receipt of the power dredging license, the Department shall:

32 1. Exchange the power dredging license for the person's
33 former oyster harvester license at no cost; and

34 2. Validate the oyster harvester license for current use.] A
35 PERSON WHO IS PERMITTED TO CATCH OYSTERS WITH A POWER DREDGE UNDER

1 THIS SECTION MAY NOT HARVEST OYSTERS BY ANY OTHER HARVESTING METHODS
2 ON DAYS WHEN OYSTERS ARE HARVESTED WITH A POWER DREDGE.

3 (d) The Department shall establish zones by regulations within the following
4 areas in which a person may catch oysters by power dredge only during the power
5 dredging season from November 1 to March 30 in the waters of the State contiguous
6 to St. Mary's County, beginning at Smith Point and extending in a northeasterly
7 direction to Point Lookout, then extending in a northerly direction along the bay front
8 shoreline to Cedar Point, then easterly to the flashing green four second bell buoy,
9 continuing to the red and white mid-channel buoy, and continuing towards the
10 number 74 flashing red two and a half second bell buoy to the St. Mary's and
11 Dorchester county line, then in a southeasterly direction to the junction of St. Mary's,
12 Dorchester, and Somerset county line, then continuing in a southeasterly direction
13 along the St. Mary's and Somerset county line to the Maryland and Virginia state line
14 and back to the point of beginning.

15 (e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a
16 person may not catch oysters under a power dredging [license] PERMIT:

17 (i) On Saturday or Sunday;

18 (ii) Before sunrise or after 3:00 p.m. on any day Monday through
19 Friday; or

20 (iii) In any area closed to hydraulic clam dredging under § 4-1006.1
21 of this subtitle.

22 (2) In addition to the provisions of § 4-1013(e) and (f) of this subtitle, a
23 person who holds a power dredging [license] PERMIT under this section:

24 (i) Has a limit of 12 bushels for each person or 24 bushels per boat,
25 with a limit of two [licensed] PERMITTED power dredgers per boat; and

26 (ii) May use only a power dredge bar of at least 36 inches and not
27 exceeding 42 inches.

28 (f) (1) The Secretary shall adopt regulations to implement this section.

29 (2) The regulations adopted by the Secretary may vary the limits
30 established under subsection (e)(2)(i) of this section.

31 (3) (i) The regulations shall establish an oyster sanctuary of not less
32 than 100 acres within the area described in subsection (d) of this section.

33 (ii) A person may not catch oysters in the oyster sanctuary
34 described in the regulations.

35 (iii) The sanctuary shall be established before the opening of the
36 power dredge season.

1 (4) The regulations shall authorize the Department to establish a
2 program at the beginning of the power dredge season to purchase oysters at no less
3 than market price from a person who has a power dredge [license] PERMIT under
4 this section to be transplanted for restoration purposes to the oyster sanctuary
5 described in regulations in accordance with paragraph (3) of this subsection.

6 (5) The Department shall adopt regulations reserving areas on a
7 rotational basis for restoration and harvesting purposes.

8 (6) The Department shall adopt regulations establishing an appropriate
9 penalty to be assessed against a person convicted of taking oysters from a sanctuary
10 or reserved area.

11 4-1014.3.

12 (a) This section applies only to the waters of the State that lie contiguous to
13 Dorchester County in the Chesapeake Bay.

14 (b) A person shall be [licensed] PERMITTED by the Department before the
15 person may catch oysters with a power dredge in the waters of the State that lie
16 contiguous to Dorchester County in the Chesapeake Bay, except for a person holding
17 a valid license to catch oysters by dredge boat license and dredging for oysters in
18 accordance with § 4-1013 of this subtitle.

19 (c) (1) A person may [not] hold an oyster harvester license and a power
20 dredge [license] PERMIT simultaneously.

21 (2) The Department[:

22 (i) May] MAY issue a power dredge [license] PERMIT only to the
23 holder of an oyster harvester license[; and

24 (ii) Shall suspend a person's oyster harvester license on issuance of
25 a power dredge license until the time the holder surrenders the power dredge license
26 to the Department].

27 (3) [(i) If a person wants to reobtain the person's previously valid
28 oyster harvester license, the person shall return the person's currently valid power
29 dredging license to the Department.

30 (ii) Upon receipt of the power dredging license, the Department
31 shall exchange, at no cost, the power dredging license for the person's former,
32 currently valid oyster license.] A PERSON WHO IS PERMITTED TO CATCH OYSTERS
33 WITH A POWER DREDGE UNDER THIS SECTION MAY NOT HARVEST OYSTERS BY ANY
34 OTHER HARVESTING METHODS ON DAYS WHEN OYSTERS ARE HARVESTED WITH A
35 POWER DREDGE.

36 (d) The Department shall establish zones by regulations within the following
37 areas in which a person may catch oysters by power dredging only during the power
38 dredging season. The power dredging season for oysters shall run from November 1 to

1 March 30 in the waters of the State that lie contiguous to Dorchester County,
2 beginning at the southernmost point of land at Pry Island, then running coterminous
3 with the crab pot line to the southernmost point of land at James Island, then to the
4 lighted buoy at Kenwood Beach, at latitude 38 degrees 30 minutes, then to the point
5 of beginning.

6 (e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a
7 person may not catch oysters with a power dredging [license] PERMIT:

8 (i) On Saturday or Sunday;

9 (ii) Before sunrise or after 3:00 p.m. on any day Monday through
10 Friday; or

11 (iii) In any area closed to hydraulic clam dredging under § 4-1006.1
12 of this subtitle.

13 (2) In addition to the provisions of § 4-1013(e) and (f) of this subtitle, a
14 person who has a power dredging [license] PERMIT under this section:

15 (i) Has a limit of 12 bushels for each person or 24 bushels per boat,
16 with a limit of two [licensed] PERMITTED power dredgers per boat; and

17 (ii) May use only a power dredge bar that has a minimum size of 36
18 inches up to a maximum size of 42 inches.

19 (f) (1) The Secretary may adopt regulations to carry out the intent of this
20 section.

21 (2) The regulations adopted by the Secretary may vary the limits
22 established under subsection (e)(2)(i) of this section.

23 (3) (i) The regulations shall establish an oyster sanctuary consisting
24 of not less than 100 acres within the area described in subsection (d) of this section.

25 (ii) A person may not catch oysters in the oyster sanctuary
26 described in the regulations.

27 (iii) The sanctuary shall be established before the opening of the
28 power dredge season.

29 (4) The regulations shall authorize the Department to establish a
30 program at the beginning of the power dredge season to purchase oysters at no less
31 than market price from a person who has a power dredge [license] PERMIT under
32 this section to be transplanted for restoration purposes to the oyster sanctuary
33 described in regulations in accordance with paragraph (3) of this subsection.

34 (5) The Department shall adopt regulations reserving areas on a
35 rotational basis for restoration and harvesting purposes.

1 (6) The Department shall adopt regulations establishing an appropriate
2 penalty to be assessed against a person convicted of taking oysters from a sanctuary
3 or reserved area.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2000. It shall remain effective for a period of 3 years and 8 months, and at
6 the end of May 31, 2004, with no further action required by the General Assembly,
7 this Act shall be abrogated and of no further force and effect.