

## Chapter 234

(Senate Bill 344)

AN ACT concerning

### Potomac River Fisheries Commission – Inspection Tax and Penalty

FOR the purpose of establishing a certain maximum oyster inspection tax that may be imposed by the Potomac River Fisheries Commission; requiring the Potomac River Fisheries Commission to use the proceeds of a certain oyster inspection tax for a certain purpose; increasing a certain maximum penalty for the violation of certain regulations; making this Act subject to a certain contingency; providing for the effective dates of this Act; and generally relating to the Potomac River Fisheries Commission.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–306 Article III Section 9 and Article V Section 2

Annotated Code of Maryland

(2012 Replacement Volume)

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

#### Article – Natural Resources

4–306.

#### Article III.

#### Commission Powers and Duties

Section 9. The commission may impose an inspection tax, in an amount as fixed from time to time by the commission, upon all oysters caught within the limits of the Potomac River, which inspection tax may not exceed [the higher severance tax per bushel on oysters that is imposed by the Commonwealth of Virginia or the State of Maryland in the waters of their respective jurisdictions] **\$2.00 PER BUSHEL**. The tax shall be paid by the buyer at the place in Maryland or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel, to an agent of the commission, or to such officer or employee of the Virginia Marine Resources Commission or of the Maryland Department of Natural Resources, as may be designated by the commission, and by him paid over to the commission. **THE COMMISSION SHALL USE THE PROCEEDS OF THE OYSTER INSPECTION TAX**

**SOLELY FOR ~~OYSTER REPLENISHMENT RELATED PROGRAMS~~ PLANTING SEED OR SHELL OYSTER ON WORKING BOTTOM.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Natural Resources**

4–306.

Article V.

Enforcement of Laws and Regulations: Penalties

Section 2. The violation of any regulation of the commission shall be a misdemeanor. Unless a lesser punishment is provided by the commission, such violation shall be punishable by a fine not to exceed ~~one thousand dollars (\$1,000.00)~~ **\$3,000 THREE THOUSAND DOLLARS (\$3,000)** or confinement in a penal institution for not more than one (1) year, or both, in the discretion of the court, and any vessel, boat, or equipment used in the taking of finfish, crabs, oysters, clams, or other shellfish from the Potomac River in violation of any regulation of the commission or of applicable laws may be confiscated by the court, upon the abandonment thereof or the conviction of the owner or operator thereof.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not take effect until a similar act is enacted by the Commonwealth of Virginia; that the Commonwealth of Virginia is requested to concur in this Act of the General Assembly of Maryland by the enactment of a similar act; that the Department of Legislative Services shall notify the appropriate officials of the Commonwealth of Virginia of the enactment of this Act; and that on the concurrence in this Act by the Commonwealth of Virginia, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, Section 1 of this Act shall take effect July 1, 2013.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 3 and 4 of this Act, this Act shall take effect October 1, 2013.

**Approved by the Governor, May 2, 2013.**