

SENATE BILL 344

M2, P1

(3lr1811)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Middleton and Frosh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Potomac River Fisheries Commission – Inspection Tax and Penalty**

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

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–306 Article III Section 9 and Article V Section 2
13 Annotated Code of Maryland
14 (2012 Replacement Volume)

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.

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Natural Resources**

4 4–306.

5 Article III.

6 Commission Powers and Duties

7 Section 9. The commission may impose an inspection tax, in an amount as fixed
8 from time to time by the commission, upon all oysters caught within the limits of the
9 Potomac River, which inspection tax may not exceed [the higher severance tax per
10 bushel on oysters that is imposed by the Commonwealth of Virginia or the State of
11 Maryland in the waters of their respective jurisdictions] **\$2.00 PER BUSHEL**. The tax
12 shall be paid by the buyer at the place in Maryland or Virginia where the oysters are
13 unloaded from vessels and are to be shipped no further in bulk in vessel, to an agent of
14 the commission, or to such officer or employee of the Virginia Marine Resources
15 Commission or of the Maryland Department of Natural Resources, as may be
16 designated by the commission, and by him paid over to the commission. **THE**
17 **COMMISSION SHALL USE THE PROCEEDS OF THE OYSTER INSPECTION TAX**
18 **SOLELY FOR ~~OYSTER REPLENISHMENT RELATED PROGRAMS~~ PLANTING SEED**
19 **OR SHELL OYSTER ON WORKING BOTTOM.**

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

22 **Article – Natural Resources**

23 4–306.

24 Article V.

25 Enforcement of Laws and Regulations: Penalties

26 Section 2. The violation of any regulation of the commission shall be a
27 misdemeanor. Unless a lesser punishment is provided by the commission, such
28 violation shall be punishable by a fine not to exceed ~~one thousand dollars (\$1,000.00)]~~
29 **~~\$3,000~~ THREE THOUSAND DOLLARS (\$3,000)** or confinement in a penal institution
30 for not more than one (1) year, or both, in the discretion of the court, and any vessel,
31 boat, or equipment used in the taking of finfish, crabs, oysters, clams, or other
32 shellfish from the Potomac River in violation of any regulation of the commission or of
33 applicable laws may be confiscated by the court, upon the abandonment thereof or the
34 conviction of the owner or operator thereof.

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

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

13 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 3 and
14 4 of this Act, this Act shall take effect October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.