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SB 510/95 - EEA

1997 Regular Session
7r1612

By: Senator Stoltzfus

Introduced and read first time: January 24, 1997
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 26, 1997

CHAPTER ____

1 AN ACT concerning

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

3 FOR the purpose of allowing a person to power dredge oysters in waters contiguous to
4 Somerset County if the person holds a certain license issued by the Department of
5 Natural Resources; authorizing the Department to issue certain licenses and adopt
6 certain regulations relating to power dredging of oysters; limiting the season when a
7 licensee can power dredge oysters under this Act; placing certain restrictions on the
8 power dredging of oysters; establishing a certain oyster sanctuary in Somerset
9 County; prohibiting the catching of oysters from the oyster sanctuary; providing for
10 the review and termination of certain provisions of this Act; and generally relating
11 to ~~power dredging~~ the catching of oysters in waters contiguous to Somerset County.

12 BY adding to
13 Article - Natural Resources
14 Section 4-1014
15 Annotated Code of Maryland
16 (1989 Replacement Volume and 1996 Supplement)

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

19 **Article - Natural Resources**

20 4-1014.

21 (A) THIS SECTION APPLIES ONLY TO THE WATERS OF THE STATE THAT LIE
22 CONTIGUOUS TO SOMERSET COUNTY IN THE CHESAPEAKE BAY.

23 (B) A PERSON SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE
24 PERSON MAY CATCH OYSTERS WITH A POWER DREDGE IN THE WATERS OF THE

2

1 STATE THAT LIE CONTIGUOUS TO SOMERSET COUNTY, AS DESCRIBED IN
2 SUBSECTION (A) OF THIS SECTION.

3 (C) (1) A PERSON MAY NOT HOLD AN OYSTER HARVESTER LICENSE AND A
4 POWER DREDGE LICENSE SIMULTANEOUSLY.

5 (2) THE DEPARTMENT:

6 (I) MAY ISSUE A POWER DREDGE LICENSE ONLY TO THE HOLDER
7 OF AN OYSTER HARVESTER LICENSE; AND

8 (II) SHALL SUSPEND A PERSON'S OYSTER HARVESTER LICENSE ON
9 ISSUANCE OF A POWER DREDGE LICENSE UNTIL THE TIME THAT THE HOLDER
10 SURRENDERS THE POWER DREDGE LICENSE TO THE DEPARTMENT.

11 (3) (I) IF A PERSON WANTS TO REOBTAIN THE PERSON'S PREVIOUSLY
12 VALID OYSTER HARVESTER LICENSE, THE PERSON SHALL RETURN THE PERSON'S
13 CURRENTLY VALID POWER DREDGING LICENSE TO THE DEPARTMENT.

14 (II) UPON RECEIPT OF THE POWER DREDGING LICENSE, THE
15 DEPARTMENT SHALL EXCHANGE AT NO COST THE POWER DREDGING LICENSE FOR
16 THE PERSON'S FORMER, CURRENTLY VALID OYSTER LICENSE.

17 (D) A PERSON MAY CATCH OYSTERS BY POWER DREDGE ONLY DURING THE
18 POWER DREDGING SEASON FROM NOVEMBER 1 TO MARCH 15 IN THE FOLLOWING
19 AREAS:

20 (1) IN THE WATERS OF THIS STATE THAT LIE CONTIGUOUS TO
21 SOMERSET COUNTY, INCLUDING ALL OF THE WATERS FROM THE AREA OF KEDGES
22 STRAITS FROM A LINE DRAWN FROM THE QUICK FLASH BUOY AT FOG POINT EAST
23 TO SOLOMONS LUMP LIGHT, NORTH TO SHEEPSHEAD POINT, AND ALONG THE WEST
24 SIDE OF SOUTH MARCH ISLAND TO THE CRAB POT LINE ON PRY ISLAND; AND

25 (2) IN THE WATERS OF TANGIER SOUND, THAT AREA ENCLOSED BY A
26 LINE BEGINNING AT BUOY "8", THEN EASTWARD TO JAMES ISLAND LIGHT, THEN TO
27 THE RANGE MARKER AT GREAT POINT, THEN FOLLOWING THE SHORELINE
28 SOUTHWARD TO THE MARYLAND/VIRGINIA LINE, THEN WESTWARD TO BUOY "6",
29 THEN NORTHWARD TO BUOY "8", THE POINT OF BEGINNING.

30 (E) (1) NOTWITHSTANDING THE PROVISIONS OF § 4-1008(A) OF THIS
31 SUBTITLE, A PERSON MAY NOT CATCH OYSTERS WITH A POWER DREDGING
32 LICENSE:

33 (I) ON SATURDAY OR SUNDAY; OR

34 (II) BEFORE SUNRISE OR AFTER 3:00 P.M. ON ANY DAY MONDAY
35 THROUGH FRIDAY.

36 (2) IN ADDITION TO THE PROVISIONS OF § 4-1013(E) AND (F) OF THIS
37 SUBTITLE, A PERSON WHO HAS A POWER DREDGING LICENSE UNDER THIS SECTION:

38 (I) HAS A LIMIT OF 12 BUSHELS FOR EACH PERSON OR 24 BUSHELS
39 PER BOAT, WITH A LIMIT OF TWO LICENSED POWER DREDGERS PER BOAT; AND

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1 (II) MAY USE ONLY A POWER DREDGE BAR THAT HAS A MINIMUM
2 SIZE OF 36 INCHES UP TO A MAXIMUM SIZE OF 42 INCHES.

3 (F) (1) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THE
4 INTENT OF THIS SECTION.

5 (2) THE REGULATIONS ADOPTED BY THE SECRETARY MAY VARY THE
6 LIMITS ESTABLISHED UNDER SUBSECTION (E)(2)(I) OF THIS SECTION.

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

9 **Article - Natural Resources**

10 4-1014.

11 (G) (1) THERE IS AN OYSTER SANCTUARY IN THE AREA KNOWN AS THE
12 WEBSTER GROUND THAT INCLUDES ALL THE WATERS INSHORE OF A LINE
13 NORTHEASTERLY FROM LONG POINT TO LATITUDE 38 DEGREES, 12.63 MINUTES AND
14 LONGITUDE, 75 DEGREES, 51.85 MINUTES, A DESIGNATED POINT IN MONIE BAY,
15 THEN SOUTHWESTERLY TO THE EASTERN ENTRANCE TO PIGEON HOUSE CREEK.

16 (2) A PERSON MAY NOT CATCH OYSTERS IN THE OYSTER SANCTUARY
17 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
19 Natural Resources, in consultation with the Tidal Fish Advisory Committee, shall review
20 the location of the oyster sanctuary established under Section 2 of this Act and make a
21 recommendation to the General Assembly by January 1, 2001 as to whether the oyster
22 sanctuary should be continued for an additional 5 years.

23 SECTION 2- 4. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect October 1, 1997. Sections 2 and 3 of this Act shall remain effective for a period of
25 4 years and, at the end of September 30, 2001, with no further action required by the
26 General Assembly, Sections 2 and 3 of this Act shall be abrogated and of no further force
27 and effect.