

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 1030

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “sanctuary;” insert “prohibiting a person from catching oysters in a certain oyster sanctuary; requiring the Department to establish certain regulations establishing certain penalties; requiring the Department to submit a certain report by a certain date; providing for the termination of certain provisions of this Act; providing for the delayed effective date of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 1, in line 20, strike “IN AND LYING” and substitute “THAT LIE”.

On page 2, in line 22, after “(D)” insert “THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATIONS WITHIN THE FOLLOWING AREAS IN WHICH”; in line 23, strike “15” and substitute “30”; strike in their entirety lines 24 through 32, inclusive and substitute:

“STATE CONTIGUOUS TO ST. MARY’S COUNTY, BEGINNING AT SMITH POINT AND EXTENDING IN A NORTHEASTERLY DIRECTION TO POINT LOOKOUT, THEN EXTENDING IN A NORTHERLY DIRECTION ALONG THE BAY FRONT SHORELINE TO CEDAR POINT, THEN EASTERLY TO THE FLASHING GREEN FOUR SECOND BELL BUOY, CONTINUING TO THE RED AND WHITE MID-CHANNEL BUOY, AND CONTINUING TOWARDS THE NUMBER 74 FLASHING RED TWO AND A HALF SECOND BELL BUOY TO THE ST. MARY’S AND DORCHESTER COUNTY LINE, THEN IN A SOUTHEASTERLY DIRECTION TO THE JUNCTION OF ST. MARY’S, DORCHESTER, AND SOMERSET COUNTY LINE, THEN CONTINUING IN A SOUTHEASTERLY DIRECTION ALONG THE ST. MARY’S AND SOMERSET COUNTY LINE TO THE MARYLAND AND VIRGINIA STATE LINE AND BACK TO THE POINT OF BEGINNING.”; in line 36, strike the second “OR”; and in line 38, after “FRIDAY” insert “; OR”

(Over)

(III) IN ANY AREA CLOSED TO HYDRAULIC CLAM DREDGING UNDER § 4-1006.1 OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 3, after line 9, insert:

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

in line 10, strike “(2)” and substitute “(3)(I)”; in line 10, strike “PROVIDE FOR THE ESTABLISHMENT OF” and substitute “ESTABLISH”; in line 11, strike “AT LEAST” and substitute “NOT LESS THAN”; strike beginning with “POWER” in line 12 down through “SANCTUARY” in line 13 and substitute:

“(II) A PERSON MAY NOT CATCH OYSTERS IN THE OYSTER SANCTUARY DESCRIBED IN THE REGULATIONS.

(III) THE SANCTUARY SHALL BE ESTABLISHED BEFORE THE OPENING OF THE POWER DREDGE SEASON”; and strike in their entirety lines 14 and 15.

AMENDMENT NO. 4

On page 3, strike beginning with “IN” in line 16 down through “MAY” in line 17 and substitute “THE REGULATIONS SHALL AUTHORIZE THE DEPARTMENT TO ESTABLISH A PROGRAM AT THE BEGINNING OF THE POWER DREDGE SEASON TO”; in line 17, after “AT” insert “NO LESS THAN”; in line 18, strike “DREDGING” and substitute “DREDGE”; in line 20, strike “REQUIRED UNDER” and substitute “DESCRIBED IN REGULATIONS IN ACCORDANCE WITH”; and in the same line, strike “(2)” and substitute “(3)”.

AMENDMENT NO. 5

On page 3, after line 20, insert:

“(5) THE DEPARTMENT SHALL ADOPT REGULATIONS RESERVING AREAS ON A ROTATIONAL BASIS FOR RESTORATION AND HARVESTING PURPOSES.

(6) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN APPROPRIATE PENALTY TO BE ASSESSED AGAINST A PERSON CONVICTED OF TAKING OYSTERS FROM A SANCTUARY OR RESERVED AREA.

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

Article - Natural Resources

4-1014.1.

(A) THIS SECTION APPLIES ONLY TO THE WATERS OF THE STATE THAT LIE CONTIGUOUS TO ST. MARY'S COUNTY IN THE CHESAPEAKE BAY.

(B) A PERSON MAY NOT CATCH OYSTERS IN AN OYSTER SANCTUARY THAT WAS ESTABLISHED BY REGULATIONS ADOPTED BY THE DEPARTMENT.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall conduct a study of the impact of power dredging and, subject to § 2-1246 of the State Government Article, report to the General Assembly on or before January 1, 2004.”;

in line 21, strike “2.” and substitute “4.”; in the same line, after “That” insert “Sections 1 and 3 of”; and in line 22, after “June 1, 1999” insert “and shall remain effective for a period of 5 years. At the end of May 31, 2004, with no further action required by the General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.”

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect June 1, 1999”.