

BY: Economic and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL NO. 607

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “allowing a person to” and substitute “requiring the Department of Natural Resources to adopt regulations that establish certain zones in which a person may”; in line 6, after “sanctuary” insert “or in a certain area closed to hydraulic clam dredging; requiring the Department to adopt certain regulations to authorize a certain program for the purchase of certain oysters, to reserve certain areas, and to establish certain penalties; requiring a certain report; repealing certain provisions of law allowing persons to power dredge oysters in certain waters of Somerset County; repealing a certain termination provision of a certain Act; providing for a delayed effective date for certain provisions of this Act”; in line 10, strike “(d) and (f)”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Chapter 576 of the Acts of the General Assembly of 1997

Section 4

BY repealing

Article - Natural Resources

Section 4-1014

Annotated Code of Maryland

(1997 Replacement Volume and 1998 Supplement)

(As enacted by Section 1 of this Act)

BY adding to

Article - Natural Resources

Section 4-1014

Annotated Code of Maryland

(1997 Replacement Volume and 1998 Supplement)”.

(Over)

AMENDMENT NO. 2

On page 1, after line 16, insert:

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

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

(c) (1) A person may not hold an oyster harvester license and a power dredge license simultaneously.

(2) The Department:

(i) May issue a power dredge license only to the holder of an oyster harvester license; and

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

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

(ii) Upon receipt of the power dredging license, the Department shall exchange at no cost the power dredging license for the person's former, currently valid oyster license.”.

On page 2, after line 18, insert:

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

(i) On Saturday or Sunday; or

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

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

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

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

AMENDMENT NO. 3

On page 1, in line 17, strike “A” and substitute “THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATION WITHIN THE FOLLOWING AREAS IN WHICH A”; and in line 18, strike “15 in the following areas” and substitute “30”.

AMENDMENT NO. 4

On page 2, after line 27, insert:

“(III) THE SANCTUARY SHALL BE ESTABLISHED BEFORE THE OPENING OF THE POWER DREDGE SEASON.

(4) THE REGULATIONS SHALL AUTHORIZE THE DEPARTMENT TO ESTABLISH A PROGRAM AT THE BEGINNING OF THE POWER DREDGE SEASON TO PURCHASE OYSTERS AT NO LESS THAN MARKET PRICE FROM A PERSON WHO HAS A POWER DREDGE LICENSE UNDER THIS SECTION TO BE TRANSPLANTED FOR RESTORATION PURPOSES TO THE OYSTER SANCTUARY DESCRIBED BY REGULATION IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(5) A PERSON MAY NOT CATCH OYSTERS IN ANY AREA CLOSED TO HYDRAULIC CLAM DREDGING UNDER § 4-1006.1 OF THIS SUBTITLE.

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

(Over)

(7) 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.

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

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

Chapter 576 of the Acts of 1997

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

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-1014 of Article - Natural Resources of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Natural Resources

4-1014.

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

(B) THERE IS AN OYSTER SANCTUARY IN THE AREA KNOWN AS THE WEBSTER GROUND THAT INCLUDES ALL THE WATERS INSHORE OF A LINE

NORTHEASTERLY FROM LONG POINT TO LATITUDE 38 DEGREES, 12.63 MINUTES AND LONGITUDE, 75 DEGREES, 51.85 MINUTES, A DESIGNATED POINT IN MONIE BAY, THEN SOUTHWESTERLY TO THE EASTERN ENTRANCE TO PIGEON HOUSE CREEK.

(C) A PERSON MAY NOT CATCH OYSTERS IN THE OYSTER SANCTUARY DESCRIBED IN SUBSECTION (B) OF THIS SECTION OR AN OYSTER SANCTUARY THAT WAS ESTABLISHED BY REGULATIONS ADOPTED BY THE DEPARTMENT.

SECTION 4. 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 by January 1, 2004.”;

in line 28, strike “2.” and substitute “5.”; in line 28, after “That” insert “Sections 2 and 3 of”; in line 29, strike “1999” and substitute “2004”; and after line 29, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect June 1, 1999.”.