

HOUSE BILL 275

Unofficial Copy  
M2

1999 Regular Session  
(9r1178)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates O'Donnell and Owings**

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.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Calvert County - Oysters**

3 FOR the purpose of allowing certain persons to catch oysters by power dredge in  
4 certain waters contiguous to Calvert County under a certain license issued by  
5 the Department of Natural Resources; requiring the Department to issue  
6 certain licenses and adopt certain regulations relating to oyster catching by  
7 power dredge in certain waters; establishing certain gear restrictions and  
8 season limits for oyster catching by power dredge in certain waters; *providing*  
9 *for the establishment of an oyster sanctuary; prohibiting a person from catching*  
10 *oysters in a certain oyster sanctuary; requiring the Department to establish*  
11 *certain regulations establishing certain penalties; requiring the Department to*  
12 *submit a certain report by a certain date; providing for the termination of certain*  
13 *provisions of this Act; providing for the delayed effective date of a certain*  
14 *provision of this Act;* and generally relating to the catching of oysters in waters  
15 contiguous to Calvert County.

16 BY adding to

1 Article - Natural Resources  
2 Section 4-1014.1  
3 Annotated Code of Maryland  
4 (1997 Replacement Volume and 1998 Supplement)

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

7 **Article - Natural Resources**

8 4-1014.1.

9 (A) THIS SECTION APPLIES TO THE WATERS OF THE STATE ~~IN AND LYING~~  
10 THAT LIE CONTIGUOUS TO CALVERT COUNTY IN THE CHESAPEAKE BAY.

11 (B) EXCEPT FOR A PERSON WHO HOLDS A DREDGE BOAT LICENSE FROM THE  
12 DEPARTMENT AND CATCHES OYSTERS UNDER § 4-1013 OF THIS SUBTITLE, A PERSON  
13 SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE PERSON MAY CATCH  
14 OYSTERS BY POWER DREDGE IN WATERS SUBJECT TO THIS SECTION.

15 (C) (1) A PERSON MAY NOT HOLD AN OYSTER HARVESTER LICENSE AND A  
16 POWER DREDGING LICENSE SIMULTANEOUSLY.

17 (2) THE DEPARTMENT:

18 (I) MAY ISSUE A POWER DREDGING LICENSE ONLY TO THE  
19 HOLDER OF AN OYSTER HARVESTER LICENSE; AND

20 (II) SHALL SUSPEND A PERSON'S OYSTER HARVESTER LICENSE ON  
21 ISSUANCE OF A POWER DREDGING LICENSE UNTIL THE HOLDER SURRENDERS THE  
22 POWER DREDGING LICENSE TO THE DEPARTMENT.

23 (3) (I) IF A PERSON WISHES TO RECOVER THE PERSON'S PREVIOUSLY  
24 VALID OYSTER HARVESTER LICENSE, THE PERSON SHALL RETURN THE PERSON'S  
25 CURRENTLY VALID POWER DREDGING LICENSE TO THE DEPARTMENT.

26 (II) ON RECEIPT OF THE POWER DREDGING LICENSE, THE  
27 DEPARTMENT SHALL:

28 1. EXCHANGE THE POWER DREDGING LICENSE FOR THE  
29 PERSON'S FORMER OYSTER HARVESTER LICENSE AT NO COST; AND

30 2. VALIDATE THE OYSTER HARVESTER LICENSE FOR  
31 CURRENT USE.

32 (D) THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATIONS WITHIN  
33 THE FOLLOWING AREAS IN WHICH A PERSON MAY CATCH OYSTERS BY POWER  
34 DREDGE ONLY DURING THE POWER DREDGING SEASON FROM NOVEMBER 1 TO  
35 MARCH ~~45~~ 30 IN THE WATERS OF THE STATE CONTIGUOUS TO CALVERT COUNTY  
36 FROM ITS BORDER WITH ANNE ARUNDEL COUNTY SOUTH OF HOLLAND POINT,

1 SOUTHWARD TO DRUM POINT, SOUTHWARD TO THE BORDER WATERS OF ST. MARY'S  
 2 COUNTY FOLLOWING THE DREDGE LINE TOWARD HOG POINT IN ST. MARY'S COUNTY,  
 3 FOLLOWING THE CALVERT AND ST. MARY'S COUNTY LINE IN A NORTHEASTERLY  
 4 DIRECTION TO THE DORCHESTER COUNTY LINE, FOLLOWING THE CALVERT AND  
 5 DORCHESTER COUNTY LINE IN A NORTHWESTERLY LINE TO THE JUNCTION OF  
 6 CALVERT, DORCHESTER, AND TALBOT COUNTY LINE, CONTINUING IN A  
 7 NORTHWESTERLY DIRECTION ALONG THE CALVERT AND TALBOT COUNTY LINE TO  
 8 THE JUNCTION OF CALVERT, TALBOT, AND ANNE ARUNDEL COUNTY LINE AND BACK  
 9 TO THE POINT OF BEGINNING.

10 (E) (1) NOTWITHSTANDING THE PROVISIONS OF § 4-1008(A) OF THIS  
 11 SUBTITLE, A PERSON MAY NOT CATCH OYSTERS UNDER A POWER DREDGING  
 12 LICENSE:

13 (I) ON SATURDAY OR SUNDAY; ~~OR~~

14 (II) BEFORE SUNRISE OR AFTER 3 P.M. ON ANY DAY MONDAY  
 15 THROUGH FRIDAY; OR

16 (III) IN ANY AREA CLOSED TO HYDRAULIC CLAM DREDGING UNDER  
 17 § 4-1006.1 OF THIS SUBTITLE.

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

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

23 (II) MAY USE ONLY A POWER DREDGE BAR OF AT LEAST 36 INCHES  
 24 AND NOT EXCEEDING 42 INCHES.

25 (F) (1) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
 26 SECTION.

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

29 ~~(2) (3) (I)~~ THE REGULATIONS SHALL ~~PROVIDE FOR THE~~  
 30 ~~ESTABLISHMENT OF~~ ESTABLISH AN OYSTER SANCTUARY OF ~~AT LEAST~~ NOT LESS  
 31 THAN 100 ACRES IN THE VICINITY OF PLUM POINT IN THE WATERS DESCRIBED IN  
 32 SUBSECTION (D) OF THIS SECTION. ~~POWER DREDGING FOR OYSTERS SHALL BE~~  
 33 ~~PROHIBITED IN THE OYSTER SANCTUARY~~

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

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

1 (3) THE REGULATIONS MAY VARY THE POWER DREDGE BAR LIMITS  
2 ESTABLISHED UNDER SUBSECTION (E)(2)(I) OF THIS SECTION.

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

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

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

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

16 Article - Natural Resources

17 4-1014.1.

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

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

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

26 SECTION 2. 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this  
27 Act shall take effect ~~October 1, 1999~~ June 1, 1999 and shall remain effective for a  
28 period of 5 years. At the end of May 31, 2004, with no further action required by the  
29 General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further  
30 force and effect.

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

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

