

HOUSE BILL 275

Unofficial Copy
M2

1999 Regular Session
9r1178

By: **Delegates O'Donnell and Owings**
Introduced and read first time: February 3, 1999
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 25, 1999

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; and
9 generally relating to the catching of oysters in waters contiguous to Calvert
10 County.

11 BY adding to
12 Article - Natural Resources
13 Section 4-1014.1
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1998 Supplement)

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

18 **Article - Natural Resources**

19 4-1014.1.

20 (A) THIS SECTION APPLIES TO THE WATERS OF THE STATE IN AND LYING
21 CONTIGUOUS TO CALVERT COUNTY IN THE CHESAPEAKE BAY.

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

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

7 (2) THE DEPARTMENT:

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

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

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

16 (II) ON RECEIPT OF THE POWER DREDGING LICENSE, THE
17 DEPARTMENT SHALL:

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

20 2. VALIDATE THE OYSTER HARVESTER LICENSE FOR
21 CURRENT USE.

22 (D) A PERSON MAY CATCH OYSTERS BY POWER DREDGE ONLY DURING THE
23 POWER DREDGING SEASON FROM NOVEMBER 1 TO MARCH 15 IN THE WATERS OF THE
24 STATE CONTIGUOUS TO CALVERT COUNTY FROM ITS BORDER WITH ANNE ARUNDEL
25 COUNTY SOUTH OF HOLLAND POINT, SOUTHWARD TO DRUM POINT, SOUTHWARD TO
26 THE BORDER WATERS OF ST. MARY'S COUNTY FOLLOWING THE DREDGE LINE
27 TOWARD HOG POINT IN ST. MARY'S COUNTY.

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

31 (I) ON SATURDAY OR SUNDAY; OR

32 (II) BEFORE SUNRISE OR AFTER 3 P.M. ON ANY DAY MONDAY
33 THROUGH FRIDAY.

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

1 (I) HAS A LIMIT OF 12 BUSHEL FOR EACH PERSON OR 24 BUSHEL
2 PER BOAT, WITH A LIMIT OF TWO LICENSED POWER DREDGERS PER BOAT; AND

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

5 (F) (1) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
6 SECTION.

7 (2) THE REGULATIONS SHALL PROVIDE FOR THE ESTABLISHMENT OF
8 AN OYSTER SANCTUARY OF AT LEAST 100 ACRES IN THE VICINITY OF PLUM POINT IN
9 THE WATERS DESCRIBED IN SUBSECTION (D) OF THIS SECTION. POWER DREDGING
10 FOR OYSTERS SHALL BE PROHIBITED IN THE OYSTER SANCTUARY.

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

13 (4) THE REGULATIONS MAY AUTHORIZE THE DEPARTMENT TO
14 PURCHASE OYSTERS AT MARKET PRICE FROM A PERSON WHO HAS A POWER DREDGE
15 LICENSE UNDER THIS SECTION TO BE TRANSPLANTED FOR RESTORATION PURPOSES
16 IN THE OYSTER SANCTUARY DESCRIBED IN REGULATIONS UNDER THIS
17 SUBSECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1999.