

HOUSE BILL 422

Unofficial Copy
M1

1999 Regular Session
(9r2146)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Schisler, Cane, and Eckardt**

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 **Dorchester County - Power Dredging for Oysters**

3 FOR the purpose of allowing a person to power dredge oysters in waters contiguous to
4 Dorchester County if the person holds a certain license issued by the
5 Department of Natural Resources; authorizing the Department to issue certain
6 licenses and the Secretary of the Department of Natural Resources to adopt
7 certain regulations relating to power dredging of oysters; requiring the
8 Secretary to adopt certain regulations regarding a certain oyster sanctuary;
9 prohibiting a person from catching oysters in a certain oyster sanctuary; limiting
10 the season when a licensee can power dredge oysters under this Act; placing
11 certain restrictions on the power dredging of oysters; requiring the Department
12 to establish certain regulations establishing certain penalties; requiring the
13 Department to submit a certain report by a certain date; providing for the
14 termination of certain provisions of this Act; providing for the delayed effective
15 date of a certain provision of this Act; and generally relating to the power
16 dredging of oysters in waters contiguous to Dorchester County.

17 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 ONLY TO THE WATERS OF THE STATE THAT LIE
10 CONTIGUOUS TO DORCHESTER COUNTY IN THE CHESAPEAKE BAY.

11 (B) A PERSON SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE
12 PERSON MAY CATCH OYSTERS WITH A POWER DREDGE IN THE WATERS OF THE
13 STATE THAT LIE CONTIGUOUS TO DORCHESTER COUNTY IN THE CHESAPEAKE BAY,
14 EXCEPT FOR A PERSON HOLDING A VALID LICENSE TO CATCH OYSTERS BY DREDGE
15 BOAT LICENSE AND DREDGING FOR OYSTERS IN ACCORDANCE WITH § 4-1013 OF THIS
16 SUBTITLE.

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

19 (2) THE DEPARTMENT:

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

22 (II) SHALL SUSPEND A PERSON'S OYSTER HARVESTER LICENSE ON
23 ISSUANCE OF A POWER DREDGE LICENSE UNTIL THE TIME THE HOLDER
24 SURRENDERS THE POWER DREDGE LICENSE TO THE DEPARTMENT.

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

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

31 (D) THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATIONS WITHIN
32 THE FOLLOWING AREAS IN WHICH A PERSON MAY CATCH OYSTERS BY POWER
33 DREDGING ONLY DURING THE POWER DREDGING SEASON. THE POWER DREDGING
34 SEASON FOR OYSTERS SHALL RUN FROM NOVEMBER 1 TO MARCH ~~15~~ 30 IN THE
35 WATERS OF THE STATE THAT LIE CONTIGUOUS TO DORCHESTER COUNTY,
36 BEGINNING AT THE SOUTHERNMOST POINT OF LAND AT PRY ISLAND, THEN
37 RUNNING COTERMINOUS WITH THE CRAB POT LINE TO THE SOUTHERNMOST POINT

1 OF LAND AT JAMES ISLAND, THEN TO THE LIGHTED BUOY AT KENWOOD BEACH, AT
2 LATITUDE 38 DEGREES 30 MINUTES, THEN TO THE POINT OF BEGINNING.

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

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

6 (II) BEFORE SUNRISE OR AFTER 3:00 P.M. ON ANY DAY MONDAY
7 THROUGH FRIDAY; OR

8 (III) IN ANY AREA CLOSED TO HYDRAULIC CLAM DREDGING UNDER
9 § 4-1006.1 OF THIS SUBTITLE.

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

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

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

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

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

20 (3) (I) THE REGULATIONS SHALL ESTABLISH AN OYSTER SANCTUARY
21 CONSISTING OF NOT LESS THAN 100 ACRES WITHIN THE AREA DESCRIBED IN
22 SUBSECTION (D) OF THIS SECTION.

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

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

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

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

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

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

6 Article - Natural Resources

7 4-1014.1.

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

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

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

16 SECTION 2-4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
 17 Act shall take effect June 1, 1999 and shall remain effective for a period of 5 years. At
 18 the end of May 31, 2004, with no further action required by the General Assembly,
 19 Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.

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

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