

HOUSE BILL 422

Unofficial Copy  
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1999 Regular Session  
9r2146  
CF 9r0933

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By: **Delegates Schisler, Cane, and Eckardt**  
Introduced and read first time: February 10, 1999  
Assigned to: Environmental Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 23, 1999

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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 limiting the season when a licensee can power dredge oysters under this Act;  
10 placing certain restrictions on the power dredging of oysters; and generally  
11 relating to the power dredging of oysters in waters contiguous to Dorchester  
12 County.

13 BY adding to  
14 Article - Natural Resources  
15 Section 4-1014.1  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 1998 Supplement)

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

20 **Article - Natural Resources**

21 4-1014.1.

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

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

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

9 (2) THE DEPARTMENT:

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

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

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

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

21 (D) A PERSON MAY CATCH OYSTERS BY POWER DREDGING ONLY DURING THE  
22 POWER DREDGING SEASON. THE POWER DREDGING SEASON FOR OYSTERS SHALL  
23 RUN FROM NOVEMBER 1 TO MARCH 15 IN THE WATERS OF THE STATE THAT LIE  
24 CONTIGUOUS TO DORCHESTER COUNTY, BEGINNING AT THE SOUTHERNMOST POINT  
25 OF LAND AT PRY ISLAND, THEN RUNNING COTERMINOUS WITH THE CRAB POT LINE  
26 TO THE SOUTHERNMOST POINT OF LAND AT JAMES ISLAND, THEN TO THE LIGHTED  
27 BUOY AT KENWOOD BEACH, AT LATITUDE 38 DEGREES 30 MINUTES, THEN TO THE  
28 POINT OF BEGINNING.

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

31 (I) ON SATURDAY OR SUNDAY; OR

32 (II) BEFORE SUNRISE OR AFTER 3:00 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 HAS A POWER DREDGING LICENSE UNDER THIS SECTION:

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

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

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

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

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

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

12 (4) THE REGULATIONS MAY AUTHORIZE THE DEPARTMENT TO  
13 PURCHASE OYSTERS AT MARKET PRICE FROM A PERSON WHO HAS A POWER DREDGE  
14 LICENSE UNDER THIS SECTION TO BE TRANSPLANTED FOR RESTORATION PURPOSES  
15 TO THE OYSTER SANCTUARY DESCRIBED IN REGULATIONS IN ACCORDANCE WITH  
16 PARAGRAPH (3) OF THIS SUBSECTION.

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