

HOUSE BILL 1030

Unofficial Copy  
M1

1999 Regular Session  
(91r2406)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegate Wood**

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 **St. Mary's County - Oysters**

3 FOR the purpose of allowing certain persons to catch oysters by power dredge in  
4 certain waters contiguous to St. Mary's 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 restrictions pertaining to  
8 oyster catching by power dredge in certain waters; providing for the  
9 establishment of an oyster sanctuary; prohibiting a person from catching oysters  
10 in a certain oyster sanctuary; requiring the Department to establish certain  
11 regulations establishing certain penalties; requiring the Department to submit a  
12 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 St. Mary's 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 ST. MARY'S 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 15 ~~30~~ IN THE WATERS OF THE STATE ~~CONTIGUOUS TO ST. MARY'S COUNTY,~~  
 36 ~~BEGINNING AT POINT LOOKOUT AND EXTENDING IN A NORTHERLY DIRECTION~~

1 ALONG THE BAY FRONT SHORELINE TO CEDAR POINT, THEN NORTHEASTERLY  
 2 ALONG A STRAIGHT LINE TO THE FLASHING GREEN FOUR SECOND BELL BUOY, THEN  
 3 CONTINUING NORTHEASTERLY ALONG A STRAIGHT LINE TO THE RED AND WHITE  
 4 MID-CHANNEL BUOY, THEN ALONG A STRAIGHT LINE SOUTHEASTERLY TO THE  
 5 NUMBER 72 FLASHING RED TWO AND A HALF SECOND BELL BUOY, THEN SOUTHERLY  
 6 ALONG A STRAIGHT LINE TO THE NUMBER 70 FLASHING RED FOUR SECOND BELL  
 7 BUOY, AND THEN EXTENDING WESTERLY ALONG A STRAIGHT LINE BACK TO THE  
 8 POINT OF BEGINNING. STATE CONTIGUOUS TO ST. MARY'S COUNTY, BEGINNING AT  
 9 SMITH POINT AND EXTENDING IN A NORTHEASTERLY DIRECTION TO POINT  
 10 LOOKOUT, THEN EXTENDING IN A NORTHERLY DIRECTION ALONG THE BAY FRONT  
 11 SHORELINE TO CEDAR POINT, THEN EASTERLY TO THE FLASHING GREEN FOUR  
 12 SECOND BELL BUOY, CONTINUING TO THE RED AND WHITE MID-CHANNEL BUOY,  
 13 AND CONTINUING TOWARDS THE NUMBER 74 FLASHING RED TWO AND A HALF  
 14 SECOND BELL BUOY TO THE ST. MARY'S AND DORCHESTER COUNTY LINE, THEN IN A  
 15 SOUTHEASTERLY DIRECTION TO THE JUNCTION OF ST. MARY'S, DORCHESTER, AND  
 16 SOMERSET COUNTY LINE, THEN CONTINUING IN A SOUTHEASTERLY DIRECTION  
 17 ALONG THE ST. MARY'S AND SOMERSET COUNTY LINE TO THE MARYLAND AND  
 18 VIRGINIA STATE LINE AND BACK TO THE POINT OF BEGINNING.

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

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

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

25 (III) IN ANY AREA CLOSED TO HYDRAULIC CLAM DREDGING UNDER  
 26 § 4-1006.1 OF THIS SUBTITLE.

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

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

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

34 (F) (1) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
 35 SECTION.

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

38 (2) (3)(I) THE REGULATIONS SHALL ~~PROVIDE FOR THE ESTABLISHMENT~~  
 39 ~~OF~~ ESTABLISH AN OYSTER SANCTUARY OF AT LEAST NOT LESS THAN 100 ACRES

1 WITHIN THE AREA DESCRIBED IN SUBSECTION (D) OF THIS SECTION. ~~POWER~~  
 2 ~~DREDGING FOR OYSTERS SHALL BE PROHIBITED IN THE OYSTER SANCTUARY~~

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

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

7 ~~(3) THE REGULATIONS MAY VARY THE LIMITS ESTABLISHED UNDER~~  
 8 ~~SUBSECTION (E)(2)(1) OF THIS SECTION.~~

9 (4) ~~IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER PARAGRAPH~~  
 10 ~~(4) OF THIS SUBSECTION, THE DEPARTMENT MAY~~ THE REGULATIONS SHALL  
 11 AUTHORIZE THE DEPARTMENT TO ESTABLISH A PROGRAM AT THE BEGINNING OF  
 12 THE POWER DREDGE SEASON TO PURCHASE OYSTERS AT NO LESS THAN MARKET  
 13 PRICE FROM A PERSON WHO HAS A POWER ~~DREDGING~~ DREDGE LICENSE UNDER  
 14 THIS SECTION TO BE TRANSPLANTED FOR RESTORATION PURPOSES TO THE OYSTER  
 15 SANCTUARY ~~REQUIRED UNDER~~ DESCRIBED IN REGULATIONS IN ACCORDANCE WITH  
 16 PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION.

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

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

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

24 Article - Natural Resources

25 4-1014.1.

26 (A) THIS SECTION APPLIES ONLY TO THE WATERS OF THE STATE THAT LIE  
 27 CONTIGUOUS TO ST. MARY'S COUNTY IN THE CHESAPEAKE BAY.

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

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

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

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

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