

---

By: **Delegate Wood**

Introduced and read first time: February 16, 1999

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 22, 1999

---

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 1999

---

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; and generally relating to the catching of  
10 oysters in waters contiguous to St. Mary's 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 ST. MARY'S 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 ST. MARY'S COUNTY, BEGINNING AT POINT LOOKOUT AND  
25 EXTENDING IN A NORTHERLY DIRECTION ALONG THE BAY FRONT SHORELINE TO  
26 CEDAR POINT, THEN NORTHEASTERLY ALONG A STRAIGHT LINE TO THE FLASHING  
27 GREEN FOUR SECOND BELL BUOY, THEN CONTINUING NORTHEASTERLY ALONG A  
28 STRAIGHT LINE TO THE RED AND WHITE MID-CHANNEL BUOY, THEN ALONG A  
29 STRAIGHT LINE SOUTHEASTERLY TO THE NUMBER 72 FLASHING RED TWO AND A  
30 HALF SECOND BELL BUOY, THEN SOUTHERLY ALONG A STRAIGHT LINE TO THE  
31 NUMBER 70 FLASHING RED FOUR SECOND BELL BUOY, AND THEN EXTENDING  
32 WESTERLY ALONG A STRAIGHT LINE BACK TO THE POINT OF BEGINNING.

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

36 (I) ON SATURDAY OR SUNDAY; OR

37 (II) BEFORE SUNRISE OR AFTER 3:00 P.M. ON ANY DAY MONDAY  
38 THROUGH FRIDAY.

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

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

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

8     (F)     (1)     THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
9 SECTION.

10           (2)     THE REGULATIONS SHALL PROVIDE FOR THE ESTABLISHMENT OF  
11 AN OYSTER SANCTUARY OF AT LEAST 100 ACRES WITHIN THE AREA DESCRIBED IN  
12 SUBSECTION (D) OF THIS SECTION. POWER DREDGING FOR OYSTERS SHALL BE  
13 PROHIBITED IN THE OYSTER SANCTUARY.

14           (3)     THE REGULATIONS MAY VARY THE LIMITS ESTABLISHED UNDER  
15 SUBSECTION (E)(2)(I) OF THIS SECTION.

16           (4)     IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER PARAGRAPH  
17 (1) OF THIS SUBSECTION, THE DEPARTMENT MAY PURCHASE OYSTERS AT MARKET  
18 PRICE FROM A PERSON WHO HAS A POWER DREDGING LICENSE UNDER THIS  
19 SECTION TO BE TRANSPLANTED FOR RESTORATION PURPOSES TO THE OYSTER  
20 SANCTUARY REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

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