

SENATE BILL 541

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1999 Regular Session
9lr0933
CF 9lr2146

By: **Senator Colburn**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

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.

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

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

3 (2) THE DEPARTMENT:

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

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

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

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

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

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

25 (I) ON SATURDAY OR SUNDAY; OR

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

28 (2) IN ADDITION TO THE PROVISIONS OF § 4-1013(E) AND (F) OF THIS
29 SUBTITLE, A PERSON WHO HAS A POWER DREDGING LICENSE UNDER THIS 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 THAT HAS A MINIMUM
33 SIZE OF 36 INCHES UP TO A MAXIMUM SIZE OF 42 INCHES.

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

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

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

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

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

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