

SENATE BILL 541

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M2

1999 Regular Session
9lr0933
CF 9lr2146

By: **Senator Colburn**
Introduced and read first time: February 5, 1999
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 25, 1999

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;
10 limiting the season when a licensee can power dredge oysters under this Act;
11 placing certain restrictions on the power dredging of oysters; requiring the
12 Department to establish certain regulations establishing certain penalties;
13 requiring the Department to submit a certain report by a certain date; providing
14 for the termination of certain provisions of this Act; providing for the delayed
15 effective date of a certain provision of this Act; and generally relating to the
16 power dredging of oysters in waters contiguous to Dorchester County.

17 BY adding to
18 Article - Natural Resources
19 Section 4-1014.1
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1998 Supplement)

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

1 **Article - Natural Resources**

2 4-1014.1.

3 (A) THIS SECTION APPLIES ONLY TO THE WATERS OF THE STATE THAT LIE
4 CONTIGUOUS TO DORCHESTER COUNTY IN THE CHESAPEAKE BAY.5 (B) A PERSON SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE
6 PERSON MAY CATCH OYSTERS WITH A POWER DREDGE IN THE WATERS OF THE
7 STATE THAT LIE CONTIGUOUS TO DORCHESTER COUNTY IN THE CHESAPEAKE BAY,
8 EXCEPT FOR A PERSON HOLDING A VALID LICENSE TO CATCH OYSTERS BY DREDGE
9 BOAT LICENSE AND DREDGING FOR OYSTERS IN ACCORDANCE WITH § 4-1013 OF THIS
10 SUBTITLE.11 (C) (1) A PERSON MAY NOT HOLD AN OYSTER HARVESTER LICENSE AND A
12 POWER DREDGE LICENSE SIMULTANEOUSLY.

13 (2) THE DEPARTMENT:

14 (I) MAY ISSUE A POWER DREDGE LICENSE ONLY TO THE HOLDER
15 OF AN OYSTER HARVESTER LICENSE; AND16 (II) SHALL SUSPEND A PERSON'S OYSTER HARVESTER LICENSE ON
17 ISSUANCE OF A POWER DREDGE LICENSE UNTIL THE TIME THE HOLDER
18 SURRENDERS THE POWER DREDGE LICENSE TO THE DEPARTMENT.19 (3) (I) IF A PERSON WANTS TO REOBTAIN THE PERSON'S PREVIOUSLY
20 VALID OYSTER HARVESTER LICENSE, THE PERSON SHALL RETURN THE PERSON'S
21 CURRENTLY VALID POWER DREDGING LICENSE TO THE DEPARTMENT.22 (II) UPON RECEIPT OF THE POWER DREDGING LICENSE, THE
23 DEPARTMENT SHALL EXCHANGE, AT NO COST, THE POWER DREDGING LICENSE FOR
24 THE PERSON'S FORMER, CURRENTLY VALID OYSTER LICENSE.25 (D) THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATIONS WITHIN
26 THE FOLLOWING AREAS IN WHICH A PERSON MAY CATCH OYSTERS BY POWER
27 DREDGING ONLY DURING THE POWER DREDGING SEASON. THE POWER DREDGING
28 SEASON FOR OYSTERS SHALL RUN FROM NOVEMBER 1 TO MARCH ~~45~~ 30 IN THE
29 WATERS OF THE STATE THAT LIE CONTIGUOUS TO DORCHESTER COUNTY,
30 BEGINNING AT THE SOUTHERNMOST POINT OF LAND AT PRY ISLAND, THEN
31 RUNNING COTERMINOUS WITH THE CRAB POT LINE TO THE SOUTHERNMOST POINT
32 OF LAND AT JAMES ISLAND, THEN TO THE LIGHTED BUOY AT KENWOOD BEACH, AT
33 LATITUDE 38 DEGREES 30 MINUTES, THEN TO THE POINT OF BEGINNING.34 (E) (1) NOTWITHSTANDING THE PROVISIONS OF § 4-1008(A) OF THIS
35 SUBTITLE, A PERSON MAY NOT CATCH OYSTERS WITH A POWER DREDGING LICENSE:36 (I) ON SATURDAY OR SUNDAY; ~~OR~~

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

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

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

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

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

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

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

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

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

20 (III) THE SANCTUARY SHALL BE ESTABLISHED BEFORE THE
21 OPENING OF THE POWER DREDGE SEASON.

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

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

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

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

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Article - Natural Resources2 4-1014.1.

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

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

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

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

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

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