
By: **Senator Stoltzfus**
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 **Somerset County - Power Dredging for Oysters**

3 FOR the purpose of ~~allowing a person to~~ requiring the Department of Natural
4 Resources to adopt regulations that establish certain zones in which a person
5 may power dredge oysters in certain waters of Somerset County under certain
6 conditions; requiring the Department of Natural Resources to designate a
7 certain area as an oyster sanctuary; prohibiting a person from catching oysters
8 in a certain oyster sanctuary or in a certain area closed to hydraulic clam
9 dredging; requiring the Department to adopt certain regulations to authorize a
10 certain program for the purchase of certain oysters, to reserve certain areas, and
11 to establish certain penalties; requiring a certain report; repealing certain
12 provisions of law allowing persons to power dredge oysters in certain waters of
13 Somerset County; repealing a certain termination provision of a certain Act;
14 providing for a delayed effective date for certain provisions of this Act; and
15 generally relating to power dredging oysters in Somerset County.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 4-1014(d) and (f)
19 Annotated Code of Maryland
20 (1997 Replacement Volume and 1998 Supplement)

21 BY repealing and reenacting, with amendments,
22 Chapter 576 of the Acts of the General Assembly of 1997
23 Section 4

24 BY repealing

1 Article - Natural Resources
2 Section 4-1014
3 Annotated Code of Maryland
4 (1997 Replacement Volume and 1998 Supplement)
5 (As enacted by Section 1 of this Act)

6 BY adding to
7 Article - Natural Resources
8 Section 4-1014
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1998 Supplement)

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

13 **Article - Natural Resources**

14 4-1014.

15 (a) This section applies only to the waters of the State that lie contiguous to
16 Somerset County in the Chesapeake Bay.

17 (b) A person shall be licensed by the Department before the person may catch
18 oysters with a power dredge in the waters of the State that lie contiguous to Somerset
19 County, as described in subsection (a) of this section.

20 (c) (1) A person may not hold an oyster harvester license and a power
21 dredge license simultaneously.

22 (2) The Department:

23 (i) May issue a power dredge license only to the holder of an oyster
24 harvester license; and

25 (ii) Shall suspend a person's oyster harvester license on issuance of
26 a power dredge license until the time that the holder surrenders the power dredge
27 license to the Department.

28 (3) (i) If a person wants to reobtain the person's previously valid
29 oyster harvester license, the person shall return the person's currently valid power
30 dredging license to the Department.

31 (ii) Upon receipt of the power dredging license, the Department
32 shall exchange at no cost the power dredging license for the person's former, currently
33 valid oyster license.

34 (d) A THE DEPARTMENT SHALL ESTABLISH ZONES BY REGULATION WITHIN
35 THE FOLLOWING AREAS IN WHICH A person may catch oysters by power dredge only

1 during the power dredging season from November 1 to March 15 in the following
 2 areas 30:

3 (1) In the waters of this State that lie contiguous to Somerset County,
 4 including all of the waters from the area of Kedges Straits from a line drawn from the
 5 quick flash buoy at Fog Point east to Solomons Lump Light, north to Sheepshead
 6 Point, and along the west side of South March Island to the crab pot line on Pry
 7 Island; and

8 (2) In the waters of Tangier Sound, that area enclosed by a line
 9 beginning at buoy "8", then eastward to James Island Light, then to the range marker
 10 at Great Point, then following the shoreline southward to the Maryland/Virginia line,
 11 then westward to buoy "6", then northward to buoy "8", the point of beginning.

12 (3) IN THE WATERS OF TANGIER SOUND, THAT AREA BEGINNING AT THE
 13 JUNCTION RED AND GREEN BUOY AT THE MOUTH OF THE MONOKIN RIVER AND BIG
 14 ANNEMESSEX RIVER, THEN SOUTHWARD TO FLASHING FOUR SECOND BUOY AT
 15 JANES ISLAND, THEN SOUTHWESTWARD TO HORSE HAMMOCK POINT, THEN
 16 NORTHWARD ALONG THE EASTERN SHORELINE OF SMITH ISLAND AND TO FISHING
 17 POINT, THEN NORTHEASTWARD TO THE FLASHING GREEN FOUR BELL NUMBER 5
 18 BUOY, THEN SOUTHEASTWARD TO THE POINT OF BEGINNING.

19 (4) IN THE WATERS OF TANGIER SOUND, THAT AREA BEGINNING AT THE
 20 JUNCTION RED AND GREEN BUOY AT THE MOUTH OF THE MONOKIN RIVER AND BIG
 21 ANNEMESSEX RIVER, THEN NORTHWARD TO PINEY ISLAND, THEN NORTHEASTWARD
 22 TO THE SOUTHEASTERN MOST POINT OF LAND OF ST. PIERRE ISLAND, THEN TO THE
 23 SOUTHERNMOST POINT OF LAND AT NORMAL POINT, THEN FOLLOWING THE
 24 SHORELINE IN A SOUTHWEST DIRECTION TO HAZARD POINT, THEN CONTINUING
 25 ALONG THE SHORELINE SOUTHWARD TO THE MOUTH OF THE BIG ANNEMESSEX
 26 RIVER, THEN TO THE POINT OF LAND DUE NORTH OF DAY BEACON NUMBER 5, THEN
 27 ACROSS THE BIG ANNEMESSEX RIVER TO LONG POINT, THEN FOLLOWING THE
 28 SHORELINE SOUTHWEST TO FLATCAR POINT, THEN BACK TO THE POINT OF
 29 BEGINNING.

30 (e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a
 31 person may not catch oysters with a power dredging license:

32 (i) On Saturday or Sunday; or

33 (ii) Before sunrise or after 3:00 p.m. on any day Monday through
 34 Friday.

35 (2) In addition to the provisions of § 4-1013(e) and (f) of this subtitle, a
 36 person who has a power dredging license under this section:

37 (i) Has a limit of 12 bushels for each person or 24 bushels per boat,
 38 with a limit of two licensed power dredgers per boat; and

39 (ii) May use only a power dredge bar that has a minimum size of 36
 40 inches up to a maximum size of 42 inches.

1 (f) (1) The Secretary may adopt regulations to carry out the intent of this
2 section.

3 (2) The regulations adopted by the Secretary may vary the limits
4 established under subsection (e)(2)(i) of this section.

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

8 (II) A PERSON MAY NOT CATCH OYSTERS IN THE SANCTUARY
9 ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

10 (III) THE SANCTUARY SHALL BE ESTABLISHED BEFORE THE
11 OPENING OF THE POWER DREDGE SEASON.

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

18 (5) A PERSON MAY NOT CATCH OYSTERS IN ANY AREA CLOSED TO
19 HYDRAULIC CLAM DREDGING UNDER § 4-1006.1 OF THIS SUBTITLE.

20 (6) THE DEPARTMENT SHALL ADOPT REGULATIONS RESERVING AREAS
21 ON A ROTATIONAL BASIS FOR RESTORATION AND HARVESTING PURPOSES.

22 (7) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN
23 APPROPRIATE PENALTY TO BE ASSESSED AGAINST A PERSON CONVICTED OF TAKING
24 OYSTERS FROM A SANCTUARY OR RESERVED AREA.

25 (g) (1) There is an oyster sanctuary in the area known as the Webster
26 ground that includes all the waters inshore of a line northeasterly from Long Point to
27 latitude 38 degrees, 12.63 minutes and longitude, 75 degrees, 51.85 minutes, a
28 designated point in Monie Bay, then southwesterly to the eastern entrance to Pigeon
29 House Creek.

30 (2) A person may not catch oysters in the oyster sanctuary described in
31 paragraph (1) of this subsection.

32 **Chapter 576 of the Acts of 1997**

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1997. [Sections 2 and 3 of this Act shall remain effective for a period of 4
35 years and, at the end of September 30, 2001, with no further action required by the
36 General Assembly, Sections 2 and 3 of this Act shall be abrogated and of no further
37 force and effect.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-1014 of
2 Article - Natural Resources of the Annotated Code be repealed.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
4 read as follows:

5 Article - Natural Resources

6 4-1014.

7 (A) THIS SECTION APPLIES ONLY TO THE WATERS OF THE STATE THAT LIE
8 CONTIGUOUS TO SOMERSET COUNTY IN THE CHESAPEAKE BAY.

9 (B) THERE IS AN OYSTER SANCTUARY IN THE AREA KNOWN AS THE WEBSTER
10 GROUND THAT INCLUDES ALL THE WATERS INSHORE OF A LINE NORTHEASTERLY
11 FROM LONG POINT TO LATITUDE 38 DEGREES, 12.63 MINUTES AND LONGITUDE, 75
12 DEGREES, 51.85 MINUTES, A DESIGNATED POINT IN MONIE BAY, THEN
13 SOUTHWESTERLY TO THE EASTERN ENTRANCE TO PIGEON HOUSE CREEK.

14 (C) A PERSON MAY NOT CATCH OYSTERS IN THE OYSTER SANCTUARY
15 DESCRIBED IN SUBSECTION (B) OF THIS SECTION OR AN OYSTER SANCTUARY THAT
16 WAS ESTABLISHED BY REGULATIONS ADOPTED BY THE DEPARTMENT.

17 SECTION 4. AND BE IT FURTHER ENACTED, That the Department of
18 Natural Resources shall conduct a study of the impact of power dredging and, subject
19 to § 2-1246 of the State Government Article, report to the General Assembly by
20 January 1, 2004.

21 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this
22 Act shall take effect June 1, ~~1999~~ 2004.

23 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
24 Section 5 of this Act, this Act shall take effect June 1, 1999.