

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 417

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Somerset County -"; in line 5, strike "Somerset County" and substitute "certain counties"; and in line 12, after "4-1014" insert "4-1014.1, 4-1014.2, and 4-1014.3".

AMENDMENT NO. 2

On page 4, after line 4, insert:

"4-1014.1.

(a) This section applies to the waters of the State that lie contiguous to Calvert County in the Chesapeake Bay.

(b) Except for a person who holds a dredge boat license from the Department and catches oysters under § 4-1013 of this subtitle, a person shall be [licensed] PERMITTED by the Department before the person may catch oysters by power dredge in waters subject to this section.

(c) (1) A person may [not] hold an oyster harvester license and a power dredging [license] PERMIT simultaneously.

(2) The Department[:

(i) May] MAY issue a power dredging [license] PERMIT only to the holder of an oyster harvester license[; and

(ii) Shall suspend a person's oyster harvester license on issuance of a power dredging license until the holder surrenders the power dredging license to the Department].

(Over)

(3) (i) If a person wishes to recover the person's previously valid oyster harvester license, the person shall return the person's currently valid power dredging license to the Department.

(ii) On receipt of the power dredging license, the Department shall:

1. Exchange the power dredging license for the person's former oyster harvester license at no cost; and

2. Validate the oyster harvester license for current use] A PERSON WHO IS PERMITTED TO CATCH OYSTERS WITH A POWER DREDGE UNDER THIS SECTION MAY NOT HARVEST OYSTERS BY ANY OTHER HARVESTING METHODS ON DAYS WHEN OYSTERS ARE HARVESTED WITH A POWER DREDGE.

(d) The Department shall establish zones by regulations within the following areas in which a person may catch oysters by power dredge only during the power dredging season from November 1 to March 30 in the waters of the State contiguous to Calvert County from its border with Anne Arundel County south of Holland Point, southward to Drum Point, southward to the border waters of St. Mary's County following the dredge line toward Hog Point in St. Mary's County, following the Calvert and St. Mary's county line in a northeasterly direction to the Dorchester County line, following the Calvert and Dorchester county line in a northwesterly line to the junction of Calvert, Dorchester, and Talbot county line, continuing in a northwesterly direction along the Calvert and Talbot county line to the junction of Calvert, Talbot, and Anne Arundel county line and back to the point of beginning.

(e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a person may not catch oysters under a power dredging [license] PERMIT:

(i) On Saturday or Sunday;

(ii) Before sunrise or after 3 p.m. on any day Monday through Friday; or

(iii) In any area closed to hydraulic clam dredging under § 4-1006.1 of this subtitle.

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

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

(ii) May use only a power dredge bar of at least 36 inches and not exceeding 42 inches.

(f) (1) The Secretary shall adopt regulations to implement this section.

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

(3) (i) The regulations shall establish an oyster sanctuary of not less than 100 acres in the vicinity of Plum Point in the waters described in subsection (d) of this section.

(ii) A person may not catch oysters in the oyster sanctuary described in the regulations.

(iii) The sanctuary shall be established before the opening of the power dredge season.

(4) The regulations may vary the power dredge bar limits established under subsection (e)(2)(i) of this section.

(5) The regulations shall authorize the Department to establish a program at the beginning of the power dredge season to purchase oysters at no less than market price from a person who has a power dredge [license] PERMIT under this section to be transplanted for restoration purposes in the oyster sanctuary described in regulations under this subsection.

(6) The Department shall adopt regulations reserving areas on a rotational basis for restoration and harvesting purposes.

(7) The Department shall adopt regulations establishing an appropriate penalty to be assessed against a person convicted of taking oysters from a sanctuary or reserved area.

(Over)

4-1014.2.

(a) This section applies to the waters of the State that lie contiguous to St. Mary's County in the Chesapeake Bay.

(b) Except for a person who holds a dredge boat license from the Department and catches oysters under § 4-1013 of this subtitle, a person shall be [licensed] PERMITTED by the Department before the person may catch oysters by power dredge in waters subject to this section.

(c) (1) A person may [not] hold an oyster harvester license and a power dredging [license] PERMIT simultaneously.

(2) The Department[:

(i) [May] MAY issue a power dredging [license] PERMIT only to the holder of an oyster harvester license[; and

(ii) Shall suspend a person's oyster harvester license on issuance of a power dredging license until the holder surrenders the power dredging license to the Department].

(3) [(i) If a person wishes to recover the person's previously valid oyster harvester license, the person shall return the person's currently valid power dredging license to the Department.

(ii) On receipt of the power dredging license, the Department shall:

1. Exchange the power dredging license for the person's former oyster harvester license at no cost; and

2. Validate the oyster harvester license for current use.] A PERSON WHO IS PERMITTED TO CATCH OYSTERS WITH A POWER DREDGE UNDER THIS SECTION MAY NOT HARVEST OYSTERS BY ANY OTHER HARVESTING METHODS ON DAYS WHEN OYSTERS ARE HARVESTED WITH A POWER DREDGE.

(d) The Department shall establish zones by regulations within the following areas in which a person may catch oysters by power dredge only during the power dredging season from November 1 to March 30 in the waters of the State contiguous to St. Mary's County, beginning at Smith Point and extending in a northeasterly direction to Point Lookout, then extending in a northerly direction along the bay front shoreline to Cedar Point, then easterly to the flashing green four second bell buoy, continuing to the red and white mid-channel buoy, and continuing towards the number 74 flashing red two and a half second bell buoy to the St. Mary's and Dorchester county line, then in a southeasterly direction to the junction of St. Mary's, Dorchester, and Somerset county line, then continuing in a southeasterly direction along the St. Mary's and Somerset county line to the Maryland and Virginia state line and back to the point of beginning.

(e) (1) Notwithstanding the provisions of § 4-1008(a) of this subtitle, a person may not catch oysters under a power dredging [license] PERMIT:

(i) On Saturday or Sunday;

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

or

(iii) In any area closed to hydraulic clam dredging under § 4-1006.1 of this subtitle.

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

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

(ii) may use only a power dredge bar of at least 36 inches and not exceeding 42 inches.

(f) (1) The Secretary shall adopt regulations to implement this section.

(Over)

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

(3) (i) The regulations shall establish an oyster sanctuary of not less than 100 acres within the area described in subsection (d) of this section.

(ii) A person may not catch oysters in the oyster sanctuary described in the regulations.

(iii) The sanctuary shall be established before the opening of the power dredge season.

(4) The regulations shall authorize the Department to establish a program at the beginning of the power dredge season to purchase oysters at no less than market price from a person who has a power dredge [license] PERMIT under this section to be transplanted for restoration purposes to the oyster sanctuary described in regulations in accordance with paragraph (3) of this subsection.

(5) The Department shall adopt regulations reserving areas on a rotational basis for restoration and harvesting purposes.

(6) The Department shall adopt regulations establishing an appropriate penalty to be assessed against a person convicted of taking oysters from a sanctuary or reserved area.

4-1014.3.

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

(b) A person shall be [licensed] PERMITTED by the Department before the person may catch oysters with a power dredge in the waters of the State that lie contiguous to Dorchester County in the Chesapeake Bay, except for a person holding a valid license to catch oysters by dredge boat license and dredging for oysters in accordance with § 4-1013 of this subtitle.

(c) (1) A person may [not] hold an oyster harvester license and a power dredge [license] PERMIT simultaneously.

(2) The Department[:

(i) May] MAY issue a power dredge [license] PERMIT only to the holder of an oyster harvester license[; and

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

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

(ii) Upon receipt of the power dredging license, the Department shall exchange, at no cost, the power dredging license for the person's former, currently valid oyster license.] A PERSON WHO IS PERMITTED TO CATCH OYSTERS WITH A POWER DREDGE UNDER THIS SECTION MAY NOT HARVEST OYSTERS BY ANY OTHER HARVESTING METHODS ON DAYS WHEN OYSTERS ARE HARVESTED WITH A POWER DREDGE.

(d) The Department shall establish zones by regulations within the following areas in which a person may catch oysters by power dredging only during the power dredging season. The power dredging season for oysters shall run from November 1 to March 30 in the waters of the State that lie contiguous to Dorchester County, beginning at the southernmost point of land at Pry Island, then running coterminous with the crab pot line to the southernmost point of land at James Island, then to the lighted buoy at Kenwood Beach, at latitude 38 degrees 30 minutes, then to the point of beginning.

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

(Over)

- (i) On Saturday or Sunday;
- (ii) Before sunrise or after 3:00 p.m. on any day Monday through Friday;

or

(iii) In any area closed to hydraulic clam dredging under § 4-1006.1 of this subtitle.

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

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

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

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

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

(3) (i) The regulations shall establish an oyster sanctuary consisting of not less than 100 acres within the area described in subsection (d) of this section.

(ii) A person may not catch oysters in the oyster sanctuary described in the regulations.

(iii) The sanctuary shall be established before the opening of the power dredge season.

(4) The regulations shall authorize the Department to establish a program at the beginning of the power dredge season to purchase oysters at no less than market price from a person who has a power dredge [license] PERMIT under this section to be transplanted for restoration



purposes to the oyster sanctuary described in regulations in accordance with paragraph (3) of this subsection.

(5) The Department shall adopt regulations reserving areas on a rotational basis for restoration and harvesting purposes.

(6) The Department shall adopt regulations establishing an appropriate penalty to be assessed against a person convicted of taking oysters from a sanctuary or reserved area.”.