
By: **Senator Stoltzfus**
Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County - Power Dredging - Oysters**

3 FOR the purpose of authorizing the Department of Natural Resources to grant
4 permits to persons before allowing them to catch oysters with a power dredge in
5 Somerset County; authorizing the Department to issue a power dredge permit to
6 holders of an oyster harvester license; prohibiting persons permitted to catch
7 oysters with a power dredge from harvesting oysters by any other method on
8 certain days; providing for the termination of this Act; and generally relating to
9 harvesting oysters with a power dredge.

10 BY repealing and reenacting, with amendments,
11 Article - Natural Resources
12 Section 4-1014
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1999 Supplement)

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

17 **Article - Natural Resources**

18 4-1014.

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

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

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

26 (2) The Department[:

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

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

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

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

15 (d) The Department shall establish zones by regulation within the following
16 areas in which a person may catch oysters by power dredge only during the power
17 dredging season from November 1 to March 30:

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

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

27 (3) In the waters of Tangier Sound, that area beginning at the junction
28 red and green buoy at the mouth of the Monokin River and Big Annemessex River,
29 then southward to flashing four second buoy at Janes Island, then southwestward to
30 Horse Hammock Point, then northward along the eastern shoreline of Smith Island
31 and to Fishing Point, then northeastward to the flashing green four bell number 5
32 buoy, then southeastward to the point of beginning.

33 (4) In the waters of Tangier Sound, that area beginning at the junction
34 red and green buoy at the mouth of the Monokin River and Big Annemessex River,
35 then northward to Piney Island, then northeastward to the southeastern most point
36 of land of St. Pierre Island, then to the southernmost point of land at Normal Point,
37 then following the shoreline in a southwest direction to Hazard Point, then continuing
38 along the shoreline southward to the mouth of the Big Annemessex River, then to the
39 point of land due north of day beacon number 5, then across the Big Annemessex
40 River to Long Point, then following the shoreline southwest to Flatcar Point, then
41 back to the point of beginning.

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

3 (i) On Saturday or Sunday; or

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

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

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

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

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

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

16 (3) (i) The regulations shall establish an oyster sanctuary of not less
17 than 100 acres within the area described in subsection (d)(4) of this section.

18 (ii) A person may not catch oysters in the sanctuary established
19 under subparagraph (i) of this paragraph.

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

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

27 (5) A person may not catch oysters in any area closed to hydraulic clam
28 dredging under § 4-1006.1 of this subtitle.

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

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

34 (g) (1) There is an oyster sanctuary in the area known as the Webster
35 ground that includes all the waters inshore of a line northeasterly from Long Point to
36 latitude 38 degrees, 12.63 minutes and longitude, 75 degrees, 51.85 minutes, a

1 designated point in Monie Bay, then southwesterly to the eastern entrance to Pigeon
2 House Creek.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2000. It shall remain effective for a period of 3 years and 8 months, and at
7 the end of May 31, 2004, with no further action required by the General Assembly,
8 this Act shall be abrogated and of no further force and effect.