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By: **Delegate Schisler**

Introduced and read first time: January 25, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Marine and Estuarine Fisheries Commission - Establishment - Powers,**  
3 **Functions, and Duties**

4 FOR the purpose of establishing the Marine and Estuarine Fisheries Commission  
5 (MEFC) as an independent State agency; transferring certain powers, functions,  
6 and duties related to the management of marine and estuarine fisheries related  
7 funds from the Department of Natural Resources and the Department's  
8 Secretary to the MEFC by a certain date; specifying certain duties and functions  
9 for which the MEFC and the Department are jointly responsible; declaring  
10 certain intents of the General Assembly; requiring the Governor, with the  
11 approval of the General Assembly, to appoint certain individuals as members of  
12 the MEFC by a certain date; providing for certain terms of MEFC members;  
13 prohibiting compensation for the services of a MEFC member, but allowing for  
14 reimbursement of certain expenses; specifying the terms of the initial members  
15 of the MEFC; requiring certain meetings, officers, and functions of the MEFC;  
16 providing for certain duties and functions of the MEFC Chairman; requiring the  
17 appointment of a certain MEFC Executive Director; providing for certain duties  
18 and functions of the Executive Director; authorizing the creation or dissolution  
19 of certain advisory committees within the MEFC; providing for the  
20 administration of certain advisory committees; requiring the Attorney General  
21 to be the legal advisor to the MEFC; providing for the assignment of certain  
22 assistant Attorneys General to the MEFC; establishing the Marine and  
23 Estuarine Fisheries Commission Police Force within the MEFC; specifying  
24 certain powers, functions, and duties of the MEFC Police Force; providing for  
25 the administration of the MEFC Police Force in certain ways; providing for the  
26 transfer of certain Department employees to the MEFC by a certain date;  
27 providing that the MEFC, its Chairman, and its Executive Director are the  
28 successors of the Department and its Secretary for certain purposes; providing  
29 for the continuity of certain laws, regulations, contracts, permits, licenses,  
30 transactions, boards, commissions, committees, and terms of office; making  
31 provisions of this Act severable; requiring the publisher of the Annotated Code of  
32 Maryland to make certain corrections necessitated by this Act; defining certain  
33 terms; making certain technical corrections; providing for the effective dates of  
34 certain provisions of this Act; and generally relating to the establishment of the  
35 Marine and Estuarine Fisheries Commission and the transfer of certain powers,

1 functions, and duties related to the management of marine and estuarine  
 2 fisheries from the Department of Natural Resources.

3 BY repealing and reenacting, with amendments,

4 Article - Natural Resources

5 Section 1-101(b), 1-102(a), 1-103(a), 1-104(a), (h), and (j), 1-106, 1-202,  
 6 1-204(a), 4-202, 4-204(b), 4-205, 4-206(a), (b), and (c), 4-207, 4-209(a),  
 7 4-210(d), (e), (f), (g)(1), and (h)(2) and (3), 4-212, 4-213(c), (d)(1), and (2)(i),  
 8 (e), (f), and (g)(1), 4-214, 4-215(b), (d)(4), (f), and (g)(1) and (2), 4-216(a)  
 9 and (b), 4-2A-03 through 4-2A-07, inclusive, 4-2A-08.1, 4-302, 4-401  
 10 through 4-410, inclusive, 4-506.1(b) and (c), 4-509 through 4-511,  
 11 inclusive, 4-701(b)(1) and (3), (d)(1) and (2)(i), (e)(2), (3), and (4)(ii), (g), (h),  
 12 (i)(2), (3)(i), (4)(i), and (5)(ii), (j)(2), (j-1)(2), (k)(1), (2), (3)(iii), (4)(i), (5), (6),  
 13 and (7), (l), (m), (n), and (o)(2)(i) and (4)(i), 4-701.1(b), (e), (f), (g)(2) and (3),  
 14 and (h)(1), 4-702(a) and (b)(1) and (4), 4-704, 4-704.1, 4-705, 4-710(b), (g),  
 15 and (h), 4-711(e), (h)(2)(iii) and (4), and (i), 4-713(i)(2), 4-715(e)(2),  
 16 4-717(d), 4-720, 4-732, 4-734(a)(3)(iii)3., (6)(iii), and (8) and (c), 4-735(d),  
 17 (e), and (f), 4-736(a), (b)(1), (c), and (d), 4-738(a) and (c), 4-739,  
 18 4-742(b)(1) and (3), 4-743, 4-744, 4-745(a)(2), (b)(1), (3), (4), and (5), (c)(4),  
 19 (5), and (8), and (d), 4-746, 4-802.1, 4-803, 4-804(c), (d)(2), and (f),  
 20 4-805(c)(1), (4)(i), and (5)(ii), (d), and (e)(1)(ii) and (iii), 4-809(b)(3), 4-810,  
 21 4-814(c)(1) and (d), 4-816, 4-901, 4-902, 4-903, 4-906, 4-1004(a),  
 22 4-1005(a), (b), and (d), 4-1006(b)(3), 4-1006.1(b) and (c), 4-1007(a) and (d),  
 23 4-1008(d) and (e), 4-1009(a), (b), and (c), 4-1012(a), (b)(2), and (c),  
 24 4-1013(b), (c), (d), and (e), 4-1014(b), (c)(2), (d), and (f)(1), (2), (4), (6), and  
 25 (7), 4-1014.1(b), (c)(2), (d), (f)(1), (2), and (5) through (7), 4-1014.2(b), (c)(2),  
 26 (d), (f)(1), (2), and (4) through (6), 4-1014.3(b), (c)(2), (d), (f)(1), (2), and (4)  
 27 through (6), 4-1015(a), (b), and (d)(1), 4-1015.1(a)(2) and (c), 4-1017(a)  
 28 and (b), 4-1018(a)(1), 4-1019, 4-1019.1, 4-1019.2(b)(2), (c), (e), and (f),  
 29 4-1020(b), (d), (e), and (f), 4-1021(a), 4-1021.1(a), 4-1023, 4-1024, 4-1028,  
 30 4-1029, 4-1030, 4-1031(c) and (d)(2), 4-1032, 4-1033, 4-1035, 4-1037,  
 31 4-1039(a), (b), and (c), 4-1041, 4-1043, 4-1102(a), (b), (c), and (d), 4-1103,  
 32 4-1103.1, 4-1105, 4-1106, 4-1107, 4-1118.1, 4-11A-01(f) and (g),  
 33 4-11A-02, 4-11A-04, 4-11A-05(a)(1), (2)(iv)2.B., and (3), (b), (d)(2)(i), (e),  
 34 and (f), 4-11A-06, 4-11A-07(a), (b), (c), and (e), 4-11A-10(a), 4-11A-12(b),  
 35 4-11A-13(b), (c)(2), (3), and (5), 4-11A-14(b), 4-11A-15(a)(2) and (3),  
 36 4-11A-17, 4-11A-18, 4-1201(c) and (d), 4-1203, 4-1204(a) and (b),  
 37 4-1205, 4-1206(a), 4-1208, and 4-1209

38 Annotated Code of Maryland

39 (2000 Replacement Volume and 2001 Supplement)

40 BY repealing

41 Article - Natural Resources

42 Section 4-204(c)

43 Annotated Code of Maryland

44 (2000 Replacement Volume and 2001 Supplement)

1 BY adding to  
2 Article - Natural Resources  
3 Section 1A-101 through 1A-210 to be under the new title "Title 1A. Marine and  
4 Estuarine Fisheries Commission"; and 4-209.1  
5 Annotated Code of Maryland  
6 (2000 Replacement Volume and 2001 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article - Natural Resources  
9 Section 4-702(a) and (b)(1)  
10 Annotated Code of Maryland  
11 (2000 Replacement Volume and 2001 Supplement)  
12 (As enacted by Chapter 661 of the Acts of the General Assembly of 2001)

13 BY repealing and reenacting, with amendments,  
14 Article - Natural Resources  
15 Section 4-803  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume and 2001 Supplement)  
18 (As enacted by Chapter 294 of the Acts of the General Assembly of 2001)

19 BY repealing and reenacting, with amendments,  
20 Article - Natural Resources  
21 Section 4-1005(b)  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2001 Supplement)  
24 (As enacted by Chapter 513 of the Acts of the General Assembly of 2001)

25 BY repealing and reenacting, with amendments,  
26 Article - Natural Resources  
27 Section 4-1014(c)  
28 Annotated Code of Maryland  
29 (2000 Replacement Volume and 2001 Supplement)  
30 (As enacted by Chapter 497 of the Acts of the General Assembly of 2001)

31 BY repealing and reenacting, with amendments,  
32 Article - Natural Resources  
33 Section 4-1014.1(b)  
34 Annotated Code of Maryland  
35 (2000 Replacement Volume and 2001 Supplement)  
36 (As enacted by Chapter 407 of the Acts of the General Assembly of 1999)

37 BY repealing and reenacting, with amendments,

1 Article - Natural Resources  
2 Section 4-1014.2(b)  
3 Annotated Code of Maryland  
4 (2000 Replacement Volume and 2001 Supplement)  
5 (As enacted by Chapter 478 of the Acts of the General Assembly of 1999)

6 BY repealing and reenacting, with amendments,  
7 Article - Natural Resources  
8 Section 4-1014.3(b)  
9 Annotated Code of Maryland  
10 (2000 Replacement Volume and 2001 Supplement)  
11 (As enacted by Chapter 633 of the Acts of the General Assembly of 1999)

12 BY repealing and reenacting, with amendments,  
13 Article - Natural Resources  
14 Section 4-11A-02  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2001 Supplement)  
17 (As enacted by Chapter 54 of the Acts of the General Assembly of 2001)

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 1-101.

22 (b) It is the intention of the General Assembly, in providing for a Department  
23 of Natural Resources, to establish a State department which, EXCEPT FOR MATTERS  
24 PERTAINING TO THE MANAGEMENT OF MARINE AND ESTUARINE FISHERIES UNDER  
25 TITLE 1A OF THIS ARTICLE AND in addition to [its] THE DEPARTMENT'S other  
26 functions, shall:

27 (1) Review and evaluate [all] natural resources policies, plans,  
28 programs, and practices of State, county, regional, and federal agencies and  
29 institutions;

30 (2) Coordinate natural resources activities within the State;

31 (3) Be a center for collecting and organizing information on natural  
32 resources for the guidance of the Governor and the General Assembly; and

33 (4) Otherwise unify, coordinate, and promulgate policies, plans,  
34 programs, and practices which [insure] ENSURE the preservation, development, wise  
35 use, and enjoyment of [all the] natural resources for greatest benefits to the State  
36 and its citizens.

1 1-102.

2 (a) [The] EXCEPT FOR THE MARINE AND ESTUARINE FISHERIES  
3 COMMISSION (MEFC) ESTABLISHED UNDER TITLE 1A OF THIS ARTICLE AND THE  
4 AUTHORITY AND RESPONSIBILITIES SPECIFICALLY DELEGATED TO THE MEFC, THE  
5 Department shall include all units, programs, boards, commissions, and advisory  
6 boards and commissions referenced in this article.

7 1-103.

8 (a) [The] EXCEPT FOR THE RESPONSIBILITIES OF THE MEFC, THE Secretary  
9 is responsible for the coordination and direction of comprehensive planning in the  
10 area of natural resources. In addition, [he] THE SECRETARY shall be apprised in full  
11 of plans, proposals, projects, and programs of the units within the Department, and  
12 may approve, disapprove, or modify any plan, proposal, project, or program, if that  
13 action approving, disapproving, or modifying plans, proposals, projects, or programs  
14 is not inconsistent with law.

15 1-104.

16 (a) (1) (I) The Secretary [is] AND THE MEFC ARE JOINTLY responsible for  
17 the development of coordinated policies for the preservation, conservation,  
18 enhancement, wise use, and perpetuation of the natural resources of the State.

19 (II) [He is] THE SECRETARY AND THE MEFC ARE JOINTLY  
20 responsible for the efficient coordination of all the natural resources activities of the  
21 State [including the settlement of].

22 (2) (I) THE SECRETARY SHALL RESOLVE conflicts that may arise  
23 among units within the Department of Natural Resources.

24 (II) In the discharge of his responsibility the Secretary shall:

25 [(1)] 1. Provide a forum of communication among natural resources  
26 units and a source of information for the Governor and General Assembly as to the  
27 preservation, conservation, development, and use of [all] the State's natural  
28 resources;

29 [(2)] 2. Study and evaluate any plan, program, or activity or any  
30 combination of plans, programs, or activities within one or more of the units of the  
31 Department, and recommend any legislative, budgetary, or administrative changes to  
32 provide more effective administration, clarify responsibilities, terminate obsolete  
33 programs, establish desirable programs, or alter or amend programs to meet changed  
34 or changing conditions;

35 [(3)] 3. Review federal statutes, policies, programs, and activities which  
36 affect or may affect natural resources in the State THAT ARE UNDER THE  
37 SUPERVISION OF THE DEPARTMENT and recommend to federal, State, and local  
38 agencies and institutions procedures for the coordination of these programs;

1           [(4)] 4. Study the natural resources activities of the subdivisions of the  
2 State IN THOSE AREAS THAT ARE UNDER THE SUPERVISION OF THE DEPARTMENT  
3 and recommend procedures for coordination of [the] THOSE natural resources  
4 activities of the State and its subdivisions;

5           [(5)] 5. Maintain a catalog classified by [use,] USE of public land  
6 acquired or used in the preservation, conservation, development, management, or  
7 enjoyment of the natural resources UNDER THE SUPERVISION OF THE DEPARTMENT;  
8 review and approve all plans and proposals of the units of the Department for the  
9 acquisition of additional land for such purposes, taking into account public land  
10 owned and managed for identical or similar purposes by federal agencies and by  
11 counties, municipalities, and other political subdivisions of the State;

12           [(6)] 6. Establish and maintain, for the use of the Department, a  
13 natural resources library, cataloged according to a recognized library system and  
14 containing legal, scientific, and administrative reports, books, documents,  
15 photographs, records, and other information on the natural resources UNDER THE  
16 SUPERVISION OF THE DEPARTMENT and THE ADMINISTRATION OF THESE natural  
17 resources [administration]; and

18           [(7)] 7. Provide technical assistance to other State units, counties,  
19 municipalities, corporations, organizations, groups, and individuals in planning,  
20 organizing, and conducting leisure activities and recreation programs.

21       (h) [(1)] The authority, powers, duties, and functions granted to the Secretary  
22 or the Department shall be exercised and performed by the Secretary or by any unit  
23 or official within the Department designated by the Secretary.

24           [(2)] (i) The Secretary may delegate to a person the authority to issue  
25 licenses pertaining to fishing or hunting.

26                   (ii) The Secretary may not delegate the authority to issue a fishing  
27 or hunting license to a clerk of a circuit court.]

28       (j) The Secretary may exercise or perform any power, duty, responsibility, or  
29 function which any of the following units, or their successors, may exercise or  
30 perform:

31           (1) [the] THE Maryland Geological Survey[, the Wildlife  
32 Administration,];

33           (2) EXCEPT FOR THOSE POWERS, DUTIES, RESPONSIBILITIES, AND  
34 FUNCTIONS SPECIFICALLY DELEGATED TO THE MEFC POLICE FORCE UNDER TITLE  
35 1A, SUBTITLE 2 OF THIS ARTICLE, the Natural Resources Police [Force,] FORCE;

36           (3) [the] THE Forest and Park Service[, the Water Resource  
37 Administration,];

38           (4) [the] THE Energy [Administration,] ADMINISTRATION; and

1 (5) [the] THE Tidewater Administration.

2 1-106.

3 (a) In this article the following words have the meanings indicated.

4 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
5 MARINE AND ESTUARINE FISHERIES COMMISSION.

6 (C) "Informational meeting" means a meeting, open to the public, at which the  
7 applicant or the Department of Natural Resources presents information concerning a  
8 permit or certificate application. An informational meeting is not a contested case  
9 hearing nor an agency hearing under § 10-202(d) of the State Government Article.

10 [(c)] (D) "Public hearing" means a meeting, open to the public, at which the  
11 Department of Natural Resources receives oral and written comments concerning a  
12 decision to issue or deny a permit or certificate. A public hearing is not a contested  
13 case hearing nor an agency hearing under § 10-202(d) of the State Government  
14 Article.

15 (E) "MEFC" MEANS THE MARINE AND ESTUARINE FISHERIES COMMISSION  
16 ESTABLISHED UNDER TITLE 1A OF THIS ARTICLE.

17 1-202.

18 [The] EXCEPT FOR THE RESPONSIBILITIES OF THE MEFC AND THE MEFC  
19 POLICE FORCE UNDER TITLE 1A OF THIS ARTICLE, THE Secretary is responsible for  
20 the enforcement of all natural resource laws of the State, including any rules and  
21 regulations adopted pursuant to this article.

22 1-204.

23 (a) (1) (I) In addition to any other powers conferred by this title, the  
24 Secretary and every Natural Resources police officer shall have all the powers  
25 conferred upon police officers of the State.

26 (II) These powers may be exercised anywhere within the State.

27 (2) [The] EXCEPT FOR THE ENFORCEMENT RESPONSIBILITIES OF THE  
28 MEFC AND THE MEFC POLICE FORCE, THE Natural Resources Police Force specifically  
29 is charged with enforcing the natural resource laws of the State.

30 TITLE 1A. MARINE AND ESTUARINE FISHERIES COMMISSION

31 SUBTITLE 1. GENERAL PROVISIONS.

32 1A-101.

33 (A) IN ESTABLISHING THE MARINE AND ESTUARINE FISHERIES COMMISSION  
34 (MEFC), IT IS THE INTENTION OF THE GENERAL ASSEMBLY THAT THE MEFC SHALL:

1 (1) BE SOLELY RESPONSIBLE TO THE GENERAL ASSEMBLY FOR THE  
2 RESTORATION, DEVELOPMENT, CULTIVATION, PRESERVATION, CONSERVATION,  
3 ENHANCEMENT, AND OVERALL MANAGEMENT OF MARYLAND'S MARINE AND  
4 ESTUARINE RESOURCES;

5 (2) BALANCE THE RESPONSIBLE STEWARDSHIP OF THESE RESOURCES  
6 WITH THEIR ECONOMIC BENEFITS; AND

7 (3) PROMOTE RECREATIONAL ACTIVITIES ASSOCIATED WITH MARINE  
8 AND ESTUARINE FISHERIES FOR THE ENJOYMENT AND GENERAL WELFARE OF ALL  
9 CITIZENS OF THE STATE.

10 (B) IT IS ALSO THE INTENTION OF THE GENERAL ASSEMBLY THAT THE MEFC  
11 AND THE DEPARTMENT OF NATURAL RESOURCES SHALL COLLABORATE IN ALL  
12 AREAS OF MUTUAL CONCERN.

13 1A-102.

14 (A) (1) THERE IS A MARINE AND ESTUARINE FISHERIES COMMISSION.

15 (2) THE MEFC:

16 (I) IS AN INDEPENDENT AGENCY OF THE STATE GOVERNMENT;  
17 AND

18 (II) MAY NOT BE PLACED BY THE GOVERNOR IN ANY PRINCIPAL  
19 DEPARTMENT.

20 (B) (1) THE GOVERNOR, WITH THE APPROVAL OF THE GENERAL ASSEMBLY,  
21 SHALL APPOINT THE MEMBERS OF THE MEFC AS FOLLOWS:

22 (I) THREE MEMBERS DERIVING 50% OF THEIR INCOME FROM  
23 COMMERCIAL FISHING OR REPRESENTING THE COMMERCIAL FISHING INDUSTRY;

24 (II) TWO MEMBERS WHO ARE LICENSED SEAFOOD DEALERS;

25 (III) TWO MEMBERS WHO REGULARLY ENGAGE IN RECREATIONAL  
26 FISHING;

27 (IV) ONE MEMBER ENGAGED IN COMMERCIAL GUIDE AND CHARTER  
28 ACTIVITIES; AND

29 (V) ONE AT-LARGE MEMBER HAVING GENERAL KNOWLEDGE OF  
30 MARINE AND ESTUARINE ISSUES.

31 (2) IN APPOINTING MEMBERS TO THE MEFC, THE GOVERNOR SHALL, TO  
32 THE EXTENT POSSIBLE, ENSURE REPRESENTATION OF:

33 (I) ALL AREAS OF INTEREST IN MARYLAND'S MARINE AND  
34 ESTUARINE RESOURCES; AND

1 (II) WOMEN AND MINORITIES.

2 (3) THE GOVERNOR MAY DISCHARGE A MEMBER OF THE MEFC FOR  
3 MISFEASANCE, MALFEASANCE, OR NONFEASANCE.

4 (4) (I) IF A MEMBER OF THE MEFC IS DISCHARGED OR IF A MEMBER  
5 RESIGNS OR DIES, THE GOVERNOR SHALL APPOINT A SUCCESSOR WITHIN 60 DAYS OF  
6 THE EFFECTIVE DATE OF THE MEMBER'S DISCHARGE, RESIGNATION, OR DEATH.

7 (II) IN THE EVENT OF THE GOVERNOR'S APPOINTMENT OF A  
8 SUCCESSOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LEGISLATIVE  
9 POLICY COMMITTEE MAY ACT IN PLACE OF THE FULL GENERAL ASSEMBLY IN THE  
10 APPROVAL OR DISAPPROVAL OF THE APPOINTMENT.

11 (C) EACH MEMBER OF THE MEFC SHALL BE A CITIZEN OF THE STATE.

12 (D) (1) A MEMBER OF THE MEFC SHALL SERVE A TERM OF 3 YEARS, WHICH  
13 IS RENEWABLE FOR A SECOND TERM.

14 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
15 TERMS PROVIDED FOR MEMBERS OF THE MEFC ON JULY 1, 2002.

16 (3) AN INDIVIDUAL WHO IS APPOINTED TO SERVE THE UNEXPIRED  
17 TERM OF ANOTHER INDIVIDUAL SHALL REMAIN ELIGIBLE FOR TWO FULL 3-YEAR  
18 APPOINTMENTS.

19 (E) A MEMBER OF THE MEFC MAY NOT BE COMPENSATED FOR THE MEMBER'S  
20 SERVICE, BUT SHALL BE REIMBURSED FOR EXPENSES RELATED TO MEFC  
21 ACTIVITIES.

22 1A-103.

23 (A) (1) THE OFFICERS OF THE MEFC SHALL INCLUDE:

24 (I) THE CHAIRMAN;

25 (II) THE VICE CHAIRMAN; AND

26 (III) THE SECRETARY.

27 (2) OFFICERS SHALL:

28 (I) BE ELECTED BY THE MEMBERS OF THE MEFC AT THE FIRST  
29 MEETING OF EACH CALENDAR YEAR; AND

30 (II) SERVE A TERM OF 1 YEAR.

31 (B) (1) THE MEFC SHALL MEET AT LEAST ONCE EVERY 4 MONTHS AND AT  
32 ANY OTHER TIME DESIGNATED BY THE CHAIRMAN OR REQUESTED BY FOUR  
33 MEMBERS OF THE MEFC.

1           (2)     THE PRESENCE OF FIVE MEMBERS, INCLUDING THE CHAIRMAN OR  
2 VICE CHAIRMAN, SHALL CONSTITUTE A MEETING QUORUM.

3     (C)     (1)     THE MEMBERS OF THE MEFC, ACTING THROUGH THE CHAIRMAN,  
4 ARE RESPONSIBLE FOR:

5           (I)     THE FORMULATION AND ENFORCEMENT OF ALL POLICY  
6 RELATED TO THE OVERSIGHT, REGULATION, MANAGEMENT, AND STEWARDSHIP OF  
7 THE STATE'S MARINE AND ESTUARINE FISHERY RESOURCES; AND

8           (II)    THE ADOPTION OF MEFC REGULATIONS AND ANY OTHER  
9 RULES PROMULGATED BY A UNIT WITHIN THE MEFC.

10          (2)     THE CHAIRMAN, OR THE CHAIRMAN'S DESIGNEE, SHALL REPRESENT  
11 THE MEFC AT HEARINGS OR MEETINGS OF THE CONGRESS OF THE UNITED STATES  
12 AND THE GENERAL ASSEMBLY OF MARYLAND, STATE AND INTERSTATE  
13 CONFERENCES, AND AT LOCAL MEETINGS OR HEARINGS PERTAINING TO ANY  
14 MATTER OF CONCERN TO THE MEFC.

15     (D)     IN ORDER TO INCREASE EFFICIENCY AND ECONOMY IN THE  
16 MANAGEMENT OF MARINE AND ESTUARINE FISHERY RESOURCES IN THE STATE,  
17 THE MEMBERS OF THE MEFC, ACTING THROUGH THE CHAIRMAN, MAY TRANSFER,  
18 ASSIGN, OR REASSIGN ANY FUNCTION OR ACTIVITY OF ANY UNIT WITHIN THE MEFC,  
19 TOGETHER WITH THE STAFF, FUNDS AND EQUIPMENT ASSOCIATED WITH THAT  
20 FUNCTION OR ACTIVITY, EITHER TO THE OFFICE OF THE EXECUTIVE DIRECTOR OR  
21 TO ANY OTHER UNIT WITHIN THE JURISDICTION OF THE MEFC.

22 1A-104.

23     (A)     THE MEFC SHALL:

24          (1)     BE ACCOUNTABLE FOR APPROPRIATE POLICIES, ACTIONS, AND  
25 PROCEEDINGS RELATED TO THE RESPONSIBLE AND COORDINATED PROTECTION,  
26 CONSERVATION, MANAGEMENT, USE, AND ENHANCEMENT OF THE STATE'S MARINE  
27 AND ESTUARINE FISHERIES RESOURCES;

28          (2)     EMPLOY, DIRECT, AND SUPERVISE THE EXECUTIVE DIRECTOR OF  
29 THE MEFC AND ANY ADDITIONAL STAFF DETERMINED TO BE NECESSARY BY THE  
30 MEFC;

31          (3)     OVERSEE THE MEFC POLICE FORCE;

32          (4)     UNDER § 1A-106 OF THIS SUBTITLE AND AS APPROPRIATE, APPOINT  
33 ADVISORY COMMITTEES TO ASSIST THE MEFC OR THE EXECUTIVE DIRECTOR;

34          (5)     PREPARE AND SUBMIT ANNUAL AND SUPPLEMENTAL BUDGETS TO  
35 THE GENERAL ASSEMBLY FOR THE OPERATION OF THE MEFC;

36          (6)     APPLY FOR, ACCEPT, AND ADMINISTER FOR THE STATE ANY  
37 GENERAL AND SPECIAL FUNDS, FEDERAL FUNDS, OR ANY OTHER REVENUES

1 ASSOCIATED WITH MARINE AND ESTUARINE FISHERY LICENSE FEES AND ANY  
2 OTHER FUNDS RELATED TO MEFC ACTIVITIES;

3 (7) ADOPT BYLAWS AND ADMINISTRATIVE PRACTICES FOR THE  
4 OPERATION OF THE MEFC AND ITS BUSINESS ACTIVITIES; AND

5 (8) WITH OVERSIGHT BY THE COMPTROLLER, ESTABLISH AND MANAGE:

6 (I) AN ENDOWMENT FUND FOR THE RECEIPT OF ASSETS, GIFTS,  
7 GRANTS, AND ANY OTHER CONTRIBUTIONS TO BE USED FOR MEFC PURPOSES; AND

8 (II) A CONSERVATION FUND:

9 1. FOR THE RECEIPT OF ASSETS, GIFTS, GRANTS, AND ANY  
10 OTHER CONTRIBUTIONS TO BE USED FOR THE PURPOSE OF CONSERVATION  
11 EDUCATION AND ANY OTHER CONSERVATION-RELATED ACTIVITIES; AND

12 2. THAT IS AUTHORIZED TO ISSUE AND SELL MARINE AND  
13 ESTUARINE FISHERY EMBLEMS AND OTHER SIMILAR ITEMS.

14 (B) THE MEFC MAY DELEGATE THE AUTHORITY TO ISSUE A LICENSE OR A  
15 STAMP PERTAINING TO MARINE AND ESTUARINE FISHERIES TO ANY PERSON  
16 EXCEPT A CLERK OF THE CIRCUIT COURT.

17 1A-105.

18 (A) (1) THE ADMINISTRATIVE HEAD OF THE MEFC IS THE EXECUTIVE  
19 DIRECTOR, WHO SHALL BE APPOINTED BY THE CHAIRMAN WITH THE ADVICE AND  
20 CONSENT OF THE OTHER MEMBERS OF THE MEFC.

21 (2) THE EXECUTIVE DIRECTOR SHALL BE AN INDIVIDUAL WITH  
22 ADMINISTRATIVE ABILITY, WHOSE PROFESSIONAL EXPERIENCE AND PERSONAL  
23 REPUTATION DEMONSTRATE A COMMITMENT TO THE RESPONSIBLE MANAGEMENT  
24 OF MARINE AND ESTUARINE FISHERIES.

25 (B) (1) THE EXECUTIVE DIRECTOR SHALL COUNSEL AND ADVISE THE  
26 MEMBERS OF THE MEFC ON ALL MATTERS PERTINENT TO THE MEFC.

27 (2) THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR CARRYING OUT  
28 THE POLICIES OF THE MEFC IN ALL AREAS OF MANAGEMENT, RESEARCH AND  
29 DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT RELATED TO THE  
30 STEWARDSHIP OF MARINE AND ESTUARINE FISHERIES.

31 (C) THE EXECUTIVE DIRECTOR:

32 (1) SHALL RECEIVE THE SALARY AND HAVE THE ASSISTANTS,  
33 EMPLOYEES, AND PROFESSIONAL CONSULTANTS AUTHORIZED BY THE MEFC AND  
34 PROVIDED IN THE STATE BUDGET;

35 (2) IS RESPONSIBLE FOR:

1 (I) THE BUDGET OF THE EXECUTIVE DIRECTOR'S OFFICE AND, AS  
2 DETERMINED BY THE MEFC, FOR THE BUDGETS OF ANY OTHER UNITS WITHIN THE  
3 MEFC;

4 (II) OPERATION OF THE EXECUTIVE DIRECTOR'S OFFICE AND THE  
5 ESTABLISHMENT OF GUIDELINES AND PROCEDURES TO PROMOTE ITS ORDERLY AND  
6 EFFICIENT ADMINISTRATION; AND

7 (III) THE SETTLEMENT OF CONFLICTS THAT MAY ARISE AMONG  
8 MEFC UNITS FOR WHICH THE EXECUTIVE DIRECTOR IS RESPONSIBLE; AND

9 (3) MAY ESTABLISH AREAS OF RESPONSIBILITY WITHIN THE EXECUTIVE  
10 DIRECTOR'S OFFICE AND MAY REORGANIZE OR ABOLISH THESE AREAS AS  
11 NECESSARY.

12 (D) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE EXECUTIVE  
13 DIRECTOR SHALL APPOINT AND REMOVE ALL OTHER PERSONNEL IN ACCORDANCE  
14 WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

15 (2) THE EXECUTIVE DIRECTOR MAY DELEGATE AUTHORITY TO APPOINT  
16 OR REMOVE PERSONNEL OF ANY UNIT TO THE ADMINISTRATOR OF THE UNIT.

17 (E) THE EXECUTIVE DIRECTOR SHALL:

18 (1) PROVIDE A FORUM OF COMMUNICATION AMONG NATURAL  
19 RESOURCES UNITS AND A SOURCE OF INFORMATION FOR THE GOVERNOR AND  
20 GENERAL ASSEMBLY AS TO THE PRESERVATION, CONSERVATION, DEVELOPMENT,  
21 AND USE OF ALL THE STATE'S MARINE AND ESTUARINE FISHERY RESOURCES;

22 (2) REVIEW FEDERAL STATUTES, POLICIES, PROGRAMS, AND ACTIVITIES  
23 WHICH AFFECT OR MAY AFFECT MARINE AND ESTUARINE FISHERY RESOURCES IN  
24 THE STATE AND RECOMMEND TO FEDERAL, STATE, AND LOCAL AGENCIES AND  
25 INSTITUTIONS PROCEDURES FOR THE COORDINATION OF THESE PROGRAMS;

26 (3) STUDY THE MARINE AND ESTUARINE FISHERY ACTIVITIES OF THE  
27 SUBDIVISIONS OF THE STATE AND RECOMMEND PROCEDURES FOR COORDINATION  
28 OF THESE ACTIVITIES WITHIN THE STATE AND AMONG ITS SUBDIVISIONS;

29 (4) MAINTAIN A CATALOG CLASSIFIED BY USE OF PUBLIC LAND  
30 ACQUIRED OR USED IN THE PRESERVATION, CONSERVATION, DEVELOPMENT,  
31 MANAGEMENT, OR ENJOYMENT OF MARINE AND ESTUARINE FISHERIES;

32 (5) ESTABLISH AND MAINTAIN, FOR THE USE OF THE MEFC, A MARINE  
33 AND ESTUARINE FISHERY RESOURCES LIBRARY, CATALOGED ACCORDING TO A  
34 RECOGNIZED LIBRARY SYSTEM AND CONTAINING LEGAL, SCIENTIFIC, AND  
35 ADMINISTRATIVE REPORTS, BOOKS, DOCUMENTS, PHOTOGRAPHS, RECORDS, AND  
36 OTHER PERTINENT INFORMATION; AND

37 (6) PROVIDE TECHNICAL ASSISTANCE TO OTHER STATE UNITS,  
38 COUNTIES, MUNICIPALITIES, CORPORATIONS, ORGANIZATIONS, GROUPS, AND

1 INDIVIDUALS IN PLANNING, ORGANIZING, AND CONDUCTING LEISURE ACTIVITIES  
2 AND RECREATION PROGRAMS RELATED TO MARINE AND ESTUARINE FISHERIES.

3 (F) THE EXECUTIVE DIRECTOR SHALL PUBLISH FOR FISCAL YEAR 2004 AND  
4 EACH ALTERNATE FISCAL YEAR THEREAFTER A PRINTED REPORT THAT INCLUDES:

5 (1) A REVIEW OF STUDIES, DELIBERATIONS, CONCLUSIONS, AND  
6 RECOMMENDATIONS OF THE MEFC;

7 (2) ALL ANNUAL REPORTS SUBMITTED BY THE SEPARATE UNITS WITHIN  
8 THE MEFC AND THE EXECUTIVE DIRECTOR'S OFFICE; AND

9 (3) A REVIEW OF ANY OTHER MARINE AND ESTUARINE FISHERY  
10 ACTIVITIES OF INTEREST OR CONCERN TO THE STATE AND ITS CITIZENS.

11 (G) THE OFFICE OF EXECUTIVE DIRECTOR SHALL HAVE A SEAL FOR  
12 PURPOSES OF AUTHENTICATION OF MEFC RECORDS.

13 1A-106.

14 (A) (1) AS NECESSARY AND APPROPRIATE, THE MEMBERS OF THE MEFC,  
15 ACTING THROUGH THE CHAIRMAN OR THE EXECUTIVE DIRECTOR, MAY CREATE OR  
16 DISSOLVE AN ADVISORY COMMITTEE FOR THE MEFC OR ANY OF ITS UNITS.

17 (2) THE SIZE OF THE ADVISORY COMMITTEE SHALL BE DETERMINED ON  
18 A CASE-BY-CASE BASIS, BUT SHALL INCLUDE AT LEAST 10 MEMBERS.

19 (3) MEMBERS OF EACH ADVISORY COMMITTEE SHALL BE  
20 REPRESENTATIVE OF:

21 (I) THE DIFFERENT PROFESSIONAL AREAS OR FIELDS OF  
22 ENDEAVOR WITH WHICH THE MEFC IS CONCERNED; AND

23 (II) THE DIFFERENT GEOGRAPHICAL REGIONS OF THE STATE.

24 (B) EACH ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE  
25 MEFC IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE MEFC.

26 (C) THE MEMBERS OF EACH ADVISORY COMMITTEE SHALL ANNUALLY ELECT  
27 A CHAIRMAN OF THE COMMITTEE AND MAY ADOPT PROCEDURES TO CONDUCT  
28 COMMITTEE MEETINGS.

29 (D) (1) AN ADVISORY COMMITTEE MEMBER RECEIVES THE COMPENSATION  
30 PROVIDED IN THE MEFC BUDGET.

31 (2) EACH MEMBER SHALL BE REIMBURSED FOR ALL PERSONAL  
32 EXPENSES, INCLUDING TRAVEL, THAT ARE RELATED TO THE ACTIVITIES OF THE  
33 COMMITTEE.

1 1A-107.

2 (A) THE MEFC HAS THE AUTHORITY TO HEAR:

3 (1) ORAL ARGUMENTS IN CONTESTED CASES CONDUCTED IN  
4 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE;

5 (2) DELIBERATIONS CONDUCTED IN PUBLIC MEETINGS; AND

6 (3) FINAL DECISIONS BY THE MEFC IN ACCORDANCE WITH THE  
7 ADMINISTRATIVE PROCEDURE ACT.

8 (B) IN LEVYING FINES OR ASSESSING PENALTIES AGAINST VIOLATORS OF  
9 THIS SECTION, THE MEFC SHALL CONSIDER:

10 (1) THE HARM TO THE STATE'S MARINE AND ESTUARINE RESOURCES;

11 (2) THE FREQUENCY OF THE VIOLATION;

12 (3) THE COST OF RECTIFYING THE DAMAGE;

13 (4) WHETHER THE VIOLATION WAS WILLFUL OR INTENTIONAL; AND

14 (5) THE VIOLATOR'S PRIOR RECORD.

15 1A-108.

16 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE MEFC.

17 (B) THE ATTORNEY GENERAL SHALL ASSIGN THE NUMBER OF ASSISTANT  
18 ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE ASSIGNED TO THE UNITS OF THE  
19 MEFC.

20 (C) (1) ONE OF THE ASSISTANT ATTORNEYS GENERAL SHALL BE  
21 DESIGNATED BY THE ATTORNEY GENERAL AS COUNSEL TO THE MEFC.

22 (2) THE COUNSEL TO THE DEPARTMENT SHALL HAVE NO OTHER DUTY  
23 THAN TO RENDER, SUBJECT TO THE DISCRETION AND CONTROL OF THE ATTORNEY  
24 GENERAL, THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY THE CHAIRMAN,  
25 THE EXECUTIVE DIRECTOR, AND THE OTHER OFFICIALS OF THE MEFC AND, ALSO  
26 SUBJECT TO THE DISCRETION AND CONTROL OF THE ATTORNEY GENERAL, TO  
27 SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE MEFC.

28 (D) AFTER THE ATTORNEY GENERAL HAS DESIGNATED AN ASSISTANT  
29 ATTORNEY GENERAL TO SERVE AS COUNSEL TO THE MEFC, THE ATTORNEY  
30 GENERAL MAY NOT REASSIGN THE COUNSEL WITHOUT CONSULTATION WITH THE  
31 CHAIRMAN AND THE EXECUTIVE DIRECTOR.

## 1                   SUBTITLE 2. MARINE AND ESTUARINE FISHERIES COMMISSION POLICE FORCE.

2 1A-201.

3       THERE IS A MARINE AND ESTUARINE FISHERIES COMMISSION POLICE FORCE  
4 IN THE MEFC.

5 1A-202.

6       THE MEFC, ACTING THROUGH THE EXECUTIVE DIRECTOR AND THE MEFC  
7 POLICE FORCE, IS RESPONSIBLE FOR THE ENFORCEMENT OF ALL NATURAL  
8 RESOURCE LAWS, RULES, AND REGULATIONS PERTAINING TO MARINE AND  
9 ESTUARINE FISHERIES IN THE STATE.

10 1A-203.

11       (A)     (1)     THE EXECUTIVE DIRECTOR SHALL, WITHIN THE LIMITS OF ANY  
12 APPROPRIATION MADE FOR THIS PURPOSE, APPOINT POLICE OFFICERS AS THE  
13 EXECUTIVE DIRECTOR DETERMINES TO BE NECESSARY FOR THE EFFICIENT  
14 ADMINISTRATION OF THE MEFC POLICE FORCE.15               (2)     ALL APPOINTMENTS SHALL BE MADE FROM A LIST OF ELIGIBLE  
16 PERSONS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE STATE  
17 PERSONNEL AND PENSIONS ARTICLE.18       (B)     THE EXECUTIVE DIRECTOR SHALL ISSUE TO EACH PERSON APPOINTED AS  
19 A POLICE OFFICER A COMMISSION AND BADGE STATING "MEFC POLICE OFFICER".20       (C)     EXCEPT WHEN ON DETECTIVE DUTY, EVERY POLICE OFFICER SHALL  
21 WEAR IN PLAIN VIEW A "MEFC POLICE OFFICER" BADGE WHEN ACTING IN AN  
22 OFFICIAL CAPACITY.23       (D)     THE BADGE IS THE PROPERTY OF THE STATE, AND UPON THE  
24 TERMINATION OF THE COMMISSION OF ANY POLICE OFFICER, IT SHALL BE  
25 RETURNED WITH THE COMMISSION TO THE EXECUTIVE DIRECTOR.26       (E)     (1)     ALL MEFC POLICE OFFICERS, INCLUDING PERSONS APPOINTED FOR  
27 TRAINING PRIOR TO REGULAR ASSIGNMENT AS A POLICE OFFICER, SHALL REMAIN  
28 IN A PROBATIONARY STATUS FOR A PERIOD OF 2 YEARS FROM THE DATE OF INITIAL  
29 APPOINTMENT TO THE MEFC POLICE FORCE.30               (2)     THE EXECUTIVE DIRECTOR MAY DISCHARGE AN EMPLOYEE IN  
31 PROBATIONARY STATUS FOR ANY CAUSE WHICH IS DEEMED SUFFICIENT IN THE  
32 SOLE DISCRETION OF THE EXECUTIVE DIRECTOR.33       (F)     IN CASES OF INCONSISTENCY BETWEEN THIS SUBTITLE AND THE  
34 PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE PROVISIONS  
35 OF THIS SUBTITLE SHALL CONTROL AS TO ALL MATTERS RELATING TO THE MEFC  
36 POLICE FORCE.

1 1A-204.

2 (A) (1) (I) IN ADDITION TO ANY OTHER POWERS CONFERRED BY THIS  
3 TITLE, THE EXECUTIVE DIRECTOR AND EVERY MEFC POLICE OFFICER SHALL HAVE  
4 ALL THE POWERS CONFERRED UPON POLICE OFFICERS OF THE STATE.

5 (II) THESE POWERS MAY BE EXERCISED ANYWHERE WITHIN THE  
6 STATE.

7 (2) THE MEFC POLICE FORCE SPECIFICALLY IS CHARGED WITH  
8 ENFORCING ALL OF THE NATURAL RESOURCE LAWS OF THE STATE THAT RELATE TO  
9 THE CONSERVATION AND MANAGEMENT OF MARINE AND ESTUARINE FISHERIES.

10 (B) EVERY POLICE OFFICER APPOINTED UNDER § 1A-203 OF THIS SUBTITLE  
11 SHALL PERFORM DUTIES THE EXECUTIVE DIRECTOR DESIGNATES.

12 (C) ANY LAW ENFORCEMENT EMPLOYEE OF THE MEFC WHO WORKS  
13 OVERTIME FOR ANY REASON, WHETHER OR NOT THE EMPLOYEE RECEIVES  
14 MONETARY PAYMENT FOR THAT OVERTIME WORK, SHALL BE CONSIDERED TO BE  
15 EMPLOYED BY THE STATE DURING THOSE HOURS FOR PURPOSES OF ALL OTHER  
16 EMPLOYEE ENTITLEMENTS.

17 1A-205.

18 (A) IF A MEFC POLICE OFFICER APPREHENDS A PERSON FOR VIOLATING ANY  
19 LAW PUNISHABLE AS A MISDEMEANOR, THE OFFICER MAY PREPARE AND SIGN A  
20 WRITTEN CITATION CONTAINING A NOTICE TO APPEAR IN COURT, THE NAME AND  
21 ADDRESS OF THE PERSON CHARGED, APPROPRIATE LICENSE NUMBERS, IF ANY, THE  
22 OFFENSE CHARGED, THE TIME AND PLACE THE PERSON SHALL APPEAR IN COURT,  
23 AND OTHER PERTINENT INFORMATION REQUIRED BY THE EXECUTIVE DIRECTOR.

24 (B) (1) THE PERSON CHARGED MAY GIVE A WRITTEN PROMISE TO APPEAR  
25 IN COURT BY SIGNING THE CITATION PREPARED BY THE OFFICER.

26 (2) IN THIS EVENT, THE OFFICER IS NOT REQUIRED TO TAKE THE  
27 PERSON INTO PHYSICAL CUSTODY FOR THE VIOLATION UNLESS THE PERSON  
28 CHARGED DOES NOT FURNISH SATISFACTORY EVIDENCE OF IDENTITY OR THE  
29 OFFICER HAS REASONABLE GROUNDS TO BELIEVE THE PERSON CHARGED WILL  
30 DISREGARD A WRITTEN PROMISE TO APPEAR.

31 (C) A PERSON MAY NOT VIOLATE A WRITTEN PROMISE TO APPEAR IN COURT  
32 UNLESS SUFFICIENT COLLATERAL FOR THE OFFENSE IS POSTED, THE FINE IS PAID  
33 IN ADVANCE OF TRIAL, OR THE PERSON IS REPRESENTED BY COUNSEL IN COURT.

34 (D) (1) IF A PERSON FAILS TO COMPLY WITH THE NOTICE TO APPEAR IN A  
35 CITATION ISSUED UNDER THIS SECTION, THE COURT MAY:

36 (I) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,  
37 ISSUE A WARRANT FOR THE PERSON'S ARREST; OR

1 (II) AFTER 5 DAYS, NOTIFY THE CLERK OF THE COURT OF THE  
2 PERSON'S NONCOMPLIANCE.

3 (2) ON RECEIPT OF NOTICE OF NONCOMPLIANCE FROM THE COURT,  
4 THE CLERK SHALL NOTIFY THE PERSON BY MAIL AT THE ADDRESS INDICATED ON  
5 THE CITATION THAT A WARRANT FOR THE PERSON'S ARREST MAY BE ISSUED BY THE  
6 COURT UNLESS, BY THE END OF THE 15TH DAY AFTER THE DATE ON WHICH THE  
7 NOTICE IS MAILED, THE PERSON:

8 (I) PAYS THE FINE ON THE ORIGINAL CHARGE AS PROVIDED FOR  
9 IN THE ORIGINAL CITATION AND A FINE OF \$100 FOR FAILING TO APPEAR; OR

10 (II) POSTS BOND OR A PENALTY DEPOSIT AND REQUESTS A NEW  
11 TRIAL DATE.

12 (3) IF A PERSON FAILS TO PAY THE FINES OR POST THE BOND OR  
13 PENALTY DEPOSIT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT MAY  
14 ISSUE A WARRANT.

15 (4) WHEN THE ORIGINAL OFFENSE IS NOT PUNISHABLE BY  
16 INCARCERATION, A WARRANT MAY NOT BE ISSUED FOR THE PERSON UNDER THIS  
17 SUBSECTION UNTIL 20 DAYS AFTER THE ORIGINAL TRIAL DATE.

18 1A-206.

19 A PERSON MAY NOT WILLFULLY FAIL OR REFUSE TO COMPLY WITH ANY  
20 LAWFUL OR REASONABLE ORDER OR DIRECTION OF ANY MEFC POLICE OFFICER OR  
21 ANY LAW ENFORCEMENT OFFICER IN CONNECTION WITH THE ENFORCEMENT OF  
22 ANY PROVISIONS OF LAW REQUIRED TO BE ENFORCED BY THE EXECUTIVE  
23 DIRECTOR OR THE MEFC.

24 1A-207.

25 A PERSON MAY NOT FALSELY REPRESENT ONESELF AS BEING A MEFC POLICE  
26 OFFICER, WITH FRAUDULENT DESIGN UPON PERSON OR PROPERTY, OR TO HAVE,  
27 USE, WEAR, OR DISPLAY, WITHOUT AUTHORITY OF THE EXECUTIVE DIRECTOR, ANY  
28 UNIFORM, SHIELD, BUTTON, ORNAMENT, OR SHOULDER PATCH OF THE MEFC, OR TO  
29 HAVE ANY SIMULATION OR IMITATION OF THESE ARTICLES FOR THE PURPOSE OF  
30 DECEPTION.

31 1A-208.

32 (A) EVERY SHERIFF AND LAW ENFORCEMENT OFFICER HAS THE POWERS OF  
33 A MEFC POLICE OFFICER.

34 (B) WHENEVER A MEMBER OF THE MEFC, THE EXECUTIVE DIRECTOR, OR ANY  
35 MEFC POLICE OFFICER REQUIRES THE ADVICE AND ASSISTANCE OF THE STATE'S  
36 ATTORNEYS, SHERIFFS OF THE SEVERAL COUNTIES OF THE STATE OR BALTIMORE  
37 CITY, OR ANY LAW ENFORCEMENT OFFICER, THESE OFFICERS SHALL RENDER THE  
38 REQUIRED ASSISTANCE AS IN OTHER STATE CASES.

1 (C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE SHERIFF OF  
2 BALTIMORE COUNTY.

3 1A-209.

4 (A) (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS  
5 GUILTY OF A MISDEMEANOR.

6 (2) UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT  
7 EXCEEDING \$500, OR IMPRISONMENT NOT EXCEEDING 3 MONTHS, OR BOTH, WITH  
8 COSTS IMPOSED IN THE DISCRETION OF THE COURT.

9 (B) ANY VIOLATION OF ANY RULE OR REGULATION, OR RESTRICTION  
10 ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE SHALL  
11 CONSTITUTE A MISDEMEANOR AND BE PUNISHABLE AS PROVIDED UNDER  
12 SUBSECTION (A) OF THIS SECTION.

13 1A-210.

14 (A) (1) WHEN, IN THE OPINION OF THE LEGALLY CONSTITUTED  
15 AUTHORITIES OF MARYLAND, THERE HAS OCCURRED ON THE WATERS OF  
16 MARYLAND A VIOLATION OF THIS ARTICLE, OR WHEN, IN THE OPINION OF THE  
17 LEGALLY CONSTITUTED AUTHORITIES OF VIRGINIA, THERE HAS OCCURRED ON THE  
18 WATERS OF VIRGINIA A VIOLATION OF THE LAWS OF VIRGINIA ENFORCEABLE UNDER  
19 § 28.2-900, CODE OF VIRGINIA, THE LEGALLY CONSTITUTED AUTHORITIES OF THE  
20 STATE IN WHICH THE OFFENSE WAS COMMITTED MAY PURSUE THE OFFENDER UP  
21 TO AND ACROSS THE MARYLAND-VIRGINIA BOUNDARY INTO THE STATE IN WHICH  
22 THE OFFENDER FLEES.

23 (2) IF A CAPTURE IS MADE IN CONTINUOUS PURSUIT UNDER THE  
24 AUTHORITY OF PARAGRAPH (1) OF THIS SUBSECTION, THE OFFENDER, VESSEL, AND  
25 PROPERTY SHALL BE DEALT WITH AS AUTHORIZED BY THE LAWS OF THE STATE IN  
26 WHICH THE OFFENSE WAS COMMITTED.

27 (B) THIS SECTION SHALL BE IN EFFECT FOR SO LONG AS THE  
28 COMMONWEALTH OF VIRGINIA HAS IN FORCE SIMILAR LEGISLATION AUTHORIZING  
29 LEGALLY CONSTITUTED AUTHORITIES OF MARYLAND TO PURSUE AND MAKE  
30 ARRESTS IN VIRGINIA FOR VIOLATIONS OF THE LAWS OF MARYLAND.

31 4-202.

32 (A) The [Secretary] MEFC is responsible for conservation management of [the  
33 fish, fisheries, fish resources and aquatic life within the State] MARINE AND  
34 ESTUARINE FISH, FISHERIES, FISH RESOURCES, AND AQUATIC LIFE OF THE STATE.

35 (B) THE SECRETARY IS RESPONSIBLE FOR CONSERVATION MANAGEMENT OF  
36 INLAND FISH, FISHERIES, FISH RESOURCES, AND AQUATIC LIFE OF THE STATE.

1 4-204.

2 (b) (1) There is a Sport Fisheries Advisory Commission [in] THAT SERVES  
3 THE JOINT INTERESTS OF the Department AND THE MEFC.

4 (2) The Commission shall provide ADVICE ON RECREATIONAL  
5 FISHERIES MATTERS TO the Department AND THE MEFC [advice on recreational  
6 fisheries matters].

7 (3) The Commission is composed of 12 members appointed and serving  
8 in accordance with the provisions of § 1-102(c) of this article. The experience and  
9 backgrounds of Commission members shall represent the diversified angling  
10 interests and waters of the State.

11 (4) (i) The term of a member is 4 years and a member may be  
12 reappointed.

13 (ii) At the end of a term, a member continues to serve until a  
14 successor is appointed and qualifies.

15 (iii) A member who is appointed after a term has begun serves only  
16 for the rest of the term and until a successor is appointed and qualifies.

17 [(c) Notwithstanding any other provision of this section, a member of the Fish  
18 and Wildlife Commission as of June 30, 1972, may serve the unexpired remainder of  
19 his term as a member of an advisory commission created by law.]

20 4-205.

21 (a) The Department OR THE MEFC may operate, sell, buy, lease, exchange,  
22 rent, or repair any vehicle, vessel, boat, net, or other equipment necessary for its  
23 work. It may equip a vehicle, vessel, or boat, which it owns or operates, with any  
24 required arms, ammunition, or equipment. The [Department's] authority OF THE  
25 DEPARTMENT AND OF THE MEFC under this subsection [is] ARE subject to the  
26 provisions of law concerning budget and procurement.

27 (b) The Department OR THE MEFC may contract for research or scientific  
28 investigation with the Natural Resources Institute of the University of Maryland, the  
29 Chesapeake Bay Institute of the Johns Hopkins University, or any other appropriate  
30 research organization.

31 (c) The Department OR THE MEFC, in accordance with the provisions of this  
32 title, may conduct demonstrations of extended duration to improve fisheries and for  
33 any other purpose necessary to carry out its duties. The Department OR THE MEFC  
34 also may import fish or any other organism of any variety for experimental purpose.

35 (d) The Department OR THE MEFC, AS APPROPRIATE, shall inspect fish caught  
36 or sold in the State and enforce the cull laws and other protective measures. This  
37 subsection may not be construed to interfere with any inspections made by the  
38 Department of Health and Mental Hygiene.

1 (e) The Department OR THE MEFC, AS APPROPRIATE, shall inspect the waters  
2 of the State in order to stock them with food fish which in its judgment are most  
3 advantageous.

4 (f) The Department OR THE MEFC, AS APPROPRIATE, may negotiate any  
5 agreement with any other state concerning catching fish, the size of fish, and opening  
6 and closing fishing seasons.

7 (g) The Department OR THE MEFC, AS APPROPRIATE, may use any funds the  
8 federal government makes available, and any gift, for any purpose necessary to  
9 rehabilitate the seafood industry, subject to budgetary limitations.

10 (h) The Department OR THE MEFC may establish and conduct an extension  
11 service for persons engaged in seafood production to apprise them of the Department's  
12 objectives and programs, the principles of natural resources conservation and  
13 management, current problems affecting seafood production, and any other matter  
14 considered significant in development of full potential of the State's seafood resources.

15 (i) The Department may issue a new commercial fishing license when the  
16 license is forfeited.

17 (j) The Department AND THE MEFC may JOINTLY define the boundaries of  
18 tidal and nontidal waters within the jurisdiction of the State, and promulgate them  
19 by rule or regulation.

20 (k) The Department AND THE MEFC shall JOINTLY propose a separate  
21 fisheries resource management program and shall make recommendations to the  
22 General Assembly for legislation for implementation of the program for the following  
23 bodies of water and their tributaries:

- 24 (1) Assawoman Bay and the Isle of Wight;
- 25 (2) Chincoteague Bay;
- 26 (3) Sinepuxent Bay;
- 27 (4) St. Martin River; and
- 28 (5) Atlantic Ocean adjacent to Worcester County.

29 4-206.

30 (a) The [Department] MEFC shall audit the books of any person who packs or  
31 deals in fish resources within the jurisdiction of the [Department] MEFC including  
32 anyone who catches and ships directly to market. The [Department] MEFC audit  
33 shall be conducted to determine the quantity of resources caught and any other data  
34 needed for reporting and accounting to State officials.

35 (b) Every person engaged in the business of packing or dealing in any fish  
36 resource within the [Department's] MEFC'S jurisdiction shall keep accurate books,

1 statements, and accounts showing every detail of the business. Every book,  
2 statement, and account shall be open for the [Department] MEFC to inspect at  
3 reasonable hours. Every person engaged in the business of packing or dealing in any  
4 fish resource within the [Department's] MEFC'S jurisdiction shall make any report  
5 the [Department] MEFC requires on forms the [Department] MEFC prescribes.

6 (c) Every person the [Department] MEFC licenses to catch the fish resource  
7 shall make any report the [Department] MEFC requires on forms the [Department]  
8 MEFC provides.

9 4-207.

10 The State assents to the provisions of the act of Congress entitled "An act to  
11 provide that the United States shall aid the states in fish restoration and  
12 management projects, and for other purposes," approved August 9, 1950, Public Law  
13 681, Eighty-First Congress, 64 Stat. 658. The Department AND THE MEFC shall  
14 perform every act necessary to conduct and establish cooperative fish restoration  
15 projects, as defined in this act of Congress, in compliance with act and rules and  
16 regulations the Secretary of the Interior promulgates pursuant to it.

17 4-209.

18 (a) There is a Fisheries Research and Development Fund in the  
19 [Department] MEFC.

20 4-209.1.

21 (A) THERE IS A MARYLAND FISHERIES ENDOWMENT FUND IN THE MEFC.

22 (B) THE ASSETS OF THE ENDOWMENT FUND ARE DERIVED FROM GIFTS,  
23 GRANTS, CONTRIBUTIONS, OR ANY OTHER SOURCES OF DONATION.

24 (C) THE INCOME AND PRINCIPAL SHALL BE USED FOR MEFC PURPOSES.

25 (D) THE INCOME AND PRINCIPAL DOES NOT REPLACE OR SUPPLANT STATE  
26 APPROPRIATIONS.

27 4-210.

28 (d) A commercial fishing guide shall be required to submit reports monthly on  
29 forms provided by the [Department] MEFC.

30 (e) (1) The [Secretary] MEFC may establish by regulation first aid and  
31 safety requirements with which all licensed fishing guides shall comply.

32 (2) The [Department] MEFC may suspend, revoke, or refuse to issue a  
33 license for failure to comply with the terms of the license.

34 (f) The [Department] MEFC may issue a tidal fish license under § 4-701 of  
35 this subtitle and a freshwater fishing guide license under § 4-210.1 of this subtitle.

1 (g) (1) The [Department] MEFC may issue a limited fishing guide license  
2 that is applicable in all waters of the State to allow a license holder to guide:

3 (i) Anglers in up to 3 boats or vessels that:

4 1. Have 1 or 2 occupants; and

5 2. Are propelled by oars or paddles; or

6 (ii) 1. Except as provided in item 2 of this item, up to 10 anglers  
7 fishing from shore or on foot in the water; or

8 2. Any number of anglers who are participating in an  
9 educational or recreational program sponsored by a State, local, or municipal  
10 government and who are fishing from shore or on foot in the water.

11 (h) (2) All fees collected by the [Department] MEFC under this subsection  
12 shall be used for monitoring the freshwater fishery.

13 (3) The [Department] MEFC shall publicly report annually the amounts  
14 collected under this subsection.

15 4-212.

16 Notwithstanding any other provision of this title, the Secretary OR THE  
17 EXECUTIVE DIRECTOR, AS APPROPRIATE, may grant certificates to any properly  
18 accredited person of known scientific attainment, permitting [him] THE PERSON to  
19 collect fish, fish eggs, crustaceans, or mollusks for scientific purposes only. To obtain  
20 a certificate the applicant shall submit proof of necessity and pay a \$25 fee to the  
21 Department OR THE MEFC, AS APPROPRIATE. The fee shall be deposited to the credit  
22 of the State Fisheries Management and Protection Fund. The certificate expires  
23 December 31 of the issuing year. On proof that the holder of the certificate has  
24 captured or killed any fish, fish eggs, crustaceans, or mollusks for other than  
25 scientific purposes, the certificate is void.

26 Nothing contained within this subtitle shall preempt, restrict or supersede the  
27 authority of the Secretary of Health and Mental Hygiene as provided by law.

28 4-213.

29 (c) Except as provided in this section, before a person may harvest, cut, or  
30 otherwise remove or eradicate submerged aquatic vegetation from any land under the  
31 tidal waters of the State below the mean high tide, the person shall submit to the  
32 [Department] MEFC for approval a description of:

33 (1) Why the removal of submerged aquatic vegetation is necessary;

34 (2) The proposed method of removal;

35 (3) A plan showing the site at which the activity is proposed; and

1 (4) The extent of submerged aquatic vegetation to be removed.

2 (d) (1) (i) To allow ample access to their property from a navigable  
3 channel, a person who owns or rents a pier, dock, or ramp on the Chesapeake Bay or  
4 its tributaries may harvest, cut, or otherwise remove or eradicate submerged aquatic  
5 vegetation in a strip up to 60 feet wide extending from the pier, dock, or ramp to the  
6 navigable channel without the approval of the [Department] MEFC.

7 (ii) A person who owns or rents any marina on the Chesapeake Bay  
8 or its tributaries or the agent of the person may harvest, cut, or otherwise remove or  
9 eradicate submerged aquatic vegetation in a strip up to 60 feet wide extending from  
10 each individual boat slip to the common points of ingress and egress of the navigable  
11 channels servicing the marina without the approval of the [Department] MEFC.

12 (iii) A public utility company or telecommunications carrier may  
13 harvest, cut, or otherwise remove or eradicate submerged aquatic vegetation in a  
14 strip up to 60 feet wide in order to maintain utility crossings in the waters of the State  
15 without the approval of the [Department] MEFC. However, there is no limitation to a  
16 60 foot wide strip for a utility company or telecommunications carrier when:

- 17 1. Performing an emergency investigation; or  
18 2. Performing repair work.

19 (2) Before a person harvests, cuts, or otherwise removes or eradicates  
20 submerged aquatic vegetation under this subsection, the person is encouraged:

21 (i) To contact the [Department] MEFC for information on best  
22 harvesting methods; and

23 (e) (1) Except as provided in subsection (d) of this section, the  
24 [Department] MEFC may authorize or prohibit the removal or eradication of any  
25 species of submerged aquatic vegetation or combination thereof for any purpose,  
26 including facilitation of boating access.

27 (2) If a plan is approved, the [Department] MEFC may prescribe the  
28 time, method, and extent of the removal or eradication:

29 (i) To control the effect of the removal or eradication on water  
30 quality; or

31 (ii) To protect the growth and proliferation of fish and aquatic  
32 grasses.

33 (f) The [Secretary] MEFC may adopt regulations to administer this section.  
34 As part of the regulations, the [Secretary] MEFC may authorize specific categories of  
35 removal of submerged aquatic vegetation.

36 (g) (1) Except as otherwise provided in this section, a person may harvest,  
37 cut, or otherwise remove or eradicate submerged aquatic vegetation from any land

1 under the tidal waters of the State below mean high tide only in accordance with a  
2 plan approved by the [Department] MEFC.

3 4-214.

4 By regulation, the Secretary OR THE MEFC may establish up to 3 free fishing  
5 days each calendar year when a person may catch [finfish] FINFISH, AS  
6 APPROPRIATE, in the tidal [and] OR nontidal waters of the State for recreational  
7 purposes without an angler's license or Chesapeake Bay sport fishing license.

8 4-215.

9 (b) The [Department] MEFC shall prepare fishery management plans for the  
10 following species:

- 11 (1) Striped bass or rockfish;
- 12 (2) White perch;
- 13 (3) Yellow perch;
- 14 (4) American shad;
- 15 (5) Hickory shad;
- 16 (6) Oysters;
- 17 (7) Blue crabs;
- 18 (8) Bluefish;
- 19 (9) Herring;
- 20 (10) Weakfish;
- 21 (11) Croaker;
- 22 (12) Spot;
- 23 (13) Summer flounder;
- 24 (14) American eel;
- 25 (15) Red drum;
- 26 (16) Black drum;
- 27 (17) Spotted sea trout;
- 28 (18) Horseshoe crabs;
- 29 (19) Menhaden;

- 1 (20) Tautog;
- 2 (21) Black sea bass;
- 3 (22) Scup; and
- 4 (23) Hard shell clams.

5 (d) A fishery management plan may apply separately or jointly to the waters  
6 of the Chesapeake Bay and its tidal tributaries, the coastal bays and their tributaries,  
7 and the Maryland waters of the Atlantic Ocean and shall include:

8 (4) Other pertinent data that will assist the [Secretary] MEFC in  
9 determining conservation and management measures reasonably necessary to ensure  
10 that the fishery resources will be sustained.

11 (f) The [Department] MEFC shall present the management plans under this  
12 section in the form of an annual report, subject to § 2-1246 of the State Government  
13 Article, to:

- 14 (1) The Legislative Policy Committee;
- 15 (2) The [Economic] EDUCATION, HEALTH, and Environmental Affairs  
16 Committee; and
- 17 (3) The Environmental Matters Committee.

18 (g) (1) (i) The [Secretary] MEFC shall adopt the proposed management  
19 plans and any proposed conservation and management measures by regulation.

20 (ii) The [Secretary] MEFC may adopt conservation and  
21 management measures in separate proceedings and by separate regulations.  
22 Conservation and management measures adopted separately may include changes to  
23 those proposed or adopted in a fishery management plan and any additional  
24 measures necessary to carry out the adopted plan.

25 (iii) The [Secretary] MEFC may not prohibit the use of pound net  
26 sites in the coastal bays that are registered with the [Department] MEFC as of  
27 January 1, 2000.

28 (2) The regulations of the [Department] MEFC to implement a fisheries  
29 management plan for the coastal bays may not become effective under this section  
30 until the [Department] MEFC first holds public hearings in Worcester County.

31 4-216.

32 (a) The Department AND THE MEFC shall JOINTLY establish a resident  
33 consolidated senior sport fishing license, to be issued to residents of Maryland  
34 beginning in the calendar year in which they attain the age of 65.

1 (b) The resident consolidated senior sport fishing license may be obtained  
2 from the [Department] DEPARTMENT, THE MEFC, or from any authorized agent of  
3 the Department OR OF THE MEFC. The annual fee for the license is \$5. As  
4 compensation, an agent shall retain 50 cents for each license issued.

5 4-2A-03.

6 (a) [The] AS APPROPRIATE, THE Secretary OR THE MEFC shall conduct  
7 investigations of the fish resources of the State in order to develop information  
8 relating to population, distribution, habitat needs, limiting factors, and other  
9 biological and ecological data to determine conservation measures necessary for their  
10 continued ability to sustain themselves successfully. On the basis of these  
11 determinations the Secretary OR THE MEFC shall issue proposed rules and  
12 regulations [not later than July 1, 1976] and develop conservation programs  
13 designed to insure the continued ability of fish deemed in need of conservation to  
14 perpetuate themselves successfully. [The] AS APPROPRIATE, THE Secretary OR THE  
15 MEFC shall conduct ongoing investigations of the fish resources of the State and may  
16 amend these rules and regulations.

17 (b) [The] AS APPROPRIATE, THE Secretary OR THE MEFC, by rules and  
18 regulations, shall adopt limitations relating to taking, possession, transportation,  
19 exportation, processing, sale or offer for sale, or shipment necessary to conserve fish.

20 (c) Except as provided in rules and regulations adopted by the Secretary OR  
21 THE MEFC, no person may take, possess, transport, export, process, sell, offer for sale,  
22 or ship any fish deemed by the Department OR THE MEFC to be in need of  
23 conservation pursuant to this section, nor may any common or contract carrier  
24 knowingly transport or receive for shipment any fish deemed by the Secretary OR THE  
25 MEFC to be in need of conservation pursuant to this section.

26 4-2A-04.

27 (a) Any species of fish determined to be an endangered species pursuant to the  
28 Endangered Species Act shall be deemed to be an endangered species under the  
29 provisions of this subtitle and any species of fish determined to be a threatened  
30 species pursuant to the Endangered Species Act shall be deemed to be a threatened  
31 species under the provisions of this subtitle. [The] AS APPROPRIATE, THE Secretary  
32 OR THE MEFC may determine, in accordance with this section, that any threatened  
33 species is an endangered species throughout all or any portion of the range of the  
34 species within the State.

35 (b) In addition to the species deemed to be endangered or threatened pursuant  
36 to the Endangered Species Act AND AS APPROPRIATE, the Secretary OR THE MEFC, by  
37 rule or regulation, shall determine whether any species of fish normally occurring  
38 within the State is an endangered or threatened species due to any of the following  
39 factors:

40 (1) The present or threatened destruction, modification, or curtailment  
41 of its habitat or range;

- 1           (2)     Overutilization for commercial, sporting, scientific, educational, or  
2 other purposes;
- 3           (3)     Disease or predation;
- 4           (4)     The inadequacy of existing regulatory mechanisms; or
- 5           (5)     Other natural or manmade factors affecting its continued existence  
6 within the State.

7       (c)     The Secretary AND THE MEFC shall make determinations required by  
8 subsection (b) OF THIS SECTION on the basis of the best scientific, commercial, and  
9 other data available and after consultation, as appropriate, with federal agencies,  
10 other interested State agencies, other states having a common interest in the species,  
11 and interested persons and organizations. In determining whether any species of fish  
12 is an endangered species or a threatened species, the Secretary OR THE MEFC, AS  
13 APPROPRIATE, shall take into consideration any actions being carried out or about to  
14 be carried out by the federal government, other states, other agencies of this State, or  
15 political subdivisions, or by any other person, which may affect the species under  
16 consideration.

17       (d)     Except with respect to species of fish determined to be endangered or  
18 threatened species under the provisions of subsection (a) OF THIS SECTION, the  
19 Secretary OR THE MEFC may not add a species to nor remove a species from any list  
20 published unless [he] THE SECRETARY OR THE MEFC first:

- 21           (1)     Publishes a public notice of the proposed action;
- 22           (2)     Furnishes notice of the proposed action to the Governor of any state  
23 sharing a common border with this State and in which the subject species is known to  
24 exist; and
- 25           (3)     Allows at least 30 days following publication for comment from the  
26 public and other interested parties.

27       (e)     Notwithstanding the provisions of subsection (d) OF THIS SECTION, if the  
28 Department OR THE MEFC determines that an emergency situation exists involving  
29 the continued existence of the species as a viable component of the State's fish  
30 population it may add the species to the lists if it publishes a public notice that an  
31 emergency situation exists together with a summary of facts which support this  
32 determination.

33       (f)     [The] AS APPROPRIATE, THE Secretary OR THE MEFC shall adopt rules  
34 and regulations containing a list of all species of fish normally occurring within the  
35 State determined to be endangered species and a list of all species determined to be  
36 threatened species. Each list shall refer to the species by scientific and common  
37 names and shall specify with respect to each species over what portion of its range it  
38 is endangered or threatened.

1 (g) (1) For any species of fish that the Secretary OR THE MEFC has  
2 determined to be endangered or threatened under subsection (b) of this section and on  
3 which the Secretary OR THE MEFC has declared a moratorium on catching, sale, or  
4 possession, AS APPROPRIATE, the Secretary OR THE MEFC shall make an annual  
5 status report on or before December 1 to the General Assembly, as provided in §  
6 2-1246 of the State Government Article, and to the Governor.

7 (2) The [Secretary's] report shall contain:

8 (i) Field studies on spawning stock size;

9 (ii) Measurement of egg deposition on spawning grounds;

10 (iii) Measurements of mortality rates of fish eggs, larvae, and  
11 juveniles on spawning grounds, nursery areas and spawning rivers;

12 (iv) Bioassays on eggs and larvae collected from spawning fish;

13 (v) Measurements of heavy metals, PCBs, acid rain leachates,  
14 sediments, and other distresses to the habitat;

15 (vi) Studies on acid rain;

16 (vii) Studies on the role of fish diseases;

17 (viii) Trend analyses and recommendations for future management  
18 actions; and

19 (ix) A recommendation to continue for 1 year or to discontinue the  
20 moratorium on the catching, sale, or possession of the fish.

21 4-2A-05.

22 (a) Except with respect to species of fish determined to be endangered or  
23 threatened pursuant to the Endangered Species Act, AS APPROPRIATE, the Secretary  
24 OR THE MEFC, upon the petition of an interested person, shall conduct a review of any  
25 listed or unlisted species proposed to be removed from or added to the lists published  
26 pursuant to § 4-2A-04(f) OF THIS SUBTITLE, if [he] THE SECRETARY OR THE MEFC  
27 makes and publishes a public notice that the person has presented substantial  
28 evidence which warrants a review.

29 (b) When any species of fish is listed as a threatened species pursuant to §  
30 4-2A-04(f) OF THIS SUBTITLE, AS APPROPRIATE, the Secretary OR THE MEFC shall  
31 adopt regulations necessary and advisable to provide for the conservation of the  
32 species. The Secretary OR THE MEFC, AS APPROPRIATE, by regulation, shall prohibit  
33 with respect to any threatened species of fish any act prohibited under subsection (c)  
34 OF THIS SECTION.

35 (c) Except as provided in subsection (f) OF THIS SECTION, with respect to any  
36 endangered species of fish, no person may:

- 1 (1) Export the species from the State;
- 2 (2) Take the species within the State;
- 3 (3) Possess, process, sell, or offer for sale, deliver, carry, transport, or  
4 ship the species by any means; or
- 5 (4) Violate any regulation pertaining to the conservation of the species or  
6 to any threatened species of wildlife listed pursuant to this subsection and adopted by  
7 the Secretary OR BY THE MEFC pursuant to authority provided by this section.

8 (d) Except as provided in subsection (f) OF THIS SECTION, with respect to any  
9 endangered species of fish, no person may:

- 10 (1) Export the species from the State;
- 11 (2) Possess, process, sell, offer for sale, deliver, carry, transport, or ship  
12 the species by any means; or
- 13 (3) Violate any regulation pertaining to the species or to any threatened  
14 species of fish listed pursuant to § 4-2A-04(f) OF THIS SUBTITLE and adopted by the  
15 Secretary OR BY THE MEFC, AS APPROPRIATE.

16 (e) If any endangered species of fish which enters the State from another state  
17 or from a point outside the territorial limits of the United States and which is being  
18 transported to a point within or beyond the State may be so entered and transported  
19 without restriction in accordance with the terms of any federal permit or permit  
20 issued under the laws or regulations of another state.

21 (f) (1) Subject to paragraph (2) of this subsection, the [Secretary] MEFC  
22 may issue a permit, under [the] PRESCRIBED terms and conditions [he prescribes],  
23 to allow any act otherwise prohibited by subsections (c) and (d) OF THIS SECTION for  
24 scientific purposes, to enhance the propagation or survival of the affected species, and  
25 on or after January 1, 1990, for aquaculture involving the affected species in nontidal  
26 ponds, lakes, or impoundments.

27 (2) Notwithstanding the provisions of paragraph (1) OF THIS  
28 SUBSECTION, on or after June 1, 1989, the [Secretary] MEFC may issue a permit to  
29 allow the purchase of striped bass or striped bass hybrid from out-of-state sources for  
30 possession and raising in aquaculture operations in nontidal ponds, lakes, or  
31 impoundments in the State.

32 4-2A-06.

33 (a) [The] AS APPROPRIATE, THE Secretary AND THE MEFC shall establish  
34 programs, including acquisition of land or aquatic habitat or interests therein,  
35 necessary for the conservation of threatened or endangered species of fish. The  
36 Secretary AND THE MEFC shall use all vested authority to carry out the provisions of  
37 this subsection.

1 (b) In carrying out programs authorized by this section, AS APPROPRIATE, the  
2 Secretary OR THE MEFC shall consult with other states having a common interest in  
3 particular species of endangered or threatened species of fish and may enter into  
4 agreements with federal agencies, other states, political subdivisions of this State, or  
5 with individuals with respect to programs designed to conserve endangered or  
6 threatened species of fish including agreements for administration and management  
7 of any that are established under this section or utilized for conservation of  
8 endangered or threatened species of fish.

9 (c) The Governor shall review other programs administered by him and utilize  
10 these programs in furtherance of the purposes of this subtitle. All State departments  
11 and agencies, in consultation with and with the assistance of the Secretary OR THE  
12 MEFC, AS APPROPRIATE, shall utilize their authorities in furtherance of the purposes  
13 of this subtitle by carrying out programs for the conservation of endangered species  
14 and threatened species listed pursuant to § 4-2A-04(f) OF THIS SUBTITLE and by  
15 taking any action necessary to insure that actions authorized, funded, or carried out  
16 by them do not jeopardize the continued existence of the endangered species or  
17 threatened species or result in the destruction or modification of habitat of the species  
18 which is deemed by the Secretary OR THE MEFC to be critical.

19 (d) The Secretary AND THE MEFC shall JOINTLY adopt rules and regulations  
20 necessary to implement this section.

21 4-2A-07.

22 (a) Any person who violates the provisions of § 4-2A-05 OF THIS SUBTITLE, or  
23 fails to procure any permit required by § 4-2A-05 OF THIS SUBTITLE, or who violates  
24 the terms of any permit shall be fined not more than \$1,000 or be imprisoned not  
25 more than one year, or both.

26 (b) Any Natural Resources OR MEFC police officer or any OTHER law  
27 enforcement officer may conduct searches as provided by law, and execute a warrant  
28 to search for and seize any equipment, business records, merchandise, fish taken,  
29 used or possessed in connection with a violation of any subsection. Any Natural  
30 Resources OR MEFC police officer or OTHER law enforcement officer, without a  
31 warrant, may arrest any person who the officer has probable cause to believe is  
32 violating, in his presence or view, this subtitle, any rule or regulation, or permit  
33 provided for by this subtitle. Any Natural Resources OR MEFC police officer or OTHER  
34 law enforcement officer who has made an arrest of a person in connection with any  
35 violation may search the person, premises, or business records at the time of arrest  
36 and may seize any fish, records, or property taken, or used in connection with any  
37 violation.

38 (c) Equipment, merchandise, fish or records seized under the provisions of  
39 subsection (b) OF THIS SECTION shall be held by any Natural Resources OR MEFC  
40 police officer or OTHER law enforcement officer pending disposition of court  
41 proceedings, and thereafter shall be forfeited to the State for destruction or  
42 disposition as the Secretary OR THE EXECUTIVE DIRECTOR may deem appropriate.  
43 Prior to forfeiture the Secretary OR THE EXECUTIVE DIRECTOR may direct the

1 transfer of fish so seized to a qualified zoological, educational, or scientific institution  
2 for safekeeping, costs to be assessable to the defendant. The Secretary AND THE MEFC  
3 may issue JOINT rules and regulations to implement this section.

4 4-2A-08.1.

5 The [Department] MEFC shall adopt regulations allowing the catching of  
6 hybrids of striped bass under certain conditions in freshwater impoundments in the  
7 State as long as, during the time any moratorium on the taking and sale of striped  
8 bass is in effect under the Endangered Species of Fish Conservation Act, the  
9 regulations also prohibit the sale in the State for any purpose of the hybrids of striped  
10 bass that are caught under the authority of the regulations.

11 4-302.

12 (a) Pursuant to Article III of the Atlantic States Marine Fisheries Compact, 3  
13 commissioners of the Atlantic States Marine Fisheries Commission shall be from the  
14 State. One commissioner shall be [the Secretary] APPOINTED BY THE MEFC whose  
15 term of office shall be [concurrent with his tenure as Secretary] DETERMINED BY  
16 THE MEFC. One commissioner shall be a legislator who is chosen jointly by the  
17 President and Speaker. The third commissioner shall be appointed by the Governor  
18 with the advice and consent of the Senate. The third commissioner shall be a resident  
19 of the State having knowledge of and interest in marine fisheries problems. His  
20 tenure shall be three years or until a successor is appointed and qualified.

21 (b) [The Secretary may delegate to any subordinate in his Department the  
22 power to be present and participate, including voting as his representative at any  
23 meeting of the Commission.

24 (c) Upon charges, the Governor may remove from office any commissioner,  
25 after the commissioner is afforded a hearing.

26 4-401.

27 The Department may acquire, by purchase, lease, condemnation, or gift, title or  
28 control of any INLAND area of water or land in the State suitable to protect,  
29 propagate, or manage fish. THE MEFC MAY ACQUIRE, BY PURCHASE, LEASE,  
30 CONDEMNATION, OR GIFT, TITLE OR CONTROL OF ANY MARINE OR ESTUARINE AREA  
31 OF WATER OR LAND IN THE STATE SUITABLE TO PROTECT, PROPAGATE, OR MANAGE  
32 FISH. The area of water or land shall be known as a State fish refuge. Any area of  
33 water or land in Garrett County or Allegany County greater than 100 acres may be  
34 acquired only with the approval of that county. This requirement does not apply to  
35 any areas which have previously been authorized for acquisition by the General  
36 Assembly. The Department OR THE MEFC may purchase or erect any structure  
37 necessary for fish management, and may purchase or lease any area of water or land,  
38 excluding the ownership of and the right to drill any mineral, oil, or gas.

1 4-402.

2 The title to any area of water or land acquired by purchase, gift, or  
3 condemnation shall be taken in the name of the State for the [Department's] use OF  
4 THE DEPARTMENT OR THE MEFC, AS APPROPRIATE. The entire control of the area of  
5 water or land shall be under the State's direction. The Secretary OR THE MEFC may  
6 expend from the State Fisheries Management and Protection Fund any amount  
7 necessary to purchase or condemn an area of water or land.

8 4-403.

9 (a) If the Department OR THE MEFC considers it in the State's best interest  
10 and the Governor consents, it may exchange any area of water or land or part it owns,  
11 together with any improvement on it, for any privately owned area of water or land  
12 equal to or greater in value than the area of water or land the Department OR THE  
13 MEFC exchanges and adapts for fish refuge and management. Also, the Department  
14 OR THE MEFC may sell any area of water or land or part it owns to the person who  
15 offers the highest price.

16 (b) The Department AND THE MEFC may use the acquired area of water or  
17 land as a State park.

18 (c) The Attorney General shall prepare any deed necessary to complete the  
19 exchange or sale of the area of water or land. The Secretary OR THE MEFC, AS  
20 APPROPRIATE, shall execute the deed. The proceeds of any sale shall be deposited  
21 with the State Comptroller and placed to the credit of the State Fisheries  
22 Management and Protection Fund.

23 4-404.

24 An acquired area of water or land may be used to create and maintain State fish  
25 refuges, or for fish management. The Department OR THE MEFC, AS APPROPRIATE,  
26 may grant a right-of-way on or across any acquired area of water or land if the grant  
27 does not adversely affect the protection and management of fish. The Department OR  
28 THE MEFC, AS APPROPRIATE, may appoint a caretaker of the area of water or land  
29 and make an agreement with the caretaker for proper care and management of the  
30 fish refuge.

31 4-405.

32 The Department OR THE MEFC, AS APPROPRIATE, may establish and maintain  
33 any State fish refuge to protect and propagate fish throughout the State. The  
34 Department OR THE MEFC may locate, with the consent of the Governor and of the  
35 superintendent in charge of any federally or State-owned area of water or land, any  
36 State fish refuge on State-owned or federally-owned water or land. The boundaries of  
37 each fish refuge shall be clearly marked. At each refuge boundary, a notice shall be  
38 posted in a conspicuous place informing the public the area of water or land is a  
39 "State fish refuge -- fishing is unlawful," and any other information or rules and  
40 regulations the Department OR THE MEFC, AS APPROPRIATE, considers advisable.

1 4-406.

2 (a) If a person who owns or controls any suitable area of water or land desires  
3 to have it set aside as a fish refuge, he may apply to the Department OR THE MEFC,  
4 AS APPROPRIATE, giving a description of the area of water or land, including a specific  
5 location, map, or sketch showing an outline of the area of water or land and the  
6 location of any structure or improvement, and the nature of the area of land or water,  
7 such as woodland, abandoned farmland, or cultivated land, or lake, pond, marsh, or  
8 impounded stream.

9 (b) The Department OR THE MEFC, AS APPROPRIATE, may examine the area of  
10 water or land to determine if it is suitable for fish protection and management. If the  
11 area of water or land is acceptable as a fish refuge, the Department OR THE MEFC, AS  
12 APPROPRIATE, shall notify the owner of this fact. The owner shall sign a lease vesting  
13 the State with every fishing right in the area without charge. The lease also shall  
14 provide that neither the owner, his family, agents, tenants, nor any other person may  
15 fish in the area of water or land and that, he will make every effort to protect the fish  
16 refuge from forest fires, fishing, or any violation of any State conservation law. The  
17 lease or agreement shall continue in force for an uninterrupted period of at least 5  
18 years.

19 (c) If the person who owns or controls the area of water or land named in any  
20 lease on which there is no charge sells the area of water or land, the area is released  
21 from the operation of the lease unless the purchaser agrees to allow it to remain  
22 under the lease. Either the Department OR THE MEFC, AS APPROPRIATE, or the owner  
23 of the area of water or land may rescind any lease for which there is no charge made  
24 pursuant to this section after giving 90 days written notice of intent to terminate the  
25 lease to the other party.

26 4-407.

27 The Department AND THE MEFC may EACH adopt and promulgate, and post,  
28 rules and regulations for the proper use and administration of any State fish refuge it  
29 controls or owns.

30 4-408.

31 The Department OR THE MEFC, AS APPROPRIATE, may erect and maintain any  
32 suitable fish hatchery, nursery, pond, or rearing station to propagate fish in order to  
33 manage the waters of the State. Hatcheries, nurseries, ponds, and rearing stations  
34 shall be maintained by Department OR MEFC funds, AS APPROPRIATE.

35 4-409.

36 The [Department] MEFC may catch any game and freshwater fish from the  
37 waters of the State, including any pond, lake, or canal, publicly or privately owned, in  
38 order to propagate in captivity and distribute into public waters brood stock, fry, or  
39 fingerlings to manage the fish.

1 4-410.

2 (a) This section is intended to protect the State in its objective to propagate  
3 and manage fish on fish refuges, lands, and waters controlled by the Department OR  
4 THE MEFC.

5 (b) An unauthorized person may not enter or trespass on or destroy, deface, or  
6 damage any fish refuge or lands acquired for fish ponds or hatcheries without the  
7 consent of the Department OR THE MEFC, AS APPROPRIATE. A person may not allow  
8 any dog, domestic stock, or poultry to enter on any State fish refuge.

9 4-506.1.

10 (b) The conduct declared unlawful in this section does not include any  
11 incidental interference arising from lawful activity by private land users or users of  
12 land managed by the Department OR THE MEFC, including farmers, miners, or  
13 persons engaged in recreation.

14 (c) A Natural Resources OR MEFC police officer or ANY other police officer of  
15 the State who has probable cause to believe that a person has violated this section  
16 may:

17 (1) Order the person to desist or to leave the area; or

18 (2) Arrest the person who refuses to desist or to leave the area.

19 4-509.

20 A person may not use or attempt to use any electronic device on any boat in the  
21 waters of the State or on any aircraft within the State, or use or attempt to use any  
22 aircraft, to detect the presence of finfish for any purpose. However, fishermen may  
23 use depth finders from boats to detect the presence of finfish. A person also may not  
24 use or attempt to use any device that may lure finfish by electrical impulses. This  
25 section does not prohibit the Department OR THE MEFC from using any electronic or  
26 electrical device for scientific research, law enforcement or other purpose, nor prohibit  
27 use of a fathometer or depth recorder for navigational purposes. Any person who  
28 violates this section is guilty of a misdemeanor and upon conviction is subject to a fine  
29 not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs  
30 imposed in the discretion of the court.

31 4-510.

32 A person may fish with a speargun and spear in the waters of the State only  
33 under the rules and regulations, and control of the Department OR THE MEFC, AS  
34 APPROPRIATE. A speargun as used in this section means any type of device used for  
35 propelling a spear underwater by any means other than manual in order to catch fish.

1 4-511.

2 A person other than a duly authorized officer of the Department OR THE MEFC,  
3 AS APPROPRIATE, may not move, destroy, or deface any State buoy, marker, or  
4 monument placed in the waters of the State, or fasten, tie, or anchor any boat to it.

5 4-701.

6 (b) (1) The [Department] MEFC shall utilize a single, commercial license, to  
7 be known and designated as a tidal fish license.

8 (3) Except for a person receiving a license under subsection (i)(2)(ii) of  
9 this section, the [Department] MEFC may not issue a tidal fish license to an  
10 individual who is younger than 14 years of age.

11 (d) (1) The [Department] MEFC may issue no more than one authorization  
12 to a person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection  
13 during a license year.

14 (2) (i) On a tidal fish license, the [Department] MEFC may issue an  
15 authorization for any of the following activities for which the indicated fee has been  
16 paid.

17 (e) (2) A person may not catch oysters for sale without possessing a valid  
18 license under this section and paying an annual surcharge of \$300 which shall be  
19 used by the [Department] MEFC only for oyster repletion activities.

20 (3) In addition to the normal license fees imposed under subsection  
21 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the [Department] MEFC an  
22 annual surcharge of \$10 to be credited to the Seafood Marketing Office of the  
23 Department of Agriculture to fund seafood marketing programs which have been  
24 approved by the [Department] MEFC.

25 (4) (ii) The [Department] MEFC shall assess annually on every  
26 nonresident license applicant for the applicant's fishing activities under Subtitles 7,  
27 8, and 9 of this title, in addition to the normal license fees imposed by this subsection,  
28 a surcharge which cumulatively for the license year, shall be the greater of:

29 1. An amount equal to the difference between the total fees  
30 charged to a Maryland resident engaged in like fishing activities in the state of  
31 residence of the nonresident applicant and the total of normal license fees for fishing  
32 activities in Maryland; or

33 2. \$350.

34 (g) (1) Notwithstanding any other provision of this section, the  
35 [Department] MEFC may issue an apprenticeship permit for any activity under  
36 subsection (d)(2)(i)1 or 2 of this section to a person who currently resides and has  
37 resided for at least 5 years on an island in the State that is at least 3 miles from the  
38 mainland.

1           (2)     The [Department] MEFC shall set by regulation targets for the  
2 number of tidal fish license authorizations under subsection (d)(2)(ii) of this section to  
3 be the number issued between September 1, 1998 and March 31, 1999. The  
4 [Department] MEFC may modify by regulation the target number of authorizations  
5 based on:

6                   (i)     Recommendations of the Tidal Fisheries Advisory Commission;

7                   (ii)    Recommendations of fishery management plans adopted by the  
8 [Department] MEFC, the Chesapeake Bay Program, the Atlantic States Marine  
9 Fisheries Commission, the Mid-Atlantic Fisheries Management Council, or any other  
10 appropriate management body;

11                  (iii)   The number of people historically participating;

12                  (iv)    Target species, size, number, weight, incidental catch, total  
13 biomass, annual harvest, mortality rates, and other factors which are necessary and  
14 appropriate; and

15                  (v)     The number of authorizations relinquished to the  
16 [Department] MEFC under subsection (j-1) of this section.

17           (3)    (i)     The [Department] MEFC shall by regulation limit the total  
18 number of authorizations to fish for striped bass to 1,231 participants in the  
19 commercial fishery and 499 participants in the charter boat fishery.

20                  (ii)    The [Department] MEFC shall provide in its regulations for  
21 reallocation of any authorizations that may be revoked or voluntarily relinquished to  
22 the [Department] MEFC.

23                  (iii)   The [Department] MEFC shall provide in its regulations for the  
24 allocation of any available quota on a monthly basis to assure that all areas of the  
25 State have ample opportunity to attain an equitable portion of the available quota.

26    (h)     The [Department] MEFC shall issue a license authorizing participation in  
27 a particular fishing activity to a person who has completed the requirements of an  
28 apprenticeship under § 4-701.1 of this subtitle.

29    (i)    (2)     The [Department] MEFC shall review and may approve the  
30 permanent transfer of a license or an authorization to a person who is the licensee's  
31 spouse, daughter, son, stepchild, grandchild, step grandchild, parent, sister, brother,  
32 grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
33 sister-in-law, or brother-in-law, and only:

34                  (i)     If the licensee makes application to the [Department] MEFC  
35 requesting transfer and the transferee has paid the fee for the license or  
36 authorization; or

1 (ii) Upon death of the licensee, if the licensee or an authorized  
2 representative of the licensee indicates or had indicated that person's name to the  
3 [Department] MEFC.

4 (3) (i) The [Department] MEFC may approve a temporary transfer for  
5 not less than 30 days and not more than 90 days.

6 (4) (i) The [Department] MEFC shall establish by regulation a  
7 procedure for a licensee, except a fishing guide licensee or a master fishing guide  
8 licensee, to voluntarily register the licensee's commercial fishing vessel number on  
9 the face of the license.

10 (5) (ii) The [Department] MEFC shall review and may approve a  
11 permanent transfer of a license or authorization under this paragraph to a person  
12 who has:

13 1. A. Purchased a vessel used for commercial fishing from  
14 the license holder; or

15 B. Purchased equipment and assets with a minimum value of  
16 \$2,000 and the commercial fishing business from the license holder;

17 2. Been a crew member for at least 2 years in any commercial  
18 fishery as certified by three tidal fish licensees;

19 3. Paid the fee for the license or authorization; and

20 4. Provided a notarized bill of sale.

21 (j) (2) (i) Application to renew a tidal fish license shall be made not later  
22 than August 31, or the next business day in the instance that the [Department]  
23 MEFC is not open, for the following license year.

24 (ii) The [Department] MEFC may not accept application for  
25 renewal after that date, as stated in subparagraph (i) of this paragraph unless:

26 1. Application is made by March 31, or the next business day  
27 in the instance that the [Department] MEFC is not open, of the following license year;

28 2. The applicant shows good cause why application was not  
29 made by August 31 of the previous license year; and

30 3. A late fee of \$50 is paid by the applicant in addition to the  
31 license fee.

32 (j-1) (2) The [Department] MEFC shall adjust the number of authorizations  
33 under subsection (d)(2)(ii) of this section to reflect the number of license conversions  
34 under paragraph (1) of this subsection.

35 (k) (1) In addition to any other penalty provided in this title, the  
36 [Department] MEFC may suspend for a period of not less than 10 days nor more than

1 365 days a person's entitlement to engage in a particular activity or activities under a  
2 tidal fish license.

3 (2) During a period of suspension imposed by the [Department] MEFC,  
4 the person penalized is not and shall not be authorized under any existing, renewed,  
5 or new tidal fish license to engage in the particular activity or activities for which the  
6 suspension is imposed.

7 (3) The following are grounds for suspension under this section:

8 (iii) Failure to submit reports required by the provisions of this title  
9 or by the [Department] MEFC pursuant to provisions of this title; or

10 (4) The following are grounds for revocation of a tidal fish license:

11 (i) Submitting a false report required by the provisions of this title  
12 or by the [Department] MEFC pursuant to the provisions of this title; or

13 (5) For purposes of suspensions under subparagraph (ii) of paragraph (3)  
14 of this subsection, the [Department] MEFC shall adopt as part of its procedural  
15 regulations:

16 (i) A schedule of points assigned to various offenses under this  
17 title; and

18 (ii) A schedule of the maximum number of days that a license may  
19 be suspended according to the number of points accumulated.

20 (6) The [Department] MEFC shall initiate any proceeding to suspend a  
21 tidal fish license under this section not later than 6 months after the time for filing an  
22 appeal of the 3rd conviction under paragraph (3)(i)1 of this subsection has passed or  
23 the time for filing an appeal of the 5th conviction under paragraph (3)(i)2 of this  
24 subsection has passed.

25 (7) Before the suspension of a tidal fish license under this section, the  
26 [Department] MEFC shall hold a hearing upon not less than 10 days' notice to the  
27 licensee, except that upon the failure of a nonresident of the State to appear in a court  
28 of this State as required by any charging document accusing the person of committing  
29 any offense under this title, in addition to any other appropriate action taken by the  
30 court or the [Department] MEFC, the [Department] MEFC may suspend immediately  
31 and without hearing any license issued to the person under this title.

32 (l) A licensee or any person to whom a licensee has transferred a license under  
33 subsection (i) of this section shall have in possession the tidal fish license and any  
34 valid application to transfer the commercial tidal fish license approved by the  
35 [Department] MEFC for a temporary transfer whenever engaged in any licensed  
36 activity. The licensee or any person to whom a licensee has transferred a license  
37 under subsection (i) of this section shall allow any police officer to inspect the license  
38 and any applicable application to transfer the commercial tidal fish license approved  
39 by the [Department] MEFC for a temporary transfer, to conduct searches as

1 authorized in Subtitle 12 of this title, and to inspect books, statements, and accounts  
2 as authorized in § 4-206(b) of this title.

3 (m) The [Department] MEFC shall assign a permanent identification number  
4 to each licensee. A licensee shall display the identification number on every vessel,  
5 vehicle, gear, or place of business, as the [Department] MEFC may require by  
6 regulation.

7 (n) The [Department] MEFC shall:

8 (1) Deposit to the credit of the Fisheries Research and Development  
9 Fund all fees received for tidal fish licenses and apprenticeship permits; and

10 (2) Use the funds received from the sale of licenses to catch striped bass  
11 for enforcement purposes during the open season for catching striped bass.

12 (o) (2) A person who meets the requirements of paragraph (1) of this  
13 subsection may obtain an annual master fishing guide license by:

14 (i) Filing an application on a form provided by the [Department]  
15 MEFC;

16 (4) (i) The [Department] MEFC shall issue a number of copies of the  
17 master fishing guide license corresponding to the number of vessels owned or  
18 operated by the master fishing guide, with each copy bearing the registration number  
19 of one of the vessels.

20 4-701.1.

21 (b) Except as provided under subsection (h) of this section, the [Department]  
22 MEFC may issue an apprenticeship permit to authorize a person to gain practical  
23 experience in the presence of a tidal fish licensee regarding commercial fishing  
24 activities.

25 (e) (1) The [Department] MEFC may accept an application for an  
26 apprenticeship permit from a person who is at least 14 years of age and does not  
27 qualify for a commercial tidal fish license or an authorization for a particular fishing  
28 activity.

29 (2) The [Department] MEFC may issue an apprenticeship permit if the  
30 number of tidal fish authorizations issued for that fishing activity is less than the  
31 target number established by regulation.

32 (3) The [Department] MEFC shall maintain a list in chronological order  
33 of persons who have applied for an apprenticeship permit but have not been issued an  
34 apprenticeship permit due to the target number already having been issued.

35 (4) The [Department] MEFC shall issue an apprenticeship permit to the  
36 first person on the list when a permit becomes available.

1 (5) The [Department] MEFC may not issue an apprenticeship permit for  
2 a particular fishing activity unless the number of the tidal fish authorizations issued  
3 for the particular activity is below the target number or a review by the General  
4 Assembly has been completed.

5 (f) The [Department] MEFC shall issue a tidal fish license or authorization in  
6 accordance with § 4-701(h) of this subtitle to persons who have completed the criteria  
7 established in subsection (g) or (h) of this section.

8 (g) (2) The practical experience shall be documented by the permittee on the  
9 forms provided by the [Department] MEFC and submitted to the [Department]  
10 MEFC on a monthly basis when engaging in practical experience. The forms shall  
11 include:

12 (i) Number of days spent gaining practical experience under the  
13 presence of a tidal fish licensee;

14 (ii) Particular fishing activities;

15 (iii) The signature of a tidal fish licensee certifying that the  
16 recorded information regarding the practical experience in fishing activities is true  
17 and correct; and

18 (iv) Copies of appropriate income tax forms documenting the  
19 permittee's compensated employment in the presence of a tidal fish licensee.

20 (3) In addition to practical experience, before a license may be issued to  
21 a permittee, the permittee shall complete an 8-hour program approved by the  
22 [Department] MEFC concerning commercial fishing activities.

23 (h) (1) The [Department] MEFC shall adopt regulations to establish criteria  
24 for the practical experience for an individual who holds a valid tidal fish license and  
25 who has applied for an additional authorization other than a fishing guide  
26 authorization or an unlimited tidal fish authorization.

27 4-704.

28 (a) A person may not catch or attempt to catch finfish in the tidal waters of  
29 the State by the use of any net or other device except hook and line, dip net operated  
30 by hand, spear gun, or bow and arrow pursuant to the provisions of this subtitle  
31 unless he possesses a valid license to catch finfish issued by the [Department] MEFC.

32 (b) An applicant for a license to catch finfish shall furnish information the  
33 [Department] MEFC requires.

34 (c) The [Department] MEFC may not grant a license to any person, under the  
35 provisions of this subtitle, to set a pound net on the location occupied by any other  
36 pound net or within 4,500 feet in the Chesapeake Bay or 1,500 feet in a tributary of  
37 the Chesapeake Bay measured at right angles to the line of stakes, unless the other

1 licensee failed to apply for renewal of his license by the expiration date of the year for  
2 which it was granted.

3 4-704.1.

4 A person may not catch striped bass for sale unless the person has purchased a  
5 valid license to catch striped bass from the [Department] MEFC under § 4-701 of this  
6 subtitle.

7 4-705.

8 A license does not lapse if the licensee fails to renew or make bona fide use of his  
9 license because of induction or enlistment into the armed forces or employment in  
10 essential war industries, and the licensee applies to the [Department] MEFC for the  
11 renewal of his license within one year of the termination of hostilities or from the date  
12 of his release from the armed forces. If a licensee cannot fish every net for which he  
13 was licensed at any time during a war emergency because of some condition arising  
14 out of a war, he may not be deprived of his right to a license for these nets thereafter.  
15 4-710.

16 (b) An appropriately licensed person may fish in the waters of the Atlantic  
17 Ocean with an otter trawl or beam trawl, subject to [Department] MEFC rules and  
18 regulations, if the person is at least one mile from the shoreline. The [Department]  
19 MEFC rules and regulations shall include:

20 (1) Setting seasons when otter trawl or beam trawl fishing is permitted;  
21 and

22 (2) Enumerating the species of fish which may be taken.

23 (g) A person may take or shoot carp, garfish, skate, bullfish, shark, oyster  
24 toads, swelling toads, sting rays, or any other ray fish with bow and arrow, except a  
25 crossbow, and snag these fish by means of hooks in the tidal waters of the State under  
26 the supervision, regulation, and control of the [Department] MEFC. This subsection  
27 only applies to the fish referred to in it.

28 (h) A person may not catch or attempt to catch finfish by the use of any  
29 stationary fishing gear, or set an anchor or mooring buoy, or in any way obstruct the  
30 normal taking of finfish by drift net from December 1 through April 1.

31 This subsection applies only to waters more than 50 feet in depth in the  
32 Chesapeake Bay south of the William Preston Lane, Jr., Memorial Bridge and is not  
33 applicable to any Chesapeake Bay tributaries. This provision does not apply to any  
34 designated anchorage in existence on July 1, 1975. The [Department] MEFC has the  
35 authority to permit exceptions to this section by regulations when it can be shown  
36 that the obstruction will not interfere with a useable fishing reach.

1 4-711.

2 (e) The outer end of each line of pound or net stakes shall be marked plainly  
3 by a brush or other suitable day marker, readily discernible to indicate the opening  
4 between nets. The name of the owner and the license number of each pound or stake  
5 net shall be displayed in black letters, at least 2 inches high, on a white background  
6 on a stake at the outer end of the pound or line, at a height and in a position as to be  
7 seen readily from adjacent navigable channels. The [Secretary] MEFC, after a public  
8 hearing, shall promulgate rules and regulations governing the lighting of pound nets.

9 (h) (2) A licensee may not permit or allow to remain in the water:

10 (iii) Any pound net or stake between January 1 and January 31 of  
11 any year unless the owner of the pound net or stake notifies the [Department] MEFC  
12 by certified mail, return receipt requested, that the net is being actively fished.

13 (4) For a licensee who is convicted twice within 2 years of violating  
14 paragraph (1) of this subsection, the [Department] MEFC may suspend the licensee's  
15 striped bass authorization in the following year.

16 (i) (1) The [Department] MEFC may adopt regulations on the placement of  
17 pound or stake nets, including a limit on the number of locations of pound nets that  
18 may be assigned to a licensee.

19 (2) In the regulations adopted under paragraph (1) of this subsection, the  
20 [Department] MEFC may impose a limit of up to eight locations of pound nets that  
21 may be assigned to a licensee.

22 4-713.

23 (i) (2) (i) In Baltimore County and Harford County, on prior notification  
24 to the [Department] MEFC a person may catch carp during the period from Friday  
25 midnight until sunrise on Monday, except in areas where it is prohibited by the  
26 [Department] MEFC.

27 (ii) Except in areas where it is prohibited by the [Department]  
28 MEFC, a person may set a licensed haul seine at a distance greater than one-third the  
29 distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore  
30 County or Harford County only to catch carp and catfish, notwithstanding any other  
31 provision of this subtitle regarding the distance across which a haul seine may be set.  
32 A person may not set the licensed haul seine to impede or obstruct navigation or block  
33 in any way the main channel of the river, creek, cove, or inlet. Any person who catches  
34 fish of a variety other than carp or catfish in any licensed haul seine shall return  
35 them immediately to the water unharmed. A person always shall attend a licensed  
36 haul seine for catching carp or catfish. Any person whose licensed haul seine is found  
37 more than one-third the distance across the waters where it is set without a person in  
38 attendance is guilty of violating this subsection.

39 (iii) The [Department] MEFC, by regulation:

1                                   1.        Shall establish procedures for the prior notification  
2 required under subparagraph (2)(i) of this subsection; and

3                                   2.        May prohibit fishing for carp and catfish in certain areas  
4 as provided in subparagraph (2)(ii) of this subsection.

5 4-715.

6       (e)       (2)       (i)        Except in areas where it is prohibited by the [Department]  
7 MEFC, in the waters of the Gunpowder River lying in Baltimore County or Harford  
8 County, on prior notification to the [Department] MEFC a person may catch carp 6  
9 weeks before and during Passover in each year and 4 weeks before and during Rosh  
10 Hashanah through Yom Kippur in each year. If a person catches any fish variety  
11 other than carp under this paragraph, the person shall return them immediately to  
12 the water unharmed.

13                               (ii)       The [Department] MEFC, by regulation:

14                                   1.        Shall establish procedures for the prior notification  
15 required under subparagraph (2)(i) of this subsection; and

16                                   2.        May prohibit fishing for carp and catfish in certain areas  
17 as provided in subparagraph (2)(i) of this subsection.

18 4-717.

19       (d)       A person may not set any net within 200 yards of the beach on the Turkey  
20 Point section of Elk Neck State Park. The area that is restricted by this subsection  
21 shall be set off with buoys by the [Department] MEFC.

22 4-720.

23       A person may not use a haul seine in the water area west of a line from Locust  
24 Point to the pumping station at Perry Point. This section does not prohibit catching  
25 fish for conservation or scientific purposes under the supervision of the  
26 [Department] MEFC, or prohibit catching carp. If 25 or more rockfish are found in a  
27 seine or net, there is a violation of this section, and the exception stated does not  
28 apply. Any person who violates the provisions of this section is guilty of a  
29 misdemeanor and upon conviction is subject to a fine of at least \$100 and not more  
30 than \$1,000 with costs imposed in the discretion of the court.

31 4-732.

32       The [Department] MEFC may restrict or prohibit by rule or regulation catching  
33 fish in areas where striped bass spawn during the spawning season of striped bass.

34 4-734.

35       (a)       A person may not sell, offer to buy or sell, or possess any of the following  
36 fish:

1 (3) Croakers:

2 (iii) However, a croaker less than the size limit provided in this  
3 paragraph may be sold during closed season if:

4 3. The state of origin is in compliance with interstate fishing  
5 management requirements as determined by the [Department] MEFC;

6 (6) Weakfish less than 12 inches, except that weakfish less than 12  
7 inches may be sold during closed season if:

8 (iii) The state of origin is in compliance with interstate fishing  
9 management requirements as determined by the [Department] MEFC;

10 (8) Striped bass, less than 14 inches in length or measuring more than  
11 32 inches. However, a person may possess one striped bass over 32 inches per day  
12 caught with hook and line in the tidal waters of the State at any time of the year  
13 except from March 1 to April 30 inclusive, which may not be sold or offered for sale. In  
14 any year that the young-of-the-year striped bass index exceeds 15, the  
15 [Department] MEFC may permit by regulation during the 12-month period  
16 beginning April 1 of the following year, the possession, sale, or offer for sale of striped  
17 bass 12 inches in length;

18 (c) The [Department] MEFC may set the size limits for white perch. However,  
19 the [Department] MEFC may not prohibit catching white perch more than 8 inches.

20 4-735.

21 (d) Chain pickerel may not be transported into or out of the State during April,  
22 May, and June. Anglers, however, may possess and transport chain pickerel caught  
23 with rod, or hook and line, in accordance with the provisions of this section. This  
24 subsection does not prevent shipment in interstate commerce of live chain pickerel for  
25 propagating, breeding, or stocking purposes under § 4-11A-19 of this title, nor  
26 prevent any person from catching or engaging in catching chain pickerel for  
27 propagating or restocking the waters of the State under the direction of the  
28 [Department] MEFC under § 4-410 of this title.

29 (e) The [Department] MEFC is authorized to supervise, regulate, and control  
30 the harvest of black bass in the tidal waters of the State.

31 (f) The [Department] MEFC shall adopt regulations concerning the fishing  
32 for black bass by area, gear, season, size, and catch limits.

33 4-736.

34 (a) The [Department] MEFC may supervise, regulate, and control catching  
35 eels in the tidal waters of the State. In exercising this power, the [Department] MEFC  
36 may prescribe the areas within and methods by which eels may be caught.

1 (b) (1) A person may not catch eels for sale with pots or other devices in the  
2 tidal waters of the State without first obtaining a tidal fish license to catch finfish for  
3 commercial purposes from the [Department] MEFC.

4 (c) The [Department] MEFC shall adopt rules and regulations concerning  
5 commercial fishing for eels by area, gear, season, size, and reporting of catch.

6 (d) Each individual who catches eels for sale or for personal use as bait shall  
7 make catch reports, as prescribed by rule or regulation, on forms provided by the  
8 [Department] MEFC.

9 4-738.

10 (a) The [Department] MEFC shall prescribe by rules and regulations the  
11 methods to catch snapping turtles.

12 (c) The [Department] MEFC may not prohibit the use of turtle pots in areas  
13 where nets are prohibited.

14 4-739.

15 (a) The [Department] MEFC may make rules and regulations governing  
16 catching sturgeon in the waters of the State or possessing and selling within the State  
17 sturgeon caught in the waters of the State.

18 (b) The rules and regulations of the [Department] MEFC become effective only  
19 after a public hearing is held. The time, place, and purpose of the public hearing shall  
20 be advertised in one newspaper of general daily circulation in the State, and at least  
21 one newspaper circulated in each county for two successive weeks in advance of the  
22 hearing. After the hearing and adoption of the rules and regulations, they shall be  
23 published for one week in the newspapers which published the notice of the hearing.  
24 4-742.

25 (b) (1) The action of the Department of the Environment to restrict an area  
26 of water becomes effective immediately upon giving formal notice of the action to the  
27 [Department] MEFC. Notice also shall be given the appropriate governing body and  
28 the committee of oystermen of any county affected by the restriction.

29 (3) (i) If the Department of the Environment closes any area to the  
30 catching of shellfish under this section, in addition to the notice required in  
31 paragraph (1) of this subsection, the [Department of Natural Resources] MEFC shall  
32 mark the area so that the area can be seen from the water.

33 (ii) The [Department of Natural Resources] MEFC shall adopt rules  
34 and regulations to provide for the marking in a plain and visibly obvious fashion of  
35 any area that is closed to the catching of shellfish because of pollution. Even in the  
36 absence of such marking devices, a person may not catch shellfish in a restricted area  
37 as designated by the Department of the Environment if notice has been given to the

1 appropriate governing body and the committee of watermen of any county affected by  
2 the restriction.

3 4-743.

4 (a) To protect the shellfish resources of the State, the [Department] MEFC  
5 may adopt rules and regulations prohibiting the importation of any shellfish and  
6 quarantining any area within the State populated by shellfish infected or affected or  
7 suspected of being infected or affected by any destructive disease, deleterious genetic  
8 characteristic, dangerous parasite, or other biological threat.

9 (b) The [Department] MEFC may establish by rules and regulations the  
10 penalty for violating any rule or regulation adopted pursuant to subsection (a). The  
11 penalty may not exceed a fine of \$1,000 or imprisonment for one year, or both,  
12 together with confiscation of any gear and equipment, whether afloat or ashore, used  
13 to commit the violation, in the discretion of the court.

14 4-744.

15 The [Department] MEFC shall issue a synopsis of laws covering pertinent  
16 information when issuing any commercial fishing license. A chart or adequate  
17 description of restricted waters shall be available at cost upon request.

18 4-745.

19 (a) (2) The license may be obtained from the [Department] MEFC or from  
20 any authorized agent of the [Department] MEFC. The following annual license fees  
21 shall apply:

- 22 (i) Resident..... \$9
- 23 (ii) Short term license valid for 5 consecutive days from date of  
24 issue..... \$6
- 25 (iii) Nonresident..... \$14
- 26 (iv) Resident and nonresident blind persons.....No fee

27 (b) (1) The [Department] MEFC may designate a person engaged in a  
28 commercial enterprise to sell the Chesapeake Bay sport fishing license as an agent  
29 under the [Department's] MEFC'S control and supervision.

30 (3) The Chesapeake Bay sport fishing license shall be furnished to an  
31 agent upon satisfactory payment or upon consignment and only if the [Department]  
32 MEFC is given adequate security to insure ultimate payment by an agent to the  
33 [Department] MEFC for the licenses.

34 (4) (i) Except as provided in subparagraph (ii) of this paragraph, all  
35 fees collected on behalf of the [Department] MEFC pursuant to this section shall be  
36 remitted to the [Department] MEFC in accordance with its rules and regulations for

1 deposit with the State Treasurer to the credit of the Fisheries Research and  
2 Development Fund to be used for the replenishment, protection, and conservation of  
3 fish stocks caught by recreational fishermen, for enhancement of recreational fishing  
4 opportunities, and for research concerning tidal fishery resources. The [Department]  
5 MEFC shall publicly report annually the amounts collected and the expenditures.

6 (ii) In fiscal year 1999 and in each subsequent fiscal year, the  
7 [Department] MEFC, for the purposes set forth in subparagraph (iii) of this  
8 paragraph, shall use:

9 1. \$2 from the sale of each license under subsection (a) of this  
10 section;

11 2. \$20 from the sale of each license under subsection (d)(2) of  
12 this section; and

13 3. \$225 of the special charter boat license under subsection  
14 (d)(1) of this section.

15 (iii) The [Department] MEFC shall use the moneys specified in  
16 subparagraph (ii) of this paragraph for:

17 1. Achieving the maximum federal fund apportionments;

18 2. Management assessment and sportfishing surveys; and

19 3. Angler outreach and public fishing information.

20 (5) In the preparation of plans for the expenditure of license receipts, the  
21 [Secretary] MEFC annually shall solicit the advice and opinions of the  
22 [Department's] MEFC'S Sport Fisheries Advisory Commission, representative fishing  
23 and boating associations, and other interested parties.

24 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries  
25 without a Chesapeake Bay sport fishing license if the person:

26 (4) Is fishing with a hook and line from a public bridge or public pier  
27 which has been designated by the [Department] MEFC as a free fishing area;

28 (5) Holds a valid tidal water sport fishing license issued by the State of  
29 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that  
30 this exemption shall not take effect until the [Secretary] MEFC has published notice  
31 in the Maryland Register of the [Secretary's] MEFC'S determination that the  
32 Virginia, Potomac River Fisheries Commission, or District of Columbia requirements  
33 for a tidal water sport fishing license are substantially similar to and reciprocal with  
34 the Chesapeake Bay sport fishing license requirements of this section;

35 (8) Fishes on a free fishing day designated by the [Secretary] MEFC; or

1 (d) (1) The [Department] MEFC may provide by regulation for issuance of a  
 2 special charter boat license that would be valid for all individuals on a charter boat  
 3 operated by a licensed fishing guide. The fee shall be:

4 (i) For 6 fishermen or less ..... \$240.

5 (ii) For 7 or more fishermen ..... \$290.

6 (2) (i) The [Department] MEFC may provide by regulation for  
 7 issuance of an annual special Chesapeake Bay sport fishing license, which when  
 8 permanently affixed to a boat registered in any state shall authorize any person on  
 9 the boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal  
 10 boundaries, except that such a license may not be used on a boat which has been hired  
 11 to take such persons fishing.

12 (ii) The annual fee for this special license shall be \$40.

13 (iii) If a boat owner purchases the special license under this  
 14 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the  
 15 boat owner is fishing in the owner's boat, in another person's boat, on land, or  
 16 elsewhere. The [Department] MEFC shall issue a complimentary Chesapeake Bay  
 17 sport fishing license to the boat owner who purchases a special license under this  
 18 paragraph. If a boat to which the special license is affixed has more than one owner,  
 19 then only the individual applicant who signs the application for the special license  
 20 shall be entitled to a complimentary Chesapeake Bay sport fishing license under this  
 21 paragraph.

22 4-746.

23 (a) The [Department] MEFC shall conduct annually a scientific survey to  
 24 determine the relative abundance of striped bass or rockfish of approximately 18  
 25 inches in length that are in the Chesapeake Bay and its tributaries. The survey shall  
 26 be conducted in areas that are used by the [Department] MEFC to determine its  
 27 young-of-the-year index of striped bass or rockfish.

28 (b) The [Department] MEFC shall complete the survey and report its results,  
 29 subject to § 2-1246 of the State Government Article, to the General Assembly not  
 30 later than December 1 of each year.

31 4-802.1.

32 Any crabs caught in the waters of Worcester County shall be landed in the State.  
 33 However, the [Department] MEFC may waive the provisions of this section in case of  
 34 emergency, necessity, or for other good cause.

35 4-804.

36 (c) The [Department] MEFC shall adopt regulations requiring each individual  
 37 licensed to crab for commercial purposes to:

1 (1) At the time of license renewal, on forms provided by the  
2 [Department] MEFC:

3 (i) Declare a Sunday or Monday as a day off for the license year;  
4 and

5 (ii) Provide the licensee's vessel identification number; and

6 (2) Print in ink on the individual's license the licensee's vessel  
7 identification number and the declared day off for the license year.

8 (d) (2) The [Department] MEFC may allow for good cause a licensee to  
9 change the declared day off at a time other than the time of license renewal.

10 (f) The [Department] MEFC may adopt regulations that allow the  
11 [Department] MEFC in its discretion to establish alternative days off for a licensee  
12 other than a Sunday or Monday.

13 4-805.

14 (c) (1) A recreational crabbing license or recreational crabbing boat license  
15 may be obtained from any authorized agent of the [Department] MEFC.

16 (4) (i) The [Department] MEFC may designate a person engaged in a  
17 commercial enterprise to sell recreational crabbing licenses or recreational crabbing  
18 boat licenses as an agent under the [Department's] MEFC'S control and supervision.

19 (5) (ii) The [Department] MEFC shall issue a complimentary  
20 recreational crabbing license to a boat owner who purchases a recreational crabbing  
21 boat license under paragraph (3) of this subsection.

22 (d) The [Department] MEFC shall deposit all fees received for recreational  
23 crabbing licenses to the credit of the Fisheries Research and Development Fund to be  
24 used for research, including the determination of the annual recreational crab catch,  
25 independent studies of the crab fishery, and enforcement.

26 (e) (1) An individual is not required to obtain a recreational crabbing license  
27 for crabbing for recreational purposes in the waters of the Chesapeake Bay or its tidal  
28 tributaries if:

29 (ii) The individual is crabbing for recreational purposes in a public  
30 crabbing area established by the [Department] MEFC and in a manner authorized by  
31 the [Department] MEFC through regulation;

32 (iii) The individual is crabbing for recreational purposes from a boat  
33 and the boat has been licensed by the [Department] MEFC:

34 1. As a recreational crabbing boat under subsection (c)(3) of  
35 this section; or

36 2. Under § 4-745 of this title; or

1 4-809.

2 (b) (3) In determining the number of peelers measuring less than 3 inches  
3 across the shell from tip to tip of the spike, the [Department] MEFC shall select the  
4 minimum number of bushels or floats necessary to be representative of the person's  
5 catch.

6 4-810.

7 The [Department] MEFC may adopt rules and regulations, after reasonable  
8 notice by publication, to permit or prohibit catching, canning, packing, shipping, or  
9 possessing the egg-bearing female crab or the female crab from which eggs have been  
10 removed.

11 4-814.

12 (c) (1) After August 31, 1994, an authorization granted under subsection (b)  
13 of this section to employ one or two additional crew members and thereby fish  
14 additional crab pots, shall run with that license until the license is revoked by the  
15 [Department] MEFC or relinquished voluntarily by the licensee.

16 (d) (1) The [Department] MEFC shall determine the total number of  
17 additional crew authorizations granted under subsection (b) of this section.

18 (2) When a license is revoked or voluntarily relinquished, the  
19 [Department] MEFC may award the unused crew authorization to another licensee  
20 under criteria and procedures to be promulgated as regulations by the [Department]  
21 MEFC, provided that the number of crew authorizations in use may not exceed the  
22 total number granted under subsection (b) of this section as of August 31, 1994.

23 4-816.

24 The [Department] MEFC may adopt regulations to limit or prohibit the  
25 importation, use, catching, or possessing of the following nonnative crab species,  
26 which are determined to be harmful to the ecology and natural resources of the State:

27 (1) Green crab (*Carcinus maenas*) of the family Portunidae;

28 (2) Japanese shore crab (*Hemigrapsus sanguineus*) of the family  
29 Grapsidae; and

30 (3) Chinese mitten crab (*Eriocheir sinensis*) of the family Grapsidae.

31 4-901.

32 (a) The [Department] MEFC may adopt rules and regulations to:

33 (1) Restrict the possession, landing, selling, or transporting of any  
34 lobster or lobster parts;

35 (2) Establish minimum size limits for lobsters.

1 (b) The [Department] MEFC shall publish a notice of its proposed lobster  
2 harvest regulations, and of any subsequent amendments, at least 30 days before the  
3 effective date of the proposal and shall hold a public hearing on the proposal at least  
4 15 days before the effective date unless a public hearing on a substantially similar  
5 proposal has been conducted in the State by a federal management authority with  
6 notice advertised by the [Department] MEFC as required by this section. The notice  
7 shall include the time and place of any hearing and shall be published in at least one  
8 newspaper of general circulation in the State and at least one newspaper of general  
9 circulation in Worcester County.

10 4-902.

11 A person may not catch terrapin for commercial purposes unless he first obtains  
12 a license from the [Department] MEFC.

13 4-903.

14 The [Department] MEFC shall adopt rules and regulations governing the  
15 catching of terrapin and conservation of terrapin resources, especially taking into  
16 consideration the establishment of a season and legal size.

17 4-906.

18 A person may not catch conch for commercial purposes unless the person first  
19 obtains a license from the [Department] MEFC.

20 4-1004.

21 (a) (1) A person may not catch oysters or clams for commercial purposes in  
22 the waters of the State unless the person first obtains a license, but a resident may  
23 catch up to 1 bushel each of oysters and clams a day for his own use and consumption  
24 without a license, in places and at times prescribed by rule or regulation of the  
25 [Department] MEFC. Notwithstanding the preceding sentence, a nonresident may  
26 catch in the tidal bays of Worcester County up to 1 bushel of hard clams per day for  
27 his own use and consumption.

28 (2) The [Department] MEFC shall require an applicant for an oyster  
29 license to indicate whether the applicant will use any diving apparatus, including  
30 self-contained underwater breathing apparatus, to catch oysters. On this application  
31 for a license to catch oysters, the [Department] MEFC shall require the applicant to  
32 give the applicant's address and telephone number.

33 4-1006.

34 (b) (3) (i) If the Department of the Environment closes any area to the  
35 catching of oysters or clams under this subsection, in addition to the notice required  
36 in subparagraph (ii) of this paragraph, the [Department of Natural Resources] MEFC  
37 shall mark the area so that the area can be seen from the water.

1 (ii) The [Department of Natural Resources] MEFC shall adopt rules  
2 and regulations to provide for the marking in a plain and visibly obvious fashion of  
3 any area that is closed to the catching of oysters or clams because of pollution. Even  
4 in the absence of such marking devices, a person may not catch oysters or clams in a  
5 restricted area as designated by the Department of the Environment if notice has  
6 been given to the appropriate governing body and the committee of watermen of any  
7 county affected by the restriction.

8 4-1006.1.

9 (b) The [Department] MEFC shall:

10 (1) Delineate existing submerged aquatic vegetation beds in the waters  
11 of the State not currently protected under Part IV of this subtitle by using the most  
12 recent aerial surveys as guidance; and

13 (2) Update as necessary the delineation required under paragraph (1) of  
14 this subsection.

15 (c) This section may not be construed to affect the authority of the  
16 [Department] MEFC to adopt any additional measures that the [Department] MEFC  
17 determines are necessary to protect submerged aquatic vegetation beds in the waters  
18 of the State.

19 4-1007.

20 (a) The [Department] MEFC may designate by rule or regulation certain  
21 areas of the State, known as buying stations, where a person who catches oysters and  
22 clams may sell them.

23 (d) (1) For every sale of oysters or clams at a buying station, the buyer shall:

24 (i) Fill out the buying ticket;

25 (ii) Distribute copies to the seller and the [Department] MEFC; and

26 (iii) Maintain a copy.

27 (2) The [Department] MEFC shall print up and make available to the  
28 buyer of oysters or clams the necessary forms required under this subsection.

29 4-1008.

30 (d) Notwithstanding the provisions of subsections (b) and (c) of this section,  
31 the [Department] MEFC may prolong by not more than two weeks the season for  
32 catching oysters.

33 (e) (1) On the recommendation of the Calvert County or the St. Mary's  
34 County tongers' committee, the [Department] MEFC may authorize handscraping of  
35 oysters in the waters of Calvert and St. Mary's counties for 2 weeks, if inclement  
36 weather has prevailed during the tonging season.

1           (2)     The [Department] MEFC shall determine the areas where  
2 handscraping of oysters is permitted.

3           (3)     The [Department] MEFC shall establish regulations for the  
4 handscraping of oysters under this subsection. There shall be a catch limit of 10  
5 bushels per person and no more than 30 bushels per boat. A person may not  
6 handscrape for oysters after 12:00 noon.

7 4-1009.

8       (a)     During the closed season for taking oysters, a person may take seed  
9 oysters from the natural bars of the State marked by the [Department] MEFC for a  
10 period not exceeding one month in any one year, at times designated by the  
11 [Department] MEFC. The seed oysters shall be taken only in accordance with rules  
12 and regulations the [Department] MEFC prescribes, sold only to lessees of private  
13 oyster grounds, delivered only on leased oyster bottoms and subject to the provisions  
14 of § 4-1103(e) of this article.

15       (b)     The [Secretary] MEFC may establish by rule or regulation daily catch  
16 limits on the quantities of oysters which may be caught from the natural oyster bars  
17 of the State, and may amend the daily catch limits to conserve the public oyster  
18 resource. Notice of the establishment or amendment of these catch limits shall be  
19 given by publication of notice in at least one newspaper in each county not less than  
20 one week prior to the effective date.

21       (c)     A person may not land, sell, or attempt to land or sell on any day oysters  
22 from the waters of the State exceeding the daily catch limit established by the  
23 [Secretary] MEFC by more than 10 percent. However, in emergencies, the  
24 [Department]MEFC may authorize unloading up to two daily catch limits in 1 day. A  
25 licensed oyster buyer or dealer may sell or attempt to sell oysters which he shows  
26 were purchased from another catcher.

27 4-1012.

28       (a)     A person may not catch oysters by dredge in the following areas of the  
29 Chesapeake Bay: the area bounded by a line drawn from Lowes Point towards the  
30 Bloody Point Lighthouse for a distance of 1.8 miles, and then direct to North Point on  
31 Poplar Island; then southerly around the westerly shore of Poplar Island to the  
32 southwesterly most point; then running in a straight line to the [Department] MEFC  
33 marker on the northern shore of Pawpaw Cove which area shall be reserved for  
34 catching of oysters with shaft tongs only; all the area lying within one-fourth mile of  
35 the western shore of Poplar Island; all the area within one-half mile of Plum Point;  
36 all the area within one and one-half miles of Sandy Point, Hackett Point, Tolly Point,  
37 and Thomas Point within Anne Arundel County waters; and the following oyster bars:  
38 2-9, 2-10, 5-1, 5-2, 5-3A, 5-3B, 8-2, 8-6, and 8-9, as defined by the charts of the  
39 Oyster Survey of 1906 to 1912, and its amendments.

40       (b)     A person may not catch oysters by dredge except in the following waters:

1           (2)     Dorchester and Talbot counties. All that portion of the Choptank  
2 River within an area bounded as follows: beginning at the [Department] MEFC  
3 marker on Upper Bar Neck, Tilghman Island; then proceeding in a straight line  
4 easterly to Benoni Lighthouse; then in a straight line easterly to Chlora Point; then in  
5 along the shore easterly to Howell Point; then southerly across the Choptank River to  
6 Horn Point; then westerly in a straight line to Castlehaven Point; then westerly in a  
7 straight line to Todd Point; then westerly in a straight line to Cook Point; along the  
8 shore to Hill's Point; then in a straight line to James' Point on James' Island; then in  
9 a straight line to Sharp's Island Lighthouse; then in a straight line to Blackwalnut  
10 Point; then along the shore to the [Department] MEFC marker, the point of the  
11 beginning.

12       (c)     Any boat sailing over any areas of the State which are exempt from  
13 dredging, by this subtitle or by rule or regulation of the [Department] MEFC, with  
14 any dredge, scrape, scoop, or similar instrument on board or in tow, may be  
15 apprehended by any Natural Resources police officer or any other law enforcement  
16 officer. If the boat has on board any wet oysters, dredge, or dredge line, or if the deck  
17 is wet and the boat is equipped for catching oysters with dredge or similar  
18 instrument, these facts shall be prima facie evidence that the boat has been used to  
19 violate the provisions of this section.

20 4-1013.

21       (b)     The captain or master of any dredge boat shall securely attach the two  
22 numbers, furnished by the [Department] MEFC for each dredge boat, to the shrouds  
23 of the foremast on the port and starboard sides of the boat, with the bottom or lower  
24 edge of the number not less than 4 feet above the deck. The numbers shall be  
25 displayed in an upright position to provide maximum visibility at all times during the  
26 dredging season, and may not be concealed or defaced. Each number shall be painted  
27 in black figures on white durable material 2 feet by 2 feet in size. The material shall  
28 be selected by the [Department] MEFC. The numbers on the material may not be less  
29 than 16 inches in height and a proportionate width.

30       (c)     The owner, captain, master, or any crew member of any boat capable of  
31 self-propulsion by any motor, turbine, or other engine attached to the boat, may not  
32 have on board the boat, or in tow, or permit on board or in tow, any scoop, handscrape,  
33 dredge, or similar instrument used in dredging, or any winch, spool, winder, or other  
34 tackle used in dredging, unless the boat is permitted by the [Department] MEFC to  
35 dredge on leased land, or is engaged in taking seed oysters under the surveillance and  
36 with the permission of the [Department] MEFC. Notwithstanding any other  
37 provisions of this subtitle, the [Department] MEFC may designate by rule or  
38 regulation a period of time not to exceed two days in any one week during which  
39 dredge boats licensed under the provisions of this subtitle may be propelled by means  
40 of the auxiliary yawl boat carried on the dredge boat in the waters of the Chesapeake  
41 Bay. The [Department] MEFC may prescribe the maximum daily limit on any day.

42       (d)     The owner, captain, master, or any crew member of any boat may not catch  
43 oysters by scoop, handscrape, or dredge, or permit oysters to be caught by scoop,  
44 handscrape, or dredge, on any land in the State leased for cultivating oysters unless

1 the boat is permitted by the [Department] MEFC for dredging on leased land, and the  
2 owner, captain, or master of the boat has on board the written consent of the lessee or  
3 tenant of the leased land from which any oysters are caught.

4 (e) All submerged land of the State not leased for cultivation of oysters nor  
5 designated as dredging territory by the provisions of this subtitle shall be reserved for  
6 tongers exclusively. The owner, captain, master or any crew member of any boat may  
7 not catch oysters by scoop, handscrape, or dredge, or attempt or conspire to catch  
8 oysters by scoop, handscrape, or dredge, from any submerged land of the State  
9 reserved for tongers exclusively or closed by any rule or regulation, or order of the  
10 [Department] MEFC. The taking of oysters by scoop, dredge or handscrape by hand  
11 may be authorized by the [Secretary] MEFC upon the recommendations of the  
12 appropriate county tongers committee, in areas reserved for tonging when areas  
13 which are designated for tonging oysters are closed because of icing conditions at least  
14 7 consecutive days. Handscraping may be authorized on a day for working day basis  
15 according to the number of days when tonging is not possible because of ice cover, but  
16 not to exceed 14 working days. The [Secretary] MEFC may specify areas to be opened  
17 and restrictions on gear. There shall be a limit of 10 bushels per man and no more  
18 than 30 bushels per boat. A person may not handscrape for oysters after 12 noon.  
19 However, this subsection does not apply to catching seed oysters under the  
20 surveillance and with the permission of the [Department] MEFC.

21 4-1015.

22 (a) A person who catches oysters from the waters of the State with any scoop,  
23 dredge, tong, rake, or any similar instrument shall cull the oysters on the natural bar  
24 from which they were caught, and return to the bar all shells, stones, gravel, and slag.  
25 Any oyster whose shell measures less than 3 inches in distance between its longest or  
26 widest points, whether or not attached to a marketable oyster, shall be included in the  
27 culling and replaced on the bar from which caught. The [Department] MEFC by rule  
28 may permit the possession of marketable oysters to which nonmarketable oysters  
29 adhere so closely that it is impossible to remove them without destroying the smaller  
30 oyster. Oyster culling shall be completed before any oyster is thrown or deposited in  
31 the hold or bottom of any boat.

32 (b) After culling and placing in the hold or bottom of a boat, a person's  
33 possession of oysters may not include a combined total of more than 5 percent of  
34 oysters which measure less than 3 inches from hinge to bill, and cultch consisting of  
35 shells, stones, gravel, and slag. In ascertaining this percentage the [Department]  
36 MEFC shall select by random sample an amount of oysters from any pile, hold, bin,  
37 house, or place as deemed proper and require it to be culled and disposed of, as  
38 provided by this section. All small oysters and cultch that adhere to marketable  
39 oysters shall be separated, and the marketable oysters shall be excluded from any  
40 measurement of small oysters and cultch. However, a person may possess marketable  
41 oysters that have undersized oysters or spat less than 1 inch in length from hinge to  
42 bill attached to them that cannot be separated without destroying the small oyster.

43 (d) The provisions of this subtitle relating to the inspection and culling of  
44 oysters and the imposition of penalties for any violation of the cull law apply to

1 oysters in the shell found anywhere within the State, whether afloat or ashore, and  
2 whether said oysters have been caught within the waters of the State or shipped or  
3 brought into the State. However, oysters containing more than 5 percent shells or  
4 small oysters legally taken from privately owned beds outside the State may be  
5 admitted if:

6 (1) Inspected by the [Department] MEFC prior to storage in a shucking  
7 house; and

8 4-1015.1.

9 (a) (2) After culling and placing in the hold or bottom of a boat, a diver's  
10 possession of oysters may not include a combined total of more than 5 percent of  
11 oysters which measure less than 3 inches between its longest or widest points, and  
12 cultch consisting of shells, stones, gravel, and slag. In ascertaining this percentage  
13 the [Department] MEFC shall select by random sample an amount of oysters from  
14 any pile, hold, bin, house, or place as deemed proper and require it to be culled and  
15 disposed of, as provided by this section. All small oysters and cultch that adhere to  
16 marketable oysters shall be separated, and the marketable oysters shall be excluded  
17 from any measurement of small oysters and cultch. However, a person may possess  
18 marketable oysters that have undersized oysters or spat less than 1 inch in distance  
19 between their longest or widest points attached to them that cannot be separated  
20 without destroying the small oyster.

21 (c) On or after July 1, 1983 and before September 30, 1983, the [Department]  
22 MEFC shall by rule and regulation set aside certain waters of this State to be used  
23 exclusively by hand tongers in catching oysters. Before adopting the regulations in  
24 their final form, the [Department] MEFC shall consult each of the local hand tonger  
25 committees.

26 4-1017.

27 (a) Unless a license first is obtained from the [Department] MEFC, a person  
28 may not (1) have a fixed place of business buying oysters and employing labor to  
29 prepare them for market, or (2) buy more than 25 bushels of oysters per year from  
30 persons who catch them from the natural oyster bars of the State.

31 (b) The [Department] MEFC may not issue a license required by this section  
32 unless the applicant pays all taxes due for the prior year under § 4-1020 of this  
33 subtitle.

34 4-1018.

35 (a) (1) Every oyster in the shell and every oyster shell sold in the State shall  
36 be measured either in a half bushel tub, a bushel tub, a bushel and a half tub, or a 3  
37 bushel tub. A person shall measure oysters in the shell or oyster shells only with an  
38 iron circular tub having straight sides and a straight solid bottom, with holes in the  
39 bottom for draining which are no larger than 1 inch in diameter. The [Department]  
40 MEFC may set standards and allow other bulk containers it deems proper. Every  
41 measurement shall be taken from inside to inside. The dimensions shall be as follows:

1 (i) Half bushel tub -- 15 inches across the top, 13 inches across the  
2 bottom, and 17 inches diagonally from the inside chime to the top;

3 (ii) Bushel tub -- sixteen and one-half inches across the bottom, 18  
4 inches across the top, and 21 inches diagonally from the inside chime to the top;

5 (iii) Bushel and a half tub -- 18 inches across the bottom, 19 inches  
6 across the top, and 24 inches diagonally from the inside chime to the top; and

7 (iv) Three bushel tub -- 22 inches across the bottom, 24 inches  
8 across the top, and 29.26 inches diagonally from the inside chime to the top.

9 4-1019.

10 Any person buying or selling oyster shells shall report to the [Department]  
11 MEFC, at times the [Department] MEFC prescribes by rule or regulation, every  
12 purchase or sale of oyster shells, stating the number of bushels purchased or sold, the  
13 date of sale, the name and address of the other party to the transaction, and any other  
14 information the [Department] MEFC prescribes by rule or regulation.

15 4-1019.1.

16 The [Department] MEFC shall initiate the development of a program for  
17 enactment by the Maryland General Assembly to encourage return of the State's  
18 oyster shell resource to the tidal waters of the State to assist oyster propagation. The  
19 [Department] MEFC also may use the Fisheries Research and Development Fund to  
20 purchase oyster shell.

21 4-1019.2.

22 (b) Except as provided in subsection (c) of this section, any licensed oyster  
23 dealer shall reserve for 8 months after the opening of each annual harvest season all  
24 shells of oysters harvested from the Chesapeake Bay or its tributaries and  
25 commercially shucked in the State for purchase by the [Department] MEFC for  
26 replanting on public oyster areas unless the dealer plants these oyster shells:

27 (2) On public oyster areas designated by the [Department] MEFC.

28 (c) (1) The [Department] MEFC shall determine whether sufficient funds  
29 are available for the oyster shell purchase program under this section.

30 (2) The [Department] MEFC shall notify every licensed oyster dealer not  
31 later than September 1 of each year whether the oyster shell purchase program will  
32 be carried out during the ensuing license year.

33 (3) If the [Department] MEFC does not notify licensed oyster dealers  
34 that the oyster shell purchase program will be carried out during the ensuing license  
35 year, a licensed oyster dealer may sell or dispose of fresh oyster shell at any time to  
36 any person for any lawful purpose.

1 (4) The [Department] MEFC shall:

2 (i) Establish procedures for the expeditious notice, payment, and  
3 removal of shells purchased; and

4 (ii) Provide for the transportation, storage, and placement on public  
5 oyster bars in State waters.

6 (e) Unless permission has been obtained from the [Department] MEFC, it  
7 shall be unlawful for any person to take or catch oysters or shell in any of the waters  
8 of the State for the purpose of converting the oysters or shell into lime, chickenmeal,  
9 or road construction materials.

10 (f) (1) In consultation with the Maryland oyster packers, the [Department]  
11 MEFC shall determine annually the fair market value that the [Department] MEFC  
12 pays for fresh oyster shells.

13 (2) However, the [Department] MEFC shall pay not more than 25 cents  
14 per bushel of oyster shells to the holder of the shells at the site where the shells are  
15 kept.

16 4-1020.

17 (b) A severance tax of \$1 per bushel shall be levied upon every bushel of  
18 oysters caught within the limits of the natural oyster bars of the State exclusive of the  
19 Potomac River. The oyster buyer or receiver shall pay the tax to the [Department]  
20 MEFC for deposit to the credit of the Fisheries Research and Development Fund. This  
21 section does not prevent any person licensed to catch oysters in the State from selling  
22 his oysters in the shell directly to a consumer in the State. If the consumer is a  
23 licensed buyer of oysters, he shall assume the obligations placed by this subsection on  
24 the first buyer of the oysters to remit the tax to the [Department] MEFC. However, if  
25 the consumer is not a licensed buyer of oysters, the seller of oysters shall assume this  
26 obligation.

27 (d) If the [Department] MEFC finds that an oyster buyer or an oyster packer  
28 or dealer does not have adequate records or has incorrect reports of oyster purchases  
29 or sales and that the amount of inspection taxes due on these purchases or sales  
30 cannot be accurately determined, the [Department] MEFC shall determine the  
31 taxable purchases or sales of the buyer or of the oyster packer or dealer for any period  
32 involved and compute the tax from the best information available. If within 30 days  
33 the oyster buyer or oyster packer does not produce proof that the computations are  
34 incorrect, the determination or computation is prima facie correct.

35 (e) If the [Department] MEFC determines the purchases and sales of oysters  
36 and computes the tax due, it shall levy a deficiency assessment against the oyster  
37 buyer or the oyster packer or dealer and notify him of the tax due and of the amount  
38 of the deficiency assessment. If the oyster buyer or oyster packer or dealer fails to pay  
39 the tax and assessment within ten days after receiving notice from the [Department]  
40 MEFC, the [Department] MEFC shall levy, in addition to the tax assessment, a

1 penalty not exceeding 10 percent of the amount due, plus one half of one percent for  
2 each month the tax or additional tax remains unpaid.

3 (f) The [Department] MEFC, through the Attorney General, may collect  
4 unpaid taxes provided for in this section in the same manner as other unpaid taxes  
5 due the State are collected. In addition, the [Department] MEFC may seize and hold  
6 any boat, truck, or other vehicle in which any oysters were or are transported until  
7 the taxes are paid.

8 4-1021.

9 (a) The [Department] MEFC may adopt rules and regulations governing the  
10 type, number, and size of dredges used in Pocomoke and Tangier Sounds and  
11 governing those areas in which dredges may be operated. A person may have two  
12 dredges aboard any boat if no more than one dredge is in operation at any given time.  
13 4-1021.1.

14 (a) The [Department] MEFC may adopt regulations governing the use of  
15 patent tongs to harvest hard-shell clams in areas of Somerset County where the use  
16 of patent tongs to catch oysters is authorized.

17 4-1023.

18 Notwithstanding the provisions of this subtitle, the [Department] MEFC may  
19 adopt and modify rules and regulations governing catching hard-shell clams in the  
20 waters of Worcester County. These rules and regulations may specify the type and  
21 size of gear used, maximum quantity of clams caught per day, minimum size of clams  
22 caught, season for catching clams, days of the week and hours of the day when clams  
23 may be caught or landed, and the areas in which clams may be caught with any type  
24 of gear. A person may not catch clams by handscrape, shinnecock rake, hydraulic  
25 dredge, or any mechanical means from June 1 to September 15.

26 4-1024.

27 (a) Any person desiring to catch hard-shell clams by rake in the waters of  
28 Worcester County shall apply to the [Department] MEFC for a license.

29 (b) Every applicant shall exhibit to the [Department] MEFC satisfactory  
30 evidence showing the name or number, and size of the boat. Each applicant shall  
31 certify that he is the bona fide owner of the boat, that a nonresident of the State does  
32 not hold a lien on the boat and that he has been a State resident for at least one year  
33 prior to making the application. The applicant shall supply any other information the  
34 [Department] MEFC requires.

35 4-1028.

36 Every hard-shell clam dealer shall pay a special tax of 25 cents for each bag,  
37 which shall contain no more than 105 hard-shell clams, on all clams sold by the  
38 dealer. All taxes pursuant to this section shall be remitted to the [Department] MEFC

1 in accordance with its rules and regulations for deposit to the credit of the Fisheries  
2 Research and Development Fund and shall be used solely to replenish the hard-shell  
3 clam resources of the State.

4 4-1029.

5 Any money received by the [Department] MEFC for licenses, fees, or taxes shall  
6 be transmitted by the [Department] MEFC to the State Comptroller for deposit to the  
7 credit of the Fisheries Research and Development Fund.

8 4-1030.

9 Any hard-shell clams caught in the waters of the State shall be landed in the  
10 State. However, the [Department] MEFC may waive the provisions of this subsection  
11 in case of emergency, necessity, or for other good cause.

12 4-1031.

13 (c) A clam dealer may possess hard-shell clams having a transverse  
14 dimension of less than seven-eighths of an inch if the dealer offers a bill of lading  
15 approved by the [Department] MEFC as proof that all clams were caught in waters  
16 outside the State.

17 (d) (2) The [Department] MEFC shall determine the number of hard-shell  
18 clams in a person's possession that have a transverse dimension of less than  
19 seven-eighths of an inch by taking a representative sample of the hard-shell clams in  
20 the person's possession.

21 4-1032.

22 Advisory committees shall be formed in each county where soft-shell clams may  
23 be caught by hydraulic clam dredge. Each committee shall be composed of five  
24 persons, four of whom possess a hydraulic clam dredge license and one who possesses  
25 a soft-shell clam dealer's and shipper's license. Committee members shall be elected  
26 by persons possessing a hydraulic clam dredge license or a soft-shell clam dealer's  
27 and shipper's license. The [Department] MEFC shall confer with the elected  
28 committees on any matter affecting the management of the soft-shell clam fishery.

29 4-1033.

30 (a) The [Department] MEFC shall adopt rules and regulations assuring that a  
31 tidal fish license authorizes a person to use only one hydraulic clam dredge. The  
32 [Department] MEFC also shall adopt rules and regulations requiring all licensees  
33 operating a hydraulic clam dredge owned by another person, or subject to a lien held  
34 by another person to have the license in possession when engaged in licensed  
35 activities and to affix the license identification number permanently to the vessel as  
36 required in § 4-701(h) of this article.

37 (b) (1) The [Department] MEFC shall adopt rules and regulations governing  
38 licensing of persons buying, selling, shipping, transporting, or otherwise dealing in

1 soft-shell clams, and the methods by which they may do so. However, a license may  
2 not be required to sell or dispose of clams in any retail market, restaurant, or other  
3 establishment where clams are sold or served for immediate use or consumption,  
4 when the clams are purchased from a person possessing a dealer's or shipper's  
5 license.

6 (2) The [Department] MEFC shall require any person licensed to dredge  
7 for soft-shell clams or licensed pursuant to the provisions of this subsection to  
8 maintain and submit records to the [Department] MEFC.

9 (c) The [Department] MEFC may promulgate rules and regulations relating  
10 to any aspect of the soft-shell clam fishery and shall adopt rules and regulations  
11 governing:

12 (1) Measurement and structural details of a hydraulic clam dredge;

13 (2) The number of hydraulic clam dredges which may be carried on a  
14 vessel;

15 (3) The use of mufflers on motors or engines on hydraulic clam dredges  
16 or on board boats carrying hydraulic clam dredges;

17 (4) The establishment of limits on the number of bushels which may be  
18 caught by a hydraulic clam dredge, or by a boat carrying a hydraulic clam dredge;

19 (5) The minimum size of soft-shell clams;

20 (6) The times and dates for taking, landing, and unloading soft-shell  
21 clams; and

22 (7) Protection of soft-shell clams from contamination, or from  
23 deterioration as a result of excessive heat.

24 4-1035.

25 A severance tax of 50 cents per bushel shall be levied on all soft-shell clams of  
26 all species *Mya arenaria* caught within the State. The tax shall be paid by the buyer  
27 of clams at the place in the State where the clams are to be shipped in bulk no further  
28 by vessel, or before clams are shipped out of the State by vessel. All taxes pursuant to  
29 this section shall be remitted to the [Department] MEFC in accordance with its rules  
30 and regulations for deposit to the credit of the Fisheries Research and Development  
31 Fund and shall be used solely to replenish the soft-shell clam resources of the State.  
32 A severance tax may not be levied on soft-shell clams of the species *Genus Tagelus*.

33 4-1037.

34 A person may not catch or attempt to catch soft-shell clams with a hydraulic  
35 clam dredge or any other gear except hand-held tools, such as shovels and hoes, in  
36 the following areas:

1 (1) Within 150 feet of a natural oyster bar or area leased under the  
2 provisions of Subtitle 11 and marked as required by that subtitle;

3 (2) Within 1,000 feet of any occupied duck blind where decoys are set out  
4 during waterfowl hunting season;

5 (3) Except for the William Preston Lane, Jr. Memorial Bridge and its  
6 parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the  
7 Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead,  
8 structure, wharf, pier, or piling that is erected in, over, or under the waters of the  
9 State under a permit granted by the State or federal governments;

10 (4) Within 300 feet of any private bathing beach running not more than  
11 300 feet along the shore which is marked as required by rule and regulation or within  
12 1,000 feet of any public bathing beach from May 1 to September 30. However, the  
13 owner or lessee of a single property may not claim protection for more than one  
14 private bathing beach contiguous to this property;

15 (5) (i) Within 50 feet of the mean high watermark of any shoreline in  
16 Calvert, Queen Anne's, Talbot, or Somerset counties;

17 (ii) Within 300 feet in Dorchester County; or

18 (iii) Within 150 feet in Anne Arundel County, St. Mary's County, or  
19 Kent County downriver from Nichols Point at the eastern side of the mouth of  
20 Langford Creek and within 300 feet upriver from Nichols Point; and

21 (6) The Dorchester County waters of the Choptank River and its  
22 tributaries except as provided in §§ 4-1038(a) and 4-1039 of this subtitle; Brannock  
23 Bay; Little Choptank River; Tar Bay; Honga River; all waters east of a line running  
24 from the most southerly point of Holland Island to Holland Island Bar Light; all  
25 waters east of a line running from Richland Point to Okahanikan Point; and any  
26 areas reserved by the [Department] MEFC for production of seed oysters.

27 4-1039.

28 (a) The [Department] MEFC may open or close any area in which the catching  
29 of soft-shell clams by hydraulic clam dredge is not prohibited under the provisions of  
30 this subtitle if: (1) in its opinion other natural resources will not be significantly  
31 damaged; (2) the area to be opened is clearly defined and plainly marked; and (3) the  
32 area is patrolled by [Natural Resources Police] MEFC vessels during dredging  
33 operations.

34 (b) In any area where hydraulic clam dredging is prohibited under § 4-1038(a)  
35 of this subtitle the [Department] MEFC may open selected areas if the areas opened  
36 are patrolled by [Natural Resources Police] MEFC vessels during dredging  
37 operations.

38 (c) Before opening or closing any area the [Department] MEFC shall publish  
39 notice in at least one newspaper of general circulation in the State, and in at least one

1 newspaper of general circulation in each county. Any closing or opening shall be  
2 effective no less than 24 hours from publication of notice.

3 4-1041.

4 A person in charge of any boat or vessel rigged for catching surf clams or ocean  
5 quahogs shall obtain a license from the [Department] MEFC before he catches any  
6 surf clams in the waters of the State or lands any surf clams or ocean quahogs in the  
7 State.

8 4-1043.

9 The [Department] MEFC may establish size limits and open and close areas for  
10 harvesting of surf clams. The [Department] MEFC shall publish a notice of its  
11 proposal to open or close an area or change size limits at least 30 days before the  
12 effective date of the proposal and shall hold a public hearing on the proposal at least  
13 15 days before the effective date unless a public hearing on a substantially similar  
14 proposal has been conducted in the State by a federal management authority with  
15 notice advertised by the [Department] MEFC as required by this section. The notice  
16 shall include the time and place of any hearing and shall be published in at least one  
17 newspaper of general circulation in the State and at least one newspaper of general  
18 circulation in Worcester County.

19 4-1102.

20 (a) (1) The [Department] MEFC may resurvey any submerged area of the  
21 State to determine the position and extent of any natural oyster or clam bar and  
22 barren bottom. If the [Department] MEFC finds, upon resurvey, that any natural  
23 oyster or clam bar is located incorrectly on existing charts, or that the existing charts  
24 do not reflect the actual condition of submerged lands, the [Department] MEFC shall  
25 amend the existing charts or prepare new charts. In addition, the [Department]  
26 MEFC shall mark as accurately as possible the correct location and bounds of each  
27 natural oyster or clam bar, then existing in the area being surveyed, on any amended  
28 or new chart.

29 (2) A reclassification of submerged areas of the State to clam bars may  
30 not be made unless an environmental impact study indicates that a hydraulic clam  
31 dredge will not impair the bottom or adversely affect other marine life. The  
32 [Department] MEFC shall perform the environmental impact study based on survey  
33 data, public hearings, and other available information. An initial environmental  
34 impact study shall be carried out by the [Department] MEFC, in cooperation with  
35 qualified scientific organizations, for reclassification actions at sites in the waters of  
36 Anne Arundel, Calvert, Kent, Queen Anne's, and St. Mary's counties to evaluate the  
37 environmental impact of hydraulic clam dredging.

38 (b) Within 90 days after the resurvey, a copy of the amended or new charts  
39 shall be deposited with the [Department] MEFC and another copy sent to the clerk of  
40 the circuit court where the resurveyed area is located or the county nearest this area.  
41 This resurvey shall supersede the Oyster Survey of 1906 to 1912, and its

1 amendments, and any decision of any circuit court rendered prior to the completed  
2 resurvey.

3 A resurvey may not be effective until 30 days have lapsed after the filing date.  
4 During this 30 day period, public notice of the filing of the amended chart shall be  
5 given once a week for three successive weeks in a newspaper of general circulation in  
6 every county.

7 (c) Before the [Department] MEFC reclassifies any submerged area of the  
8 State from natural oyster bar, excluded from leasing, to barren bottom permitted to  
9 be leased under the provisions of this subtitle, it shall advertise the time, place, and  
10 purpose for reexamination, once a week for three successive weeks, in a newspaper of  
11 general circulation in every county. The public may be present at the reexamination.  
12 If any person present then offers to make further tests in the presence of employees  
13 designated by the [Department] MEFC, the employees shall witness and make note of  
14 the findings. If upon reexamination the [Department] MEFC proposes to reclassify  
15 the area from natural bar to barren bottom, it first shall hold a public hearing, and  
16 the time, place, and purpose shall be advertised pursuant to the provisions of this  
17 subsection. The [Department] MEFC shall show any reclassification it determines to  
18 make on the amended or new chart which the [Department] MEFC shall file in  
19 accordance with subsection (b) of this section.

20 (d) (1) Within 30 days of the filing of the amended or new chart under  
21 subsection (b) of this section, any person adversely affected by the decision of the  
22 [Department] MEFC to reclassify any submerged area of the State from natural  
23 oyster bar to barren bottom may file a petition with the [Department] MEFC  
24 protesting the reclassification.

25 (2) Proceedings on appeal shall be pursuant to those procedures set forth  
26 in § 4-11A-06(c) of this title with the same rights of appeal from the decision of the  
27 [Department] MEFC.

28 (3) A lease of the reclassified area, in whole or part, may not be granted  
29 until the new or amended chart has been filed pursuant to subsection (b) of this  
30 section and until 30 days have expired from date of filing.

31 4-1103.

32 (a) The [Department] MEFC shall take measures which in its judgment seem  
33 best calculated to increase the productivity or utility of any part of the natural oyster  
34 bars of the State.

35 (b) The [Department] MEFC may close in any year no more than 30 percent of  
36 the natural oyster bars in the waters of the State. The [Department] MEFC may  
37 prohibit or restrict the catching of oysters on natural oyster bars whenever in its  
38 judgment these measures will increase the productivity or utility of these areas. The  
39 [Department] MEFC may plant oysters, shells, or other cultch or take any other  
40 restorative measures, which it deems advisable, on natural oyster bars. The  
41 [Department] MEFC shall publish a notice of intent to close any area of a natural  
42 oyster bar not less than 30 days prior to the proposed closing date in one or more

1 newspapers of general circulation in each county of the State. The [Department]  
2 MEFC shall schedule a public hearing on the proposal not less than 15 days before the  
3 proposed closing date. The hearing shall be held at the county seat of the county in  
4 which the affected waters are located. If the affected waters are located in more than  
5 one county then the hearing shall be held in that county seat closest to the affected  
6 waters. If the area affected is totally within State waters, then the hearing shall be  
7 held in Annapolis.

8 (c) The [Department] MEFC may reopen an area if it determines reopening is  
9 advisable. An area shall be reopened by notice of reopening published in the same  
10 newspapers that published any closing notices. However, an area may not be  
11 reopened until a lapse of 48 hours from the publication of the notice of reopening.

12 (d) The [Department] MEFC may select and reserve for its own use areas, to  
13 be known as seed areas, within the waters of the State for the propagation of seed  
14 oysters. The number, size, and location of these areas shall be determined from time  
15 to time by the [Department] MEFC. However, no more than 5 percent of the natural  
16 oyster bars of the State shall be designated as seed areas. The first million bushels of  
17 seed oysters produced in seed areas shall be planted on the natural oyster bars of the  
18 State. The [Department] MEFC shall publish a notice of reservation not less than 30  
19 days before the closing date of any seed area in one newspaper of general circulation  
20 in the State and at least one newspaper of general circulation in each county of the  
21 State. The [Department] MEFC shall schedule a public hearing on the proposal not  
22 less than 15 days before the proposed closing date. The hearing shall be held at the  
23 county seat of the county in which the affected waters are located. If the affected  
24 waters are located in more than one county, the hearing shall be held in that county  
25 seat closest to the affected waters, but if the area affected is totally within State  
26 waters, the hearing shall be held in Annapolis.

27 (e) Except as provided in subsection (f) of this section, the State may sell no  
28 more than 50 percent of seed oysters in excess of one million bushels produced  
29 annually in seed areas to citizens who hold valid leases under the provisions of this  
30 subtitle for no less than the prevailing price of seed oysters of similar quality in  
31 nearby states. Conditions of sale may be prescribed by rule or regulation of the  
32 [Department] MEFC. The proceeds from these sales shall be credited by the  
33 Comptroller to the Fisheries Research and Development Fund.

34 (f) (1) In addition to the provisions of subsections (d) and (e) of this section  
35 concerning the establishment of oyster seed areas and the sale of seed oysters to a  
36 leaseholder, the [Department] MEFC may:

37 (i) Establish aquaculture seed areas not exceeding a total  
38 aggregate of 90 acres in the State;

39 (ii) Designate the seed oysters produced in those aquaculture seed  
40 areas for sale to a resident of the State who holds a valid lease or an aquaculture  
41 permit to cultivate shellfish; and

1 (iii) Adopt regulations necessary to implement the provisions of this  
2 subsection.

3 (2) The [Department] MEFC shall credit the proceeds of any sale of seed  
4 oysters under this subsection to the Fisheries Research and Development Fund in the  
5 [Department] MEFC for the benefit of the public oyster fishery.

6 (3) The [Department] MEFC shall:

7 (i) Sell, at prevailing market prices, seed oysters produced in an  
8 aquaculture oyster seed area to a resident of the State who holds a valid lease or an  
9 aquaculture permit to cultivate shellfish;

10 (ii) Use any revenue derived from the sale of seed oysters to  
11 reimburse the Fisheries Research and Development Fund for any expenditure needed  
12 to create the aquaculture oyster seed areas under this subsection;

13 (iii) Credit any net proceeds from the sale of seed oysters remaining,  
14 after reimbursement is made under subparagraph (ii) of this paragraph, to the  
15 exclusive use of the public oyster fishery;

16 (iv) Maintain for each aquaculture seed area a record detailing all  
17 expenditures required to create and maintain the seed area and all proceeds of the  
18 sale of seed oysters produced in the seed area;

19 (v) In establishing and maintaining the aquaculture seed areas,  
20 limit expenditures to \$200,000 annually, and after the first year, any expenditure  
21 required to maintain the seed areas shall be funded only from revenues derived from  
22 the sale of seed oysters produced in the seed areas; and

23 (vi) Consult with the County Oyster Propagation Committee in  
24 establishing an aquaculture seed area in that county.

25 (4) The [Department] MEFC may not create aquaculture seed areas  
26 within the jurisdictional boundaries of Dorchester, Kent, Queen Anne's, Somerset, or  
27 Talbot counties, or in the tidewater tributaries of Charles County, except the  
28 Patuxent River.

29 4-1103.1.

30 The [Department] MEFC shall enter into an agreement with the Potomac River  
31 Fisheries Commission to establish oyster seed areas in the Potomac River from  
32 Cornfield Point to Point Lookout for the purpose of propagating seed oysters to  
33 replenish natural oyster bars in Calvert, Charles, St. Mary's counties, and other areas  
34 of the State.

1 4-1105.

2 A person may not catch oysters on any area closed or reserved for propagation of  
3 oyster seed under the provisions of this subtitle. This section does not prohibit the  
4 [Department] MEFC from catching oysters.

5 4-1106.

6 (a) The [Department] MEFC may transplant oysters, shells, or other cultch  
7 from one closed area to another, transplant or otherwise utilize within the State seed  
8 oysters produced on shells or other cultch planted by the [Department] MEFC, or  
9 transplant or utilize any other seed oyster which may accumulate on areas where  
10 seed oysters are not likely to develop into desirable marketable oysters.

11 (b) (1) The [Department] MEFC shall have licensed oystermen in each  
12 tidewater county of this State select a county committee of five representative  
13 licensed tongers, who earn their livelihood by catching oysters, to confer with the  
14 [Department] MEFC concerning oyster propagation conducted by the [Department]  
15 MEFC in that county. Each county committee shall elect a chairman to serve on a  
16 statewide committee of oystermen to advise the [Department] MEFC on statewide  
17 issues concerning oyster propagation.

18 (2) A similar advisory committee that includes licensed dredgers shall be  
19 selected to confer with the [Department] MEFC concerning the propagation of oysters  
20 in the dredging areas. The committee shall elect a chairman to serve on a statewide  
21 committee of oystermen to advise the [Department] MEFC on statewide issues  
22 concerning oyster propagation.

23 (3) The [Department] MEFC shall appoint 5 representative, licensed  
24 oystermen of this State who earn their livelihood catching oysters by using diving  
25 apparatus as a committee to confer with the [Department] MEFC concerning oyster  
26 propagation conducted by the [Department] MEFC in the areas of the State where the  
27 catching of oysters by using diving apparatus is permitted. The committee shall select  
28 a chairman to serve on a statewide committee of oystermen to advise the  
29 [Department] MEFC on statewide issues concerning oyster propagation.

30 (4) The [Department] MEFC shall appoint 5 representative, licensed  
31 oystermen of this State who earn their livelihood catching oysters by using patent  
32 tongs as a committee to confer with the [Department] MEFC concerning oyster  
33 propagation conducted by the [Department] MEFC in the areas of the State where the  
34 catching of oysters by using patent tongs is permitted. The committee shall select a  
35 chairman to serve on a statewide committee of oystermen to advise the [Department]  
36 MEFC on statewide issues concerning oyster propagation.

37 (5) The term of membership for each committee is four years, except that  
38 of the original committeemen, three are to serve a four-year term and two are to  
39 serve a two-year term. Each term begins on March 1.

40 (6) If a vacancy occurs because a member is unable or unwilling to serve,  
41 the [Department] MEFC immediately shall notify in writing each member of the

1 committee of the vacancy. The committee shall arrange for a new election to fill the  
2 vacancy. If the vacancy is not filled within 60 days after the vacancy occurs, the  
3 [Department] MEFC shall make the necessary appointments to fill each vacancy.  
4 When committee members are selected or when any vacancy is filled, the  
5 [Department] MEFC shall notify promptly the members of the General Assembly  
6 from the county of the names of the committee members selected or appointed to fill  
7 a vacancy in that county. An appointment to a vacancy in an unexpired term is limited  
8 to the remainder of the term.

9 (7) The [Department] MEFC shall prescribe by rule and regulation the  
10 time, place, and manner of selection of the oyster committees.

11 (8) The Fisheries Administration shall submit an annual summary of the  
12 Fisheries Research and Development Fund to the committee of oystermen for each  
13 county. The summary shall include an accounting of receipts and expenditures.

14 (c) The [Department] MEFC shall expend any fund appropriated in the  
15 budget for oyster propagation for the planting of oyster shells, other cultch, or seed  
16 oysters on natural oyster bars or seed areas, or for the purchase of necessary  
17 equipment.

18 (d) The [Department] MEFC may close without holding a public hearing any  
19 natural oyster bar in the waters of the State with the approval of the appropriate  
20 committee of oystermen.

21 4-1107.

22 The [Department] MEFC may cooperate with any county or political subdivision  
23 providing funds to purchase and plant shells and transplant seed oysters. The  
24 appropriate governing body of any county or political subdivision that expends funds  
25 for this purpose may designate the planting areas for the purchased shells.

26 4-1118.1.

27 (a) Except for normal harvesting activities, the dredging and transplanting of  
28 oyster shell or seed oysters as part of the [Department's] MEFC'S Oyster Propagation  
29 Program, or as authorized in a State wetlands license, a person may not destroy,  
30 damage, or injure any oyster bar, reef, rock, or other area located on a natural oyster  
31 bar in the Chesapeake Bay that is not a leased oyster bottom.

32 (b) Any person who destroys, damages, or injures any oyster bar, reef, rock, or  
33 other area referred to in subsection (a) of this section is liable to the State in a civil  
34 action, as the [Department] MEFC considers appropriate, for the restoration of,  
35 mitigation of, or monetary damages for any destruction, damage, or injury that the  
36 person causes to resources on the natural oyster bar.

1 4-11A-01.

2 (f) "Natural clam bar" means any area of submerged tidal bottom not  
3 classified as a natural oyster bar which has a population of clams of any species  
4 judged by the [Secretary] MEFC to have significant commercial value.

5 (g) "Natural oyster bar" means any submerged oyster bar, reef, rock, or area  
6 represented as an oyster bar on the charts of the Oyster Survey of 1906 to 1912, and  
7 its amendments, or any area declared by any circuit court to be a natural oyster bar,  
8 or any area on which the [Department] MEFC plants oysters or shells. A natural  
9 oyster bar also means any bar beneath the waters of the State where the natural  
10 growth of oysters abounds to the extent that the public has resorted to the bar for a  
11 livelihood, whether continuously or at intervals, during any oyster season within 5  
12 years prior to the filing of any application for a lease of the area in question, or within  
13 5 years prior to making of a resurvey under § 4-1102 of this title. The actual condition  
14 of the area in question at any time within the 5-year period shall be considered in  
15 determining whether or not the area is a natural oyster bar.

16 4-11A-04.

17 The [Department] MEFC may set aside for each tidewater public high school no  
18 more than 5 acres of submerged barren tidewater lands to be used for the sole purpose  
19 of experimental oyster farming or for the cultivation of other shellfish in conjunction  
20 with regular scholastic conservation studies. These areas shall be set aside pursuant  
21 to the procedures established in § 4-1103 of this title and marked in the manner  
22 provided in § 4-11A-10 of this subtitle. These high schools may introduce and use  
23 modern methods of planting, harvesting, or marketing fishery products without  
24 regard to the restrictive provisions of this subtitle. If a subject school does not use a  
25 barren bottom for its studies for three years or if studies are discontinued, the  
26 submerged lands shall revert to the State.

27 4-11A-05.

28 (a) (1) The [Department] MEFC may lease, in the name of the State, tracts  
29 or parcels of land beneath the waters of the State to residents of the State for  
30 protecting, sowing, bedding, or cultivating oysters or other shellfish, subject to the  
31 provisions of this section. These submerged lands when leased shall be known as  
32 leased oyster bottoms.

33 (2) (iv) 2. B. The nonprofit, nonstock corporation may harvest  
34 oysters in accordance with a harvesting program approved by the [Department]  
35 MEFC provided that any revenues from harvesting are maintained by the nonstock,  
36 nonprofit corporation exclusively for educational or ecological purposes and for the  
37 maintenance and preservation of submerged lands leased by the nonprofit, nonstock  
38 corporation.

39 (3) Under regulations that the [Department] MEFC adopts, and in  
40 conjunction with the 4-H advisory board in a county, the [Department] MEFC may  
41 make equal and matching grants of up to \$1,000 a county for any number of 4-H  
42 clubs in a county that:

- 1 (i) Are actively involved in oyster cultivation research;
- 2 (ii) Are leasing or acquiring any submerged land under paragraph  
3 (2) of this subsection; and
- 4 (iii) Have received or have a guarantee to receive a research grant  
5 from the county for oyster cultivation research.

6 (b) The [Department] MEFC may not lease any of the submerged areas of the  
7 State within the jurisdictional boundaries of Dorchester, Kent, Queen Anne's,  
8 Somerset and Talbot counties for oyster cultivation. The [Department] MEFC also  
9 may not lease any of the submerged areas of the State in the tidewater tributaries of  
10 Charles County, except the Patuxent River, for oyster cultivation. This subsection  
11 does not affect any existing lease in Somerset County made prior to and effective on  
12 June 1, 1952; any lease in Dorchester County made prior to and effective on June 1,  
13 1957; in Charles County made prior to and effective on July 1, 1968 and in Kent,  
14 Queen Anne's and Talbot counties made prior to July 1, 1973. This subsection also  
15 does not prevent any lessee from renewing, assigning, devising by will or prohibit the  
16 descendants of any lessee, his heirs, or next of kin, from inheriting rights by the  
17 operation of the laws of descent and distribution. If an existing lease does not provide  
18 for renewal, the [Department] MEFC may grant renewal when the lease terminates  
19 unless good cause to the contrary is shown. However, a person may not lease more  
20 acreage than now authorized by law regardless of the manner in which the lease or  
21 the rights under the lease are obtained.

22 (d) (2) (i) 1. In Worcester County, a leased oyster bottom shall be as  
23 rectangularly shaped as possible, and shall be between 1 acre and 50 acres in size.  
24 Except as provided in item 2 of this subparagraph, the [Department] MEFC may not  
25 lease to one person a total amount of leased oyster bottom in Worcester County  
26 exceeding 50 acres.

27 2. In Worcester County, 2 or more individuals may work in  
28 concert and have operative control over a total amount of leased oyster bottom not  
29 exceeding 200 acres. If a lessee works in concert with other individuals so that the  
30 lessee exercises operative control over more than 200 acres of leased oyster bottom,  
31 the interest of the lessee shall revert to the State as if a lease had not been made.

32 (e) (1) Notwithstanding any provision of subsection (b) of this section, the  
33 [Department] MEFC may issue or renew a lease for any leased oyster bottom that  
34 previously was leased for purposes of oyster cultivation under this subtitle if:

35 (i) Application for the new, renewed, or transferred lease was made  
36 before December 31, 1984; and

37 (ii) The proposed site of the leased oyster bottom:

38 1. Has not become a natural oyster bar or clam bar; and

39 2. Is otherwise suitable for oyster cultivation.

1           (2)     Any lease issued or renewed under this subsection is considered  
2 legitimate for all purposes.

3       (f)     (1)     If a person applies to the [Department] MEFC for a lease of  
4 submerged land for oyster cultivation, the [Department] MEFC shall determine if the  
5 submerged land is a productive natural clam bar.

6           (2)     Notwithstanding any other provision of this subtitle, if the  
7 [Department] MEFC determines that the submerged land is a productive natural  
8 clam bar, the [Department] MEFC may not lease the submerged land for purposes of  
9 oyster cultivation.

10          (3)     For purposes of this subtitle, the [Department] MEFC may adopt  
11 regulations establishing criteria to denote natural clam bars as having significant  
12 commercial value.

13          (4)     Before the [Department] MEFC proposes any regulation under  
14 paragraph (3) of this section, the [Department] MEFC shall hold a public hearing on  
15 the proposed regulation.

16 4-11A-06.

17       (a)     Any person wishing to lease submerged lands of the State shall apply to  
18 the [Department] MEFC for a blank application form. The applicant shall indicate on  
19 the application his place of residence, the estimated area of the submerged land for  
20 which a lease is sought, and a detailed description of the location of the land. The  
21 applicant prior to filing the application with the [Department] MEFC shall mark the  
22 area applied for with at least one stake bearing his name.

23       (b)     (1)     There is an application fee of \$300. The fee is not refundable and  
24 shall be used to pay for the [Department's] MEFC'S costs associated with processing  
25 applications and recording leases.

26          (2)     Upon receiving the application and a \$300 fee, the [Department]  
27 MEFC shall conduct a resource survey of the proposed lease site. The [Department]  
28 MEFC shall deny a lease application without further action on the application if the  
29 survey results indicate that the site is a natural clam or oyster bar as specified by the  
30 criteria in the [Department's] MEFC'S regulations or this subtitle.

31          (3)     If the results of the survey conducted under paragraph (2) of this  
32 subsection do not indicate that the site is a natural clam or oyster bar, the  
33 [Department] MEFC shall proceed with advertising the application once a week for 4  
34 successive weeks in a newspaper published in the county or counties where the  
35 proposed lease is to be located. The advertisement shall describe the location of the  
36 area applied for, the location of the stake marker, and give the name and residence of  
37 the applicant.

38       (c)     (1)     Within 30 days of publication of the last advertisement under  
39 subsection (b) of this section, any person whose rights, statutory entitlements, or

1 privileges may be affected adversely by the issuance of a proposed lease may file a  
2 petition with the [Department] MEFC protesting the issuance of the lease.

3 (2) The protest shall be heard in accordance with the contested case  
4 provisions of the Administrative Procedure Act under §§ 10-201 through 10-217 of  
5 the State Government Article.

6 (d) Immediately after the termination of the respective periods prescribed for  
7 the filing of petitions or appeals, or immediately after the final decision upon any  
8 protest or appeal the [Department] MEFC shall notify the applicant by letter that it  
9 is ready to issue the lease. The [Department] MEFC shall conduct a survey and mark  
10 the location of the leased area, execute a lease, enter the lease upon a book to be  
11 known as the "Register of Titles to Oyster Lands," and mail the lease to the applicant  
12 for his signature.

13 (e) If the applicant accepts the lease, he shall sign and return it together with  
14 the first annual rental. If the applicant fails to accept the lease and pay within 60  
15 days all required fees, the application and the lease are null and void, and all  
16 payments previously made by the applicant to the [Department] MEFC are forfeited.  
17 The [Department] MEFC may extend the time for acceptance of the lease for an  
18 additional period of 60 days for good cause.

19 4-11A-07.

20 (a) Except as provided in subsection (c)(2) of this section the term of leases for  
21 submerged lands shall be 20 years at an annual rent the [Department] MEFC deems  
22 proper and commensurate with the value of the leased land.

23 (b) If the [Department] MEFC ascertains that any leased area is affected by  
24 environmental factors which destroy or seriously impede the culture and growth of  
25 oysters and threaten the potential of the area for continued oyster production, it may  
26 reduce or abate the annual rent by an amount and for a period the [Department]  
27 MEFC deems equitable and reasonable in view of the degree of damage.

28 (c) (1) In this subsection, "utilize" includes the planting or harvesting of not  
29 less than 25 bushels of oysters or 25 bags of clams per lease during 1 year of each  
30 3-year period.

31 (2) If any part of the rent required by a lease remains unpaid for more  
32 than 60 days after it becomes due, the [Department] MEFC may declare the lease  
33 null and void in accordance with subsection (e) of this section and the land shall  
34 revert to the State and may be leased again. The [Department] MEFC may cancel any  
35 lease, either in whole or in part, and may diminish or cancel the annual rental to an  
36 extent commensurate with the area remaining under lease on the written request of  
37 the lessee.

38 (3) The [Department] MEFC shall adopt regulations and condition each  
39 lease to require a leaseholder to actively utilize the leased area within any 3-year  
40 period commencing July 1, 1990, or the effective date of a lease after July 1, 1990. The  
41 [Department] MEFC may allow a longer period than 3 years upon a showing that

1 natural conditions, including unavailability of oyster shell or seed, prevented  
2 utilization.

3 (4) If a leaseholder fails to actively utilize leased bottom in accordance  
4 with regulations promulgated under paragraph (2) of this subsection, the leasehold  
5 shall revert to the State and may be leased again. A leaseholder shall maintain  
6 records documenting activities which show that the lease is being used for shellfish  
7 production as required by the [Department] MEFC.

8 (e) (1) The provisions of Title 8 of the Real Property Article do not apply to  
9 leases under this subtitle.

10 (2) Upon a determination under subsection (c) of this section, the  
11 [Department] MEFC shall notify a lessee of the lessee's opportunity to contest the  
12 [Department's] MEFC'S action in a hearing under Title 10, Subtitle 2 of the State  
13 Government Article.

14 4-11A-10.

15 (a) Immediately upon entering into a lease, every lessee shall designate leased  
16 oyster bottoms by plainly marking them as specified by regulations issued by the  
17 [Department] MEFC in consultation with the Tidal Fisheries Advisory Committee  
18 and Aquaculture Advisory Committee. The initials of the lessee shall be marked on at  
19 least four markers. The lessee shall exercise reasonable diligence in maintaining  
20 markers but the temporary loss or destruction of any markers shall not operate to  
21 permit any unauthorized person to trespass on or remove, destroy, or disturb oysters  
22 on any areas.

23 4-11A-12.

24 (b) A person may not import from the waters of Northampton or Accomack  
25 counties, Virginia, oysters or seed oysters infected with oyster drills, screw borers, or  
26 their eggs for planting in the waters of the State. During the period between May 1  
27 and September 30, the [Department] MEFC shall inspect all imported oysters  
28 intended for planting in the waters of the State and shall issue a certificate attesting  
29 that the oysters are free of drills or their eggs. The [Department] MEFC may seize,  
30 condemn, and destroy any oyster infected with oyster drills or its eggs.

31 4-11A-13.

32 (b) Each lessee shall keep accurate records concerning the seeding and  
33 planting of cultch and oysters on, and the harvesting, and selling of oysters from his  
34 leased oyster bottom. Each lessee shall report this information to the [Department]  
35 MEFC on forms the [Department] MEFC prescribes.

36 (c) (2) The nonresident shall:

37 (i) Exhibit the written authorization of the lessee to the  
38 [Department] MEFC on demand;

1 (ii) Obtain a special permit to take oysters from the leased grounds  
2 from the [Department] MEFC; and

3 (iii) Comply with the appropriate provisions of this article.

4 (3) The license fee shall be \$25 a year, and these fees shall be credited to  
5 the Fisheries Research and Development Fund of the [Department] MEFC.

6 (5) The [Department] MEFC may cancel the license at any time if  
7 cancellation is for the benefit of:

8 (i) Conservation;

9 (ii) The proper cultivation of oysters; and

10 (iii) Residents of the State.

11 4-11A-14.

12 (b) Notwithstanding the licensing provisions in Subtitle 10, a person desiring  
13 to dredge on leased grounds first shall obtain from the [Department] MEFC a special  
14 permit for the dredge boat. The fee for this special permit is \$15.

15 4-11A-15.

16 (a) (2) The [Department] MEFC shall request the office of the local State's  
17 Attorney to bring a criminal action under Article 27, § 342 of the Code against a  
18 person found to be in violation of this subsection.

19 (3) (i) On conviction of a person for a violation of this subsection, the  
20 [Department] MEFC may suspend all existing licenses to take or catch oysters issued  
21 to that person for a period not to exceed:

22 1. 1 year for a first conviction; or

23 2. 2 years for a second or subsequent conviction.

24 (ii) Before suspending any license to take or catch oysters under  
25 this section, the [Department] MEFC shall give the licensee written notice of the  
26 right to request a hearing.

27 (iii) A licensee may request a hearing within 15 days from the date  
28 that the notice required by this section is mailed.

29 (iv) The [Department] MEFC shall hold a hearing within 30 days of  
30 the date of the request and render a decision within 30 days of the hearing.

31 4-11A-17.

32 The [Department] MEFC shall establish 3 separate areas of 10 acres of  
33 submerged land each for oyster propagation research in the vicinity of:

- 1 (1) Horn Point in Cambridge in Dorchester County;
- 2 (2) Deale Island in Somerset County; and
- 3 (3) The waters of St. Mary's County, other than in the Potomac River.

4 4-11A-18.

5 Notwithstanding any other provision of this title, the [Department] MEFC may  
6 adopt regulations that allow taking, possession, transport, or sale of oysters, from  
7 leased oyster bottoms only for the purpose of replanting on leased bottoms, that are  
8 less than the minimum size limit in §§ 4-1015 and 4-1015.1 of this title. This section  
9 may not be construed to permit the sale of oysters for human consumption that are  
10 less than the minimum size limit specified in §§ 4-1015 and 4-1015.1 of this title.

11 4-1201.

12 (c) In addition to any administrative penalty provided in this title, violation of  
13 any rule or regulation adopted by any unit within the Department OR MEFC pursuant  
14 to the provisions of this title is a misdemeanor and is punishable as provided in  
15 subsections (a) and (b).

16 (d) In addition to any other applicable penalty set forth in subsections (a) and  
17 (b) of this section, a person who violates any provision of this title or any regulations  
18 adopted by the Secretary or MEFC under the authority of this title concerning the  
19 taking of or creel limits for striped bass, commonly known as rockfish, shall be subject  
20 to the following penalties:

- 21 (1) For a first violation, a fine not exceeding \$1,500 per fish;
- 22 (2) For a second violation, within a 2-year period, a fine not exceeding  
23 \$2,500 per fish and revocation of the fishing license for a period not less than 1 year  
24 but not more than 2 years; and
- 25 (3) For a third violation within a 4-year period, a fine not exceeding  
26 \$2,500 per fish and revocation of the fishing license for a period not less than 2 years  
27 but not more than 5 years.

28 4-1203.

29 If any Natural Resources OR MEFC police officer or any OTHER law enforcement  
30 officer has probable cause to believe that any person possesses any fish or any device  
31 in violation of this title, the officer shall go before any District Court judge of the  
32 county in which the fish or device is supposed to be and make affidavit to that fact. If  
33 the judge finds the affidavit legally sufficient, the judge shall issue a search warrant  
34 against the person complained of, directed to the officer making the affidavit,  
35 commanding the officer to proceed at once and search for the fish or device and, upon  
36 finding it, to seize, take possession, and keep it until further order by the judge. The  
37 warrant shall be executed pursuant to Rule 4-601 of the Maryland Rules. The

1 warrant shall be returned within 5 days from the issuing date or within a shorter  
2 period of time as set forth in the search warrant.

3 4-1204.

4 (a) If a Natural Resources OR MEFC police officer or any OTHER law  
5 enforcement officer has probable cause to believe that any fish or device is possessed,  
6 in violation of this title, and it is not possible or feasible to secure a search warrant in  
7 time to seize the fish or device, then he may examine without a warrant any boat,  
8 railway car, box, crate, package, or game bag.

9 (b) In this event, a Natural Resources OR MEFC police officer, in uniform or  
10 accompanied by a uniformed police officer, may stop and search an automobile, any  
11 vehicle, or trailer for the purpose of examining the fish bag. He also may determine  
12 whether the person has an appropriate license.

13 4-1205.

14 A Natural Resources OR MEFC police officer or any OTHER law enforcement  
15 officer, upon arresting any person for violating any provision of this title or any rule  
16 or regulation promulgated pursuant to it, shall seize every fish unlawfully caught,  
17 sold, offered for sale, transported, or possessed. The Department OR THE MEFC, AS  
18 APPROPRIATE, may dispose of the seized fish at its discretion.

19 4-1206.

20 (a) A Natural Resources OR MEFC police officer or any OTHER law enforcement  
21 officer, upon arresting any person for violating any provision of this title or any rule  
22 or regulation promulgated pursuant to it, may seize every device, equipment,  
23 conveyance, or property unlawfully used. If the owner or person in charge of the  
24 seized device, equipment, conveyance, or property is convicted, the court may declare  
25 the device, equipment, conveyance, or property forfeited in addition to any other  
26 penalty provided in this title. Any forfeiture becomes the property of the Department  
27 OR THE MEFC, AS APPROPRIATE, for disposition at its discretion. If the owner is not  
28 known, the court may proceed ex parte to hear and determine any question of  
29 forfeiture. If the owner or person charged with the violation is not convicted, the  
30 device, equipment, conveyance, or property seized shall be released and returned to  
31 the owner or person charged.

32 4-1208.

33 (a) In this section, "violation" means a violation of:

34 (1) Any provision of this title; and

35 (2) Any rule or regulation concerning fish and fisheries adopted by the  
36 Department OR MEFC.

1 (b) If a person applies for the expungement of the person's record concerning  
2 any violation, the Department OR MEFC, AS APPROPRIATE, shall expunge the record  
3 if, at the time of application:

4 (1) The person has not been convicted of a violation for the preceding 3  
5 years, and any license issued to the person under this title has never been suspended  
6 or revoked;

7 (2) The person has not been convicted of a violation for the preceding 5  
8 years, and any license issued to the person under this title shows not more than 1  
9 suspension and no revocations; or

10 (3) The person has not been convicted of a violation for the preceding 10  
11 years, regardless of the number of suspensions or revocations.

12 4-1209.

13 Upon the failure of any person to appear in a court of this State as required by  
14 any charging document accusing the person of committing any offense under this  
15 title, in addition to any other appropriate action taken by the court, [or] the  
16 Department, OR THE MEFC, the Department OR MEFC, AS APPROPRIATE, may  
17 immediately suspend, without hearing, any license issued to the person under this  
18 title. The Department OR MEFC, AS APPROPRIATE may not issue any new license  
19 under this title to the person until the person appears in court to answer the charging  
20 document.

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

23

**Article - Natural Resources**

24 4-702.

25 (a) Except as provided in subsection (b), a person may not buy, sell, ship,  
26 transport, or otherwise deal in finfish unless the person is licensed by the  
27 [Department] MEFC.

28 (b) The following persons are not required to obtain a license under this  
29 section:

30 (1) A person licensed by the [Department] MEFC to catch finfish for sale;

31 (4) A person who catches or sells finfish for use as live bait, limited to:

32 (i) Fish not subject to a fisheries management plan in accordance  
33 with § 4-215 of this title; and

34 (ii) Fish not otherwise regulated by the [Department] MEFC.

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

3 **Article - Natural Resources**

4 4-702.

5 (a) Except as provided in subsection (b), a person may not buy, sell, ship,  
6 transport, or otherwise deal in finfish unless the person is licensed by the  
7 [Department] MEFC.

8 (b) The following persons are not required to obtain a license under this  
9 section:

10 (1) A person licensed by the [Department] MEFC to catch finfish for sale;

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

13 **Article - Natural Resources**

14 4-803.

15 (a) The [Department] MEFC may adopt rules and regulations to effectuate the  
16 following purposes:

17 (1) To restrict catching and possessing any blue crab;

18 (2) The methods by which crabs are taken;

19 (3) To close or open any specified area to catch crabs;

20 (4) To prohibit or restrict devices used to catch crabs;

21 (5) To establish seasons to catch crabs; and

22 (6) To establish minimum size limits for hard, soft, and peeler crabs.

23 However, this section does not permit the [Department] MEFC to change existing  
24 license fees for catching, picking, canning, packing, or shipping cooked hard or soft  
25 crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or crate.  
26 The [Department] MEFC may set license fees on types of gear or equipment if not  
27 otherwise set by law.

28 (b) The [Department] MEFC may not adopt regulations to:

29 (1) Restrict a tidal fish licensee who catches crabs using trotline gear to  
30 a workday of less than 8 hours per day, excluding time spent setting or taking up  
31 gear;

32 (2) Establish time restrictions on a tidal fish licensee using trotline gear  
33 for setting and taking up gear; or

1 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard  
2 crab pot at any time of the year in order to catch peeler crabs.

3 (c) (1) The [Department] MEFC may adopt regulations which restrict a  
4 holder of a commercial license from catching crabs on certain days of the week.

5 (2) Regulations adopted under this subsection shall be in accordance  
6 with § 4-804 of this subtitle and, to the extent possible, be based on the  
7 considerations set forth in § 4-215 (c) of this title.

8 (d) The [Department's] MEFC'S regulations may not become effective under  
9 this section until the [Department] MEFC first holds public hearings. The  
10 [Department] MEFC shall advertise the time, place, and purpose of the hearings in  
11 one newspaper of general daily circulation in the State, and at least in one newspaper  
12 circulated in the affected region of each county whose waters may be directly affected  
13 by the proposed regulations for 2 successive weeks in advance of the hearings.

14 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
15 read as follows:

16 **Article - Natural Resources**

17 4-803.

18 (a) The [Department] MEFC may adopt rules and regulations to effectuate the  
19 following purposes:

20 (1) To restrict catching and possessing any blue crab;

21 (2) The methods by which crabs are taken;

22 (3) To close or open any specified area to catch crabs;

23 (4) To prohibit or restrict devices used to catch crabs;

24 (5) To establish seasons to catch crabs; and

25 (6) To establish minimum size limits for hard, soft, and peeler crabs.  
26 However, this section does not permit the [Department] MEFC to change existing  
27 license fees for catching, picking, canning, packing, or shipping cooked hard or soft  
28 crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or crate.  
29 The [Department] MEFC may set license fees on types of gear or equipment if not  
30 otherwise set by law.

31 (b) The [Department] MEFC may not adopt regulations to:

32 (1) Restrict a tidal fish licensee who catches crabs using trotline gear to  
33 a workday of less than 8 hours per day, excluding time spent setting or taking up  
34 gear;

1 (2) Establish time restrictions on a tidal fish licensee using trotline gear  
2 for setting and taking up gear; or

3 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard  
4 crab pot at any time of the year in order to catch peeler crabs.

5 (c) The [Department's] MEFC'S regulations may not become effective under  
6 this section until the [Department] MEFC first holds public hearings. The  
7 [Department] MEFC shall advertise the time, place, and purpose of the hearings in  
8 one newspaper of general daily circulation in the State, and at least in one newspaper  
9 circulated in the affected region of each county whose waters may be directly affected  
10 by the proposed regulations for 2 successive weeks in advance of the hearings.

11 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
12 read as follows:

13 **Article - Natural Resources**

14 4-1005.

15 (a) Subject to regulations adopted by the [Department] MEFC pursuant to  
16 this subtitle, a person may catch oysters or clams in the waters of the State only by  
17 hand, rakes, tongs, patent tongs, diving apparatus, dredges, and handscrapes.  
18 Soft-shell clams may be caught by hydraulic or mechanical dredges or rigs.

19 (b) The [Department] MEFC may make uniform the size and weight of patent  
20 tongs in waters where patent tongs are permitted. However, any person using any  
21 size or weight patent tongs on June 1, 1964, may continue to use them.

22 (d) The [Department] MEFC shall adopt regulations to implement this section  
23 that allow a lessee of a leased oyster bottom to use the following methods, in areas  
24 designated by the [Department] MEFC, but not on a natural oyster bar, to catch spat  
25 for use on the leased oyster bottom:

26 (1) Suspended devices; and

27 (2) Material or devices placed on the bottom.

28 SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
29 read as follows:

30 **Article - Natural Resources**

31 4-1005.

32 (b) The [Department] MEFC may make uniform the size and weight of patent  
33 tongs in waters where patent tongs are permitted. However, any person using any  
34 size or weight patent tongs on June 1, 1964, may continue to use them.

1 SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article - Natural Resources**

4 4-1014.

5 (b) A person shall be permitted by the [Department] MEFC before the person  
6 may catch oysters with a power dredge in the waters of the State that lie contiguous  
7 to Somerset County, as described in subsection (a) of this section.

8 (c) (2) The [Department] MEFC may issue a power dredge permit only to  
9 the holder of an oyster harvester license.

10 (d) The [Department] MEFC shall establish zones by regulation within the  
11 following areas in which a person may catch oysters by power dredge only during the  
12 power dredging season from November 1 to March 31:

13 (1) In the waters of this State that lie contiguous to Somerset County as  
14 shown on the charts of the Oyster Survey of 1906-1912, and its amendments, and all  
15 of the waters in the area of Kedges Straits enclosed by a line beginning at Fog Point,  
16 then easterly to Solomons Lump lighthouse, then northerly to Sheepshead Point, then  
17 along the west side of South Marsh Island to the southeast end of the Holland Straits  
18 crab pot line at Pry Island, then northwesterly to the intersection of the crab pot line  
19 and the Dorchester County-Somerset County line, then southwesterly to the  
20 intersection of the Dorchester County-Somerset County line and the bay  
21 waters-county waters line across Kedges Straits, then southeasterly to Fog Point, the  
22 point of beginning.

23 (2) In the waters of Tangier Sound, that area enclosed by a line  
24 beginning at United States Coast Guard buoy "8", then easterly to Janes Island Light,  
25 then southeasterly to Great Point, then following the shoreline southerly to the  
26 Maryland/Virginia boundary corner at Watkins Point, then westerly along the  
27 Maryland/Virginia line to a point, defined by latitude 37 degrees, 54 minutes, 28  
28 seconds north, longitude 75 degrees, 56 minutes, 26 seconds west, due north of United  
29 States Coast Guard buoy "6", then northerly to United States Coast Guard buoy "8",  
30 the point of beginning.

31 (3) In the waters of Tangier Sound, that area enclosed by a line  
32 beginning at the United States Coast Guard red and green junction buoy at the  
33 mouth of the Manokin River and Big Annemessex River, then southerly to James  
34 Island Light, then southwesterly to the Maryland/Virginia boundary corner at Horse  
35 Hammock Point, then northerly along the eastern shoreline of Smith Island to  
36 Fishing Point, then northeasterly to United States Coast Guard bell number 5 buoy,  
37 then southeasterly to the United States Coast Guard red and green junction buoy at  
38 the mouth of the Manokin River and Big Annemessex River, the point of beginning.

39 (4) In the waters of Tangier Sound, that area enclosed by a line  
40 beginning at the United States Coast Guard red and green junction buoy at the

1 mouth of the Manokin River and Big Annemessex River, then northerly to Piney  
 2 Island defined by latitude 38 degrees, 06 minutes, 31 seconds north, longitude 75  
 3 degrees, 55 minutes, 23 seconds west, then northeasterly to East Point, then  
 4 southeasterly to Cormal Point, then following the shoreline southwesterly to Hazard  
 5 Point, then continuing along the shoreline southerly to the mouth of the Big  
 6 Annemessex River, then easterly along the shoreline to Scotts Point, then  
 7 southeasterly across the Big Annemessex River to Long Point, then following the  
 8 shoreline southwesterly to Flatcap Point, then westerly to United States Coast Guard  
 9 red and green junction buoy at the mouth of the Manokin and Big Annemessex rivers,  
 10 the point of beginning.

11 (f) (1) The [Secretary] MEFC may adopt regulations to carry out the intent  
 12 of this section.

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

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

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

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

25 SECTION 9. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 26 read as follows:

27 **Article - Natural Resources**

28 4-1014.

29 (c) A person may not catch oysters in the oyster sanctuary described in  
 30 subsection (b) of this section or an oyster sanctuary that was established by  
 31 regulations adopted by the [Department] MEFC.

32 SECTION 10. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 33 read as follows:

34 **Article - Natural Resources**

35 4-1014.1.

36 (b) Except for a person who holds a dredge boat license from the  
 37 [Department] MEFC and catches oysters under § 4-1013 of this subtitle, a person

1 shall be permitted by the [Department] MEFC before the person may catch oysters by  
2 power dredge in waters subject to this section.

3 (c) (2) The [Department] MEFC may issue a power dredging permit only to  
4 the holder of an oyster harvester license.

5 (d) The [Department] MEFC shall establish zones by regulations within the  
6 following area in which a person may catch oysters by power dredge only during the  
7 power dredging season from November 1 to March 31 in the waters of the State  
8 contiguous to Calvert County as shown on the charts of the Oyster Survey of  
9 1906-1912, and its amendments, beginning at its border with Anne Arundel County  
10 on the Chesapeake Bay shoreline south of Holland Point, then running southerly to  
11 Drum Point, then southerly following the contiguous waters line across the mouth of  
12 the Patuxent River to the intersection of the contiguous waters line and the Calvert  
13 County-St. Mary's county line, then following the Calvert and St. Mary's county line  
14 in an easterly direction to the Dorchester County line, then following the Calvert and  
15 Dorchester county line northwesterly to the junction of the Calvert, Dorchester, and  
16 Talbot county lines, then continuing in a northwesterly direction along the Calvert  
17 and Talbot county line to the junction of the Calvert, Talbot, and Anne Arundel county  
18 lines and then westerly to the border of Calvert and Anne Arundel counties on the  
19 Chesapeake Bay shoreline south of Holland Point, the point of beginning.

20 (f) (1) The [Secretary] MEFC shall adopt regulations to implement this  
21 section.

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

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

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

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

34 SECTION 11. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
35 read as follows:

36 **Article - Natural Resources**

37 4-1014.1.

38 (b) A person may not catch oysters in an oyster sanctuary that was established  
39 by regulations adopted by the [Department] MEFC.

1 SECTION 12. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article - Natural Resources**

4 4-1014.2.

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

9 (c) (2) The [Department] MEFC may issue a power dredging permit only to  
10 the holder of an oyster harvester license.

11 (d) The [Department] MEFC shall establish zones by regulations within the  
12 following area in which a person may catch oysters by power dredge only during the  
13 power dredging season from November 1 to March 31 in the waters of the State  
14 contiguous to St. Mary's County as shown on the charts of the Oyster Survey of  
15 1906-1912, and its amendments, beginning at Smith Point and extending in a  
16 northwesterly direction to Point Lookout, then extending in a northerly direction  
17 along the bay front shoreline to Cedar Point, then easterly to the United States Coast  
18 Guard bell buoy "1 PR", then continuing easterly toward the United States Coast  
19 Guard red and white mid-channel buoy to the St. Mary's and Dorchester county line,  
20 then in a southeasterly direction to the junction of the St. Mary's, Dorchester, and  
21 Somerset county lines, then continuing in a southwesterly direction along the St.  
22 Mary's and Somerset county line to Smith Point, the point of beginning.

23 (f) (1) The [Secretary] MEFC shall adopt regulations to implement this  
24 section.

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

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

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

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

37 SECTION 13. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
38 read as follows:

1

**Article - Natural Resources**

2 4-1014.2.

3 (b) A person may not catch oysters in an oyster sanctuary that was established  
4 by regulations adopted by the [Department] MEFC.

5 SECTION 14. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
6 read as follows:

7

**Article - Natural Resources**

8 4-1014.3.

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

14 (c) (2) The [Department] MEFC may issue a power dredge permit only to  
15 the holder of an oyster harvester license.

16 (d) The [Department] MEFC shall establish zones by regulations within the  
17 following areas in which a person may catch oysters by power dredging only during  
18 the power dredging season from November 1 to March 31.

19 (1) In the waters of the State that lie contiguous to Dorchester County as  
20 shown on the charts of the Oyster Survey of 1906-1912, and its amendments,  
21 beginning at the intersection of the Dorchester County-Somerset County line and the  
22 contiguous waters line running from the south end of Holland Island to Fog Point,  
23 then northwesterly along the contiguous waters line to the south end of Holland  
24 Island, then running northerly to the southernmost point of land at James Island,  
25 then westerly toward the lighted marker located at latitude 38 degrees, 29 minutes,  
26 57 seconds north, longitude 76 degrees, 30 minutes, 04 seconds west, at Kenwood  
27 Beach, to the Dorchester County line, then southerly along the Dorchester  
28 County-Calvert County line, then southerly along the Dorchester County-St. Mary's  
29 county line to the intersection of the Dorchester County-St. Mary's and Somerset  
30 county lines, then easterly along the Dorchester County-Somerset County line to a  
31 point defined by latitude 38 degrees, 03 minutes, 41 seconds north, longitude 76  
32 degrees, 04 minutes, 43 seconds west, then northeasterly along the Dorchester  
33 County-Somerset County line to the intersection of the Dorchester County-Somerset  
34 County line and the contiguous waters line running from the south end of Holland  
35 Island to Fog Point, the point of beginning.

36 (2) In the waters of Holland Straits, that area enclosed by a line  
37 beginning at the intersection of the Dorchester County-Somerset County line and the  
38 crab pot line which runs from Pry Island to the south end of Holland Island, then  
39 northwesterly along the crab pot line to the south end of Holland Island, then  
40 southeasterly along the contiguous waters line which runs from the south end of

1 Holland Island to Fog Point to the intersection of the Dorchester County-Somerset  
 2 County line, then northeasterly to the intersection of the Dorchester  
 3 County-Somerset County line and the crab pot line which runs from Pry Island to the  
 4 south end of Holland Island, the point of beginning.

5 (3) In the waters of Hoopers Straits, that area enclosed by a line  
 6 beginning at Okahanikan Point, then northwesterly to the navy tower, then  
 7 northeasterly to the United States Coast Guard buoy "2", then northwesterly to the  
 8 United States Coast Guard marker "1", then to Billy's Point, then southwesterly along  
 9 the shore of lower Hoopers Island to the intersection of the contiguous waters line  
 10 which runs across Hoopers Straits, then southeasterly along the contiguous waters  
 11 line to Okahanikan Point, the point of beginning.

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

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

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

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

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

26 SECTION 15. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 27 read as follows:

28 **Article - Natural Resources**

29 4-1014.3.

30 (b) A person may not catch oysters in an oyster sanctuary that was established  
 31 by regulations adopted by the [Department] MEFC.

32 SECTION 16. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 33 read as follows:

**Article - Natural Resources**

1

2 4-11A-02.

3 (a) (1) The [Department] MEFC shall promulgate by regulation  
4 requirements that are necessary to ensure that aquaculture operations do not  
5 adversely impact wild stocks of fish, including measures for identifying fish as  
6 products of an aquaculture operation. In developing these regulations, the  
7 [Department] MEFC shall consult with the Aquaculture Advisory Committee,  
8 established by § 10-1302 of the Agriculture Article, and incorporate in the regulations  
9 public notice provisions in accordance with § 4-11A-06 of this subtitle.

10 (2) The [Department] MEFC may not issue a permit for the raising of  
11 nonnative species, including hybrids of striped bass, or nonnative stocks unless:

12 (i) The permit limits the aquaculture operation to nontidal ponds,  
13 lakes, or impoundments; and

14 (ii) The aquaculture operation is constructed in a manner that  
15 assures that nonnative stocks are precluded from entering the tidal waters or  
16 contaminating the native species of the State.

17 (3) The [Department] MEFC may not issue a permit for the raising of a  
18 transgenic species or a genetically altered species, unless:

19 (i) The permit limits the aquaculture operation to waters of the  
20 State that do not flow into any other body of water; and

21 (ii) The aquaculture operation is constructed in a manner that  
22 assures that transgenic or genetically altered stocks are precluded from entering any  
23 other waters or contaminating other aquatic species of the State.

24 (b) A person may not engage in aquaculture unless the person has obtained a  
25 permit from the [Department] MEFC. The permit shall be conditioned upon the  
26 person complying with the regulations promulgated under subsection (a) of this  
27 section.

28 (c) A permittee under this section shall allow the [Department] MEFC to  
29 inspect at reasonable hours any facilities, equipment, or fish involved in the  
30 permittee's aquaculture operations.

31 (d) Except as otherwise provided by law or by regulations adopted by the  
32 [Department] MEFC, all provisions of this title and regulations adopted under this  
33 title applicable to the taking, possession, sale, and transport of finfish do not apply to  
34 finfish that are in or from aquaculture operations in nontidal ponds, lakes, or  
35 impoundments.

36 SECTION 17. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
37 read as follows:

**Article - Natural Resources**

1

2 4-11A-02.

3 (a) (1) The [Department] MEFC shall promulgate by regulation  
4 requirements that are necessary to ensure that aquaculture operations do not  
5 adversely impact wild stocks of fish, including measures for identifying fish as  
6 products of an aquaculture operation. In developing these regulations, the  
7 [Department] MEFC shall consult with the Aquaculture Advisory Committee,  
8 established by § 10-1302 of the Agriculture Article, and incorporate in the regulations  
9 public notice provisions in accordance with § 4-11A-06 of this subtitle.

10 (2) The [Department] MEFC may not issue a permit for the raising of  
11 nonnative species, including hybrids of striped bass, or nonnative stocks unless:

12 (i) The permit limits the aquaculture operation to nontidal ponds,  
13 lakes, or impoundments; and

14 (ii) The aquaculture operation is constructed in a manner that  
15 assures that nonnative stocks are precluded from entering the tidal waters or  
16 contaminating the native species of the State.

17 (b) A person may not engage in aquaculture unless the person has obtained a  
18 permit from the [Department] MEFC. The permit shall be conditioned upon the  
19 person complying with the regulations promulgated under subsection (a) of this  
20 section.

21 (c) A permittee under this section shall allow the [Department] MEFC to  
22 inspect at reasonable hours any facilities, equipment, or fish involved in the  
23 permittee's aquaculture operations.

24 (d) Except as otherwise provided by law or by regulations adopted by the  
25 [Department] MEFC, all provisions of this title and regulations adopted under this  
26 title applicable to the taking, possession, sale, and transport of finfish do not apply to  
27 finfish that are in or from aquaculture operations in nontidal ponds, lakes, or  
28 impoundments.

29 SECTION 18. AND BE IT FURTHER ENACTED, That notwithstanding the  
30 effective date of Section 1 of this Act, the Governor shall appoint the initial members  
31 of the Marine and Estuarine Fisheries Commission by October 1, 2002, and their  
32 initial terms shall expire as follows:

33 (1) 2 members in January 2004;

34 (2) 2 members in January 2005; and

35 (3) 3 members in January 2006.

36 SECTION 19. AND BE IT FURTHER ENACTED, That all powers, functions,  
37 duties, equipment, records, assets, and liabilities related to the management of

1 marine and estuarine fisheries under Titles 1, 4, and 10 of the Natural Resources  
2 Article, and all personnel assigned to these powers, functions, and duties in the  
3 Department of Natural Resources, be, and they are hereby transferred to the Marine  
4 and Estuarine Fisheries Commission under Titles 1A, 4, and 10 of the Natural  
5 Resources Article. This transfer shall begin immediately upon the effective date of  
6 this Act and shall be complete by July 1, 2003.

7 SECTION 20. AND BE IT FURTHER ENACTED, That every person who is  
8 employed by the Department of Natural Resources in a marine and estuarine  
9 fisheries management function in a position authorized by the State budget is hereby  
10 transferred to the Marine and Estuarine Fisheries Commission on or before July 1,  
11 2003, without any change or loss of rights, benefits, or employment and retirement  
12 status, except as otherwise specifically provided in this Act.

13 SECTION 21. AND BE IT FURTHER ENACTED, That with respect to powers,  
14 functions, and duties transferred by this Act, the Marine and Estuarine Fisheries  
15 Commission is the successor of the Department of Natural Resources, the Chairman  
16 of the MEFC is the successor of the Secretary of Natural Resources for all purposes  
17 related to State policy regarding the conservation and management of marine and  
18 estuarine fisheries, and the Executive Director of the MEFC is the successor of the  
19 Secretary of Natural Resources for all purposes related to the administration of the  
20 MEFC as an independent State agency. In every law, executive order, regulation,  
21 policy, rule, or document created by any department, official, employee, or unit of this  
22 State, the names and titles of that department, official, employee, or unit mean the  
23 name and term of the successor department, official, employee, or unit for purposes of  
24 marine and estuarine fisheries management, as provided in this Act.

25 SECTION 22. AND BE IT FURTHER ENACTED, That, notwithstanding the  
26 effective date of Section 1 of this Act, the following funds shall be transferred from the  
27 Department of Natural Resources to the Marine and Estuarine Fisheries Commission  
28 on or before July 1, 2003:

29 (1) that portion of the State Chesapeake Bay and Endangered Species  
30 Fund designated to be administered by the Marine and Estuarine Fisheries  
31 Commission under § 1-703 of the Natural Resources Article, as enacted under Section  
32 1 of this Act;

33 (2) all State funds from the sale of marine and estuarine fishery licenses  
34 and stamps issued under Title 4 of the Natural Resources Article or any regulations  
35 adopted under the authority of Title 4;

36 (3) all other State and federal funds received or to be received by the  
37 Department of Natural Resources that are related to the conservation and  
38 management of marine and estuarine fisheries.

39 SECTION 23. AND BE IT FURTHER ENACTED, That, except as otherwise  
40 provided in this Act, nothing in this Act affects the term of office of an appointed  
41 member of any board, commission, committee, or other agency or unit. A person who  
42 is a member of such a unit on the effective date of this Act shall remain a member for

1 the balance of the term to which the member was appointed, unless the member  
2 sooner dies, resigns, or is removed pursuant to the provisions of law.

3 SECTION 24. AND BE IT FURTHER ENACTED, That, except as expressly  
4 provided to the contrary in this Act, any transaction affected by or flowing from any  
5 statute here amended, repealed, or transferred, and validly entered into before the  
6 effective date of this Act and every right, duty, or interest following from it remains  
7 valid after the effective date of this Act and may be terminated, completed,  
8 consummated, or enforced pursuant to law.

9 SECTION 25. AND BE IT FURTHER ENACTED, That, except as otherwise  
10 provided in this Act, all permits and licenses, applications for permits and licenses,  
11 regulations, proposed regulations, standards and guidelines, proposed standards and  
12 guidelines, orders and other directives, forms, plans, memberships, special funds,  
13 appropriations, grants, applications for grants, contracts, properties, investigations,  
14 administrative and judicial proceedings, rights to sue and be sued, and all other  
15 duties and responsibilities associated with those functions transferred by this Act  
16 shall continue in effect under the Marine and Estuarine Fisheries Commission or the  
17 appropriate board, commission, or other unit within the MEFC, until completed,  
18 withdrawn, cancelled, modified, or otherwise changed pursuant to law.

19 SECTION 26. AND BE IT FURTHER ENACTED, That the publisher of the  
20 Annotated Code of Maryland, in consultation with and subject to the approval of the  
21 Department of Legislative Services, shall correct, with no further action required by  
22 the General Assembly, cross-references and terminology rendered incorrect by this  
23 Act or by any other Act of the General Assembly of 2002 that affects provisions  
24 enacted by this Act. The publisher shall adequately describe any such correction and  
25 editor's note following the section affected.

26 SECTION 27. AND BE IT FURTHER ENACTED, That all laws or parts of laws,  
27 public general or public local, or regulations, inconsistent with this Act, are repealed  
28 to the extent of the inconsistency.

29 SECTION 28. AND BE IT FURTHER ENACTED, That if any provision of this  
30 Act or the application thereof to any person or circumstance is held invalid for any  
31 reason in a court of competent jurisdiction, the invalidity does not affect other  
32 provisions or any other application of this Act which can be given effect without the  
33 invalid provision or application, and for this purpose the provisions of this Act are  
34 declared severable.

35 SECTION 29. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
36 shall take effect on the taking effect of the termination provision specified in Section  
37 3 of Chapter 661 of the Acts of the General Assembly of 2001. If that termination  
38 provision takes effect, Section 2 of this Act shall be abrogated and of no further force  
39 and effect. This Act may not be interpreted to have any effect on that termination  
40 provision.

41 SECTION 30. AND BE IT FURTHER ENACTED, That Section 5 of this Act  
42 shall take effect on the taking effect of the termination provision specified in Section

1 2 of Chapter 294 of the Acts of the General Assembly of 2001. If that termination  
2 provision takes effect, Section 4 of this Act shall be abrogated and of no further force  
3 and effect. This Act may not be interpreted to have any effect on that termination  
4 provision.

5 SECTION 31. AND BE IT FURTHER ENACTED, That Section 7 of this Act  
6 shall take effect on the taking effect of the termination provision specified in Section  
7 2 of Chapter 513 of the Acts of the General Assembly of 2001. If that termination  
8 provision takes effect, Section 6 of this Act shall be abrogated and of no further force  
9 and effect. This Act may not be interpreted to have any effect on that termination  
10 provision.

11 SECTION 32. AND BE IT FURTHER ENACTED, That Section 9 of this Act  
12 shall take effect on the taking effect of the termination provision specified in Sections  
13 4 and 5 of Chapter 497 of the Acts of the General Assembly of 2001. If that  
14 termination provision takes effect, Section 8 of this Act shall be abrogated and of no  
15 further force and effect. This Act may not be interpreted to have any effect on that  
16 termination provision.

17 SECTION 33. AND BE IT FURTHER ENACTED, That Section 11 of this Act  
18 shall take effect on the taking effect of the termination provision specified in Section  
19 4 of Chapter 407 of the Acts of the General Assembly of 1999. If that termination  
20 provision takes effect, Section 10 of this Act shall be abrogated and of no further force  
21 and effect. This Act may not be interpreted to have any effect on that termination  
22 provision.

23 SECTION 34. AND BE IT FURTHER ENACTED, That Section 13 of this Act  
24 shall take effect on the taking effect of the termination provision specified in Section  
25 4 of Chapter 478 of the Acts of the General Assembly of 1999. If that termination  
26 provision takes effect, Section 12 of this Act shall be abrogated and of no further force  
27 and effect. This Act may not be interpreted to have any effect on that termination  
28 provision.

29 SECTION 35. AND BE IT FURTHER ENACTED, That Section 15 of this Act  
30 shall take effect on the taking effect of the termination provision specified in Section  
31 4 of Chapter 633 of the Acts of the General Assembly of 1999. If that termination  
32 provision takes effect, Section 14 of this Act shall be abrogated and of no further force  
33 and effect. This Act may not be interpreted to have any effect on that termination  
34 provision.

35 SECTION 36. AND BE IT FURTHER ENACTED, That Section 17 of this Act  
36 shall take effect on the taking effect of the termination provision specified in Section  
37 2 of Chapter 54 of the Acts of the General Assembly of 2001. If that termination  
38 provision takes effect, Section 16 of this Act shall be abrogated and of no further force  
39 and effect. This Act may not be interpreted to have any effect on that termination  
40 provision.

41 SECTION 37. AND BE IT FURTHER ENACTED, That, subject to the  
42 provisions of Sections 29 through 36, inclusive, this Act shall take effect July 1, 2003.

1 SECTION 38. AND BE IT FURTHER ENACTED, That Sections 18 through 28,  
2 inclusive, of this Act shall take effect July 1, 2002.