
By: **Chairman, Environmental Matters Committee (Departmental - Natural Resources)**

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments
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CHAPTER _____

1 AN ACT concerning

2 ~~Natural Resources—Oysters~~ **Oyster Sanctuaries and Reserves - Penalties for**
3 **Taking Oysters**

4 FOR the purpose of establishing certain penalties to be imposed on a person who
5 intentionally and unlawfully takes oysters from an oyster sanctuary, oyster
6 reserve, or private leased bottom under certain circumstances certain oyster
7 sanctuaries or certain oyster reserves; and generally relating to certain
8 penalties for the intentional and unlawful taking of oysters from certain
9 sanctuaries and reserves.

10 BY repealing and reenacting, with amendments,
11 Article - Natural Resources
12 Section 4-1201
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2001 Supplement)

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

17 **Article - Natural Resources**

18 4-1201.

19 (a) Except as otherwise specifically provided in this title, a person who
20 violates any provision of this title is guilty of a misdemeanor and, upon conviction, is
21 subject to a fine not exceeding \$500, with costs imposed in the discretion of the court.

1 (b) Unless another penalty is specifically provided elsewhere in this title, any
2 person found guilty of a second or subsequent violation of any provision of this title is
3 subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or
4 both, with costs imposed in the discretion of the court. For the purpose of this
5 subsection, a second or subsequent violation is one which has occurred within two
6 years of any prior violation of this title.

7 (c) In addition to any administrative penalty provided in this title, violation of
8 any rule or regulation adopted by any unit within the Department pursuant to the
9 provisions of this title is a misdemeanor and is punishable as provided in subsections
10 (a) and (b).

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

16 (1) For a first violation, a fine not exceeding \$1,500 per fish;

17 (2) For a second violation, within a 2-year period, a fine not exceeding
18 \$2,500 per fish and revocation of the fishing license for a period not less than 1 year
19 but not more than 2 years; and

20 (3) For a third violation within a 4-year period, a fine not exceeding
21 \$2,500 per fish and revocation of the fishing license for a period not less than 2 years
22 but not more than 5 years.

23 (e) A common carrier transporting fish who is not the buyer, seller, or catcher
24 of the fish or is not controlled by the buyer, seller, or catcher of the fish is not subject
25 to any penalty under this section for transporting fish which is either unlawfully
26 caught or of unlawful size provided that the operator of the common carrier has in his
27 possession a valid bill of lading, stating the origin, shipper, destination and receiver of
28 the fish and the common carrier does not know or have reason to know that the fish
29 were unlawfully caught or of unlawful size.

30 (F) IN ADDITION TO ANY OTHER APPLICABLE PENALTY SET FORTH IN THIS
31 TITLE, A PERSON WHO INTENTIONALLY AND UNLAWFULLY TAKES OYSTERS FROM
32 AN OYSTER SANCTUARY, AN OYSTER RESERVE, OR A PRIVATE LEASED BOTTOM
33 SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:

34 (1) ~~FOR A FIRST VIOLATION FOR REMOVING OYSTERS FROM AN~~
35 ~~UNMARKED OYSTER SANCTUARY OR AN UNMARKED OYSTER RESERVE DESIGNATED~~
36 ~~BY THE DEPARTMENT IN A PUBLIC NOTICE, OR A PRIVATE LEASED BOTTOM, A FINE~~
37 ~~NOT EXCEEDING \$500 AND SUSPENSION OF THE PERSON'S TIDAL FISH LICENSE FOR~~
38 ~~A PERIOD OF 30 DAYS.~~

39 (2) ~~FOR A SECOND VIOLATION WITHIN A 2 YEAR PERIOD FOR TAKING~~
40 ~~OYSTERS FROM AN UNMARKED OYSTER SANCTUARY OR AN UNMARKED OYSTER~~
41 ~~RESERVE DESIGNATED BY THE DEPARTMENT IN A PUBLIC NOTICE, OR A PRIVATE~~

1 ~~LEASED BOTTOM, A FINE NOT EXCEEDING \$1,000 AND SUSPENSION OF THE PERSON'S~~
2 ~~TIDAL FISH LICENSE FOR A PERIOD OF 60 DAYS.~~

3 (3) ~~FOR A THIRD VIOLATION WITHIN A 4 YEAR PERIOD FOR TAKING~~
4 ~~OYSTERS FROM AN UNMARKED OYSTER SANCTUARY OR AN UNMARKED OYSTER~~
5 ~~RESERVE DESIGNATED BY THE DEPARTMENT IN A PUBLIC NOTICE, OR A PRIVATE~~
6 ~~LEASED BOTTOM, A FINE NOT EXCEEDING \$2,000 AND REVOCATION OF THE PERSON'S~~
7 ~~TIDAL FISH LICENSE FOR A PERIOD NOT LESS THAN 1 YEAR BUT NOT MORE THAN 2~~
8 ~~YEARS.~~

9 (4) ~~FOR TAKING OYSTERS FROM AN OYSTER SANCTUARY OR OYSTER~~
10 ~~RESERVE THAT IS DESIGNATED AND MARKED BY BUOYS, BUOYS SHALL BE SUBJECT~~
11 ~~TO A FINE NOT EXCEEDING \$3,000 AND IMMEDIATE REVOCATION SUSPENSION OF A~~
12 ~~THE PERSON'S TIDAL FISH LICENSE FOR A PERIOD NOT LESS THAN 2 YEARS 6~~
13 ~~MONTHS BUT NOT MORE THAN 5 YEARS 1 YEAR.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect July 1, 2002.