

SENATE BILL 493
EMERGENCY BILL

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2002 Regular Session
2lr2437
CF HB 353

By: **Senators Harris, Baker, Colburn, Dyson, and Stoltzfus**
Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Oysters - Nonnative Species - Research for Possible Cultivation in Maryland**
3 **Waters**

4 FOR the purpose of requiring the Department of Natural Resources to study the
5 potentiality and feasibility of cultivating the species of oyster *Crassostrea*
6 *ariakensis* in Maryland waters; authorizing, with prior approval of the
7 Department, certain research and experimentation in Maryland waters with
8 certain oysters; requiring the Department to ensure that certain research with
9 certain oysters does not result in de facto introduction of a nonnative species;
10 requiring the Department to report to the Governor and certain legislative
11 committees of the General Assembly by certain dates; making this Act an
12 emergency measure; and generally relating to live, nonnative oyster species.

13 BY adding to
14 Article - Natural Resources
15 Section 4-1019.3
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2001 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Natural Resources
20 Section 4-11A-02(a)(2)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2001 Supplement)

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

25 **Article - Natural Resources**

26 4-1019.3.

27 (A) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL, IN
28 COOPERATION WITH BOTH PRIVATE AND PUBLIC MARYLAND RESEARCH

1 INSTITUTIONS WITH EXPERTISE IN THE FIELD, STUDY THE POTENTIALITY AND
2 FEASIBILITY OF CULTIVATING THE SPECIES OF OYSTER CRASSOSTREA ARIAKENSIS
3 IN MARYLAND WATERS.

4 (2) THE STUDY REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION
5 SHALL INCLUDE AN ANALYSIS OF THE ECOLOGICAL BENEFITS AND RISKS
6 ASSOCIATED WITH THE INTRODUCTION OF REPRODUCTIVELY CAPABLE NONNATIVE
7 OYSTER SPECIES IN MARYLAND WATERS.

8 (B) WITH PRIOR APPROVAL OF THE DEPARTMENT, A PERSON MAY ENGAGE IN
9 RESEARCH AND EXPERIMENTATION IN MARYLAND WATERS WITH LIVE, NONNATIVE
10 OYSTERS.

11 (C) THE DEPARTMENT SHALL ENSURE THAT ANY RESEARCH IT APPROVES
12 INVOLVING LIVE, NONNATIVE OYSTERS IN MARYLAND WATERS WILL NOT RESULT IN
13 THE DE FACTO INTRODUCTION OF A NONNATIVE SPECIES.

14 4-11A-02.

15 (a) (2) [The] EXCEPT AS SPECIFICALLY AUTHORIZED IN § 4-1019.3 OF THIS
16 ARTICLE, THE Department may not issue a permit for the raising of nonnative
17 species, including hybrids of striped bass, or nonnative stocks unless:

18 (i) The permit limits the aquaculture operation to nontidal ponds,
19 lakes, or impoundments; and

20 (ii) The aquaculture operation is constructed in a manner that
21 assures that nonnative stocks are precluded from entering the tidal waters or
22 contaminating the native species of the State.

23 SECTION 2. AND BE IT FURTHER ENACTED, That:

24 (a) On or before December 1, 2003, the Department of Natural Resources shall
25 submit an interim report to the Governor, the House Environmental Matters
26 Committee and the Senate Education, Health, and Environmental Affairs Committee
27 concerning the status of on-going research and interim findings in accordance with §
28 2-1246 of the State Government Article.

29 (b) On or before December 1, 2004, the Department of Natural Resources shall
30 submit a final report to the Governor, the House Environmental Matters Committee
31 and the Senate Education, Health, and Environmental Affairs Committee concerning
32 the potentiality and feasibility of cultivating the species of oyster *Crassostrea*
33 *ariakensis* in Maryland waters in accordance with § 2-1246 of the State Government
34 Article.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
36 measure, is necessary for the immediate preservation of the public health or safety,
37 has been passed by a ye and nay vote supported by three-fifths of all the members
38 elected to each of the two Houses of the General Assembly, and shall take effect from
39 the date it is enacted.

