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By: Delegates Wood, Bohanan, and O'Donnell Introduced and read first time: February 3, 2003

Assigned to: Environmental Matters

	A BILL ENTITLED
1	AN ACT concerning
2 3	Potomac River Fisheries Commission - Dredging of Oysters and Oyster Repletion Fees
4 5 6 7 8 9	FOR the purpose of altering certain authority of the Potomac River Fisheries Commission to regulate the dredging of oysters; authorizing the Commission to levy certain oyster repletion fees; making this Act subject to a certain contingency; and generally relating to certain authority of the Potomac River Fisheries Commission regarding the dredging of oysters and the levy of certain repletion fees.
10 11 12 13 14	Annotated Code of Maryland
15	Preamble
18 19	WHEREAS, In establishing the Potomac River Fisheries Commission (Commission), the Maryland-Virginia Potomac River Compact of 1958 stated in Article IV, Section 1(c) that " [l]easing, dredging, and patent tonging shall be authorized by the Commission only if such authorization is granted by joint action of the Legislatures of Maryland and Virginia"; and
23	WHEREAS, In 1974, the General Assembly of Virginia authorized the Commission to regulate the dredging of oysters with handscrapes and to levy license fees for dredging in the areas of the Potomac River within its geographical jurisdiction; and
27	WHEREAS, In Chapter 403 of the Acts of 1974, the General Assembly of Maryland enacted similar legislation, and, with that concurrence, the Governor of Maryland issued a proclamation to declare the authority of the Commission to be valid and effective in these areas; and

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- 1 WHEREAS, In 1982 the General Assembly of Virginia enacted Chapter 116,
- 2 which sought to expand the authority of the Commission so that, in addition to license
- 3 fees, it could levy oyster repletion fees and regulate all dredging of oysters, not just
- 4 dredging with handscrapes; and
- 5 WHEREAS, This 1982, Virginia legislation has not become effective because
- 6 similar legislation has not yet been enacted in Maryland; and
- WHEREAS, On the advice of its Oyster Advisory Committee, a panel of citizens
- 8 and fishing industry representatives, the Commission recently determined that the
- 9 regulation of power dredging and the levy of repletion fees would be useful
- 10 management tools, particularly during this time of critically low oyster harvests, and
- 11 thus, Maryland's assent to this broader authorization is necessary; now, therefore,
- 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 13 MARYLAND, That the Laws of Maryland read as follows:
- 14 Article Natural Resources
- 15 4-307.
- 16 The Potomac River Fisheries Commission shall have the power to make, adopt,
- 17 and publish such rules and regulations as may be necessary or desirable for
- 18 authorizing and regulating the dredging of oysters [with handscrapes] in areas of the
- 19 Potomac River within its geographical jurisdiction and may levy license AND
- 20 REPLETION fees for same.
- 21 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
- 22 Legislative Services shall notify the appropriate officials of the Commonwealth of
- 23 Virginia of the enactment of this Act; and that the Governor of the State of Maryland
- 24 shall issue a proclamation declaring this Act valid and effective and shall forward a
- 25 copy of the proclamation to the Executive Director of the Department of Legislative
- 26 Services.
- 27 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of
- 28 this Act, this Act shall take effect October 1, 2003.