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By: **Delegates Wood, Bohanan, and O'Donnell**  
Introduced and read first time: February 3, 2003  
Assigned to: Environmental Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 4, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Potomac River Fisheries Commission - Dredging of Oysters and Oyster**  
3 **Repletion Fees**

4 FOR the purpose of altering certain authority of the Potomac River Fisheries  
5 Commission to regulate the dredging of oysters; authorizing the Commission to  
6 levy certain oyster repletion fees; making this Act subject to a certain  
7 contingency; and generally relating to certain authority of the Potomac River  
8 Fisheries Commission regarding the dredging of oysters and the levy of certain  
9 repletion fees.

10 BY repealing and reenacting, with amendments,  
11 Article - Natural Resources  
12 Section 4-307  
13 Annotated Code of Maryland  
14 (2000 Replacement Volume and 2002 Supplement)

15 Preamble

16 WHEREAS, In establishing the Potomac River Fisheries Commission  
17 (Commission), the Maryland-Virginia Potomac River Compact of 1958 stated in  
18 Article IV, Section 1(c) that "... [l]easing, dredging, and patent tonging shall be  
19 authorized by the Commission only if such authorization is granted by joint action of  
20 the Legislatures of Maryland and Virginia ..."; and

21 WHEREAS, In 1974, the General Assembly of Virginia authorized the  
22 Commission to regulate the dredging of oysters with handscrapes and to levy license  
23 fees for dredging in the areas of the Potomac River within its geographical  
24 jurisdiction; and

1 WHEREAS, In Chapter 403 of the Acts of 1974, the General Assembly of  
2 Maryland enacted similar legislation, and, with that concurrence, the Governor of  
3 Maryland issued a proclamation to declare the authority of the Commission to be  
4 valid and effective in these areas; and

5 WHEREAS, In 1982 the General Assembly of Virginia enacted Chapter 116,  
6 which sought to expand the authority of the Commission so that, in addition to license  
7 fees, it could levy oyster repletion fees and regulate all dredging of oysters, not just  
8 dredging with handscrapes; and

9 WHEREAS, This 1982, Virginia legislation has not become effective because  
10 similar legislation has not yet been enacted in Maryland; and

11 WHEREAS, On the advice of its Oyster Advisory Committee, a panel of citizens  
12 and fishing industry representatives, the Commission recently determined that the  
13 regulation of power dredging and the levy of repletion fees would be useful  
14 management tools, particularly during this time of critically low oyster harvests, and  
15 thus, Maryland's assent to this broader authorization is necessary; now, therefore,

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

18 **Article - Natural Resources**

19 4-307.

20 The Potomac River Fisheries Commission shall have the power to make, adopt,  
21 and publish such rules and regulations as may be necessary or desirable for  
22 authorizing and regulating the dredging of oysters [with handscrapes] in areas of the  
23 Potomac River within its geographical jurisdiction and may levy license AND  
24 REPLETION fees for same.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
26 Legislative Services shall notify the appropriate officials of the Commonwealth of  
27 Virginia of the enactment of this Act; and that the Governor of the State of Maryland  
28 shall issue a proclamation declaring this Act valid and effective and shall forward a  
29 copy of the proclamation to the Executive Director of the Department of Legislative  
30 Services.

31 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of  
32 this Act, this Act shall take effect October 1, 2003.

