
By: **Senator Middleton**

Introduced and read first time: January 30, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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

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

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

7 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.