
By: **Delegate Franchot**

Introduced and read first time: February 1, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Nonnative Oysters - Legislative Approval**

3 FOR the purpose of prohibiting the Department of Natural Resources from
4 introducing a nonnative oyster into State waters unless certain conditions are
5 met, including General Assembly approval; defining certain terms; making this
6 Act an emergency measure; and generally relating to the introduction of
7 nonnative oysters into State waters.

8 BY renumbering
9 Article - Natural Resources
10 Section 4-1008
11 to be Section 4-1008.1
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2004 Supplement)

14 BY adding to
15 Article - Natural Resources
16 Section 4-1008
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2004 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That Section(s) 4-1008 of Article - Natural Resources of the Annotated
21 Code of Maryland be renumbered to be Section(s) 4-1008.1.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24 **Article - Natural Resources**

25 4-1008.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

1 (2) "INTRODUCTION" MEANS THE INTENTIONAL OR ACCIDENTAL
2 PLACEMENT IN STATE WATERS OF A NONNATIVE OYSTER FOR ANY PURPOSE OTHER
3 THAN SCIENTIFIC RESEARCH THAT IS CONDUCTED IN ACCORDANCE WITH
4 STANDARDS DEVELOPED BY THE CHESAPEAKE BAY PROGRAM UNDER THE U.S.
5 ENVIRONMENTAL PROTECTION AGENCY.

6 (3) "NONNATIVE" MEANS A SPECIES OF OYSTER OTHER THAN
7 CRASSOSTREA VIRGINICA.

8 (B) THE DEPARTMENT MAY NOT INTRODUCE A NONNATIVE OYSTER INTO
9 STATE WATERS UNLESS:

10 (1) THE RECOMMENDATIONS SET FORTH UNDER THE MOST CURRENT
11 REPORT BY THE NATIONAL RESEARCH COUNCIL ON THE NONNATIVE OYSTER IN THE
12 CHESAPEAKE BAY HAVE BEEN SATISFIED TO THE EXTENT FEASIBLE FOR THE STATE
13 OF MARYLAND;

14 (2) THE SPECIFIC RESEARCH PRIORITIES IDENTIFIED BY THE
15 SCIENTIFIC AND TECHNICAL ADVISORY COMMITTEE OF THE CHESAPEAKE BAY
16 PROGRAM HAVE BEEN FULLY SATISFIED; AND

17 (3) THE INTRODUCTION IS APPROVED THROUGH THE PASSAGE OF
18 LEGISLATION BY THE GENERAL ASSEMBLY.

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