

HOUSE BILL 520

M2

71r1286

By: **Delegates Haddaway, Eckardt, Elmore, and Sossi**

Introduced and read first time: February 7, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Educational or Scientific Certificates – Collection of Mollusks – Restrictions**

3 FOR the purpose of prohibiting the holder of a certain educational or scientific
4 certificate issued by the Secretary of Natural Resources from collecting and
5 depositing mollusks in certain areas; requiring the Secretary to adopt certain
6 regulations; and generally relating to educational or scientific certificates to
7 collect fish, fish eggs, crustaceans, or mollusks.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 4–212
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2006 Supplement)

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

15 **Article – Natural Resources**

16 4–212.

17 (a) (1) [Notwithstanding] **SUBJECT TO PARAGRAPH (2) OF THIS**
18 **SUBSECTION, BUT NOTWITHSTANDING** any other provision of this title, the
19 Secretary may grant certificates to any properly accredited person of known scientific
20 attainment, permitting him to collect fish, fish eggs, crustaceans, or mollusks for
21 scientific purposes or educational purposes only, **PROVIDED THAT THE HOLDER OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **THE CERTIFICATE MAY NOT COLLECT MOLLUSKS IN ANY AREA WHERE THE**
2 **COLLECTION OF MOLLUSKS BY A HOLDER OF A COMMERCIAL LICENSE OR THE**
3 **GENERAL PUBLIC IS PROHIBITED BY LAW OR REGULATION.** To obtain a certificate
4 the applicant shall submit proof of necessity and pay a \$25 fee to the Department. The
5 fee shall be deposited to the credit of the State Fisheries Management and Protection
6 Fund. The certificate expires December 31 of the issuing year.

7 **(2) [On] A CERTIFICATE ISSUED UNDER PARAGRAPH (1) OF THIS**
8 **SUBSECTION IS VOID ON** proof that the holder of the certificate has:

9 **(I) [captured] CAPTURED** or killed any fish, fish eggs,
10 crustaceans, or mollusks for other than scientific or educational purposes[, the
11 certificate is void]; **OR**

12 **(II) AFTER COLLECTING MOLLUSKS, DEPOSITED MOLLUSKS**
13 **IN AN AREA OTHER THAN THE AREA FROM WHICH THE HOLDER OF THE**
14 **CERTIFICATE COLLECTED THE MOLLUSKS.**

15 (b) The Secretary [may] **SHALL** adopt regulations governing the issuance,
16 revocation, terms, and conditions of the certificate **IN ACCORDANCE WITH THE**
17 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.**

18 (c) Nothing contained within this subtitle shall preempt, restrict or
19 supersede the authority of the Secretary of Health and Mental Hygiene as provided by
20 law.

21 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
22 October 1, 2007.