

HOUSE BILL 630

M1

(8lr0013)

ENROLLED BILL

—*Environmental Matters/Education, Health, and Environmental Affairs*—

Introduced by **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources – Nonnative Nuisance and Naturalized**
3 **Organisms – Regulatory Management Authority**

4 FOR the purpose of authorizing the Secretary of the Department of Natural Resources
5 to adopt regulations to manage certain nonnative nuisance ~~or naturalized~~
6 organisms in the State, subject to certain exceptions; ~~altering certain definitions~~
7 *a certain definition*; and generally relating to nonnative nuisance organisms.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 4–205.1(a) and (b)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



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

3 **Article – Natural Resources**

4 4–205.1.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Aquatic organism” means an organism that lives part of its life in
7 water.

8 (3) “Ecosystem” means a system of living organisms and their
9 environment, each influencing the life of the other and necessary for the maintenance
10 of life.

11 (4) “Introduction into State waters” includes use of an organism as
12 bait in the waters of the State.

13 (5) “Native” means having historically lived, grown, and reproduced in
14 State waters.

15 (6) “Naturalized” means documented as having lived, grown, and
16 reproduced in State waters ~~for more than 10 years~~ without known harm to the
17 ecosystem.

18 (7) “Nonnative” means other than native or naturalized.

19 (8) “Nuisance organism” means a nonnative ~~OR NATURALIZED~~
20 aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the
21 abundance and diversity of native or naturalized fish and other organisms.

22 (9) “State of nuisance” means a condition in which a nuisance
23 organism will foreseeably alter and threaten to harm the ecosystem or the abundance
24 and diversity of native or naturalized fish and other organisms.

25 (b) (1) Except as provided under paragraph (2) of this subsection, the
26 Secretary may adopt regulations to:

27 (I) [prohibit] **PROHIBIT** the importation, possession, or
28 introduction into State waters of a nonnative aquatic organism in order to prevent an
29 adverse impact on an aquatic ecosystem or the productivity of State waters; **AND**

30 (II) ~~REQUIRE~~ **MANAGE THE SALE, TRANSPORT, PURCHASE,**
31 **IMPORTATION, POSSESSION, HARVEST, SEASON, SIZE LIMITS, OPEN AREA,**
32 **CATCH DEVICES, AND INTRODUCTION OF NUISANCE ORGANISMS.**

1 (2) The provisions of this section do not apply to:

2 (i) An aquaculture operation for which the Department has
3 issued a permit under Subtitle 11A of this title; ~~or~~

4 (ii) The possession, importation, or transport of a nonnative
5 aquatic organism for purposes related to a permitted aquaculture operation; **OR**

6 **(iii) A PERSON THAT HAS A VALID NURSERY INSPECTION**
7 **CERTIFICATE OR PLANT DEALER LICENSE ISSUED IN ACCORDANCE WITH TITLE**
8 **5, SUBTITLE 3 OF THE AGRICULTURE ARTICLE.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.