

# HOUSE BILL 630

M1

8lr0013

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By: **Chair, Environmental Matters Committee (By Request - Departmental - Natural Resources)**

Introduced and read first time: February 1, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

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## 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  
7 definitions; 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)

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 4-205.1.

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

18 (2) "Aquatic organism" means an organism that lives part of its life in  
19 water.

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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.



1 (3) "Ecosystem" means a system of living organisms and their  
2 environment, each influencing the life of the other and necessary for the maintenance  
3 of life.

4 (4) "Introduction into State waters" includes use of an organism as  
5 bait in the waters of the State.

6 (5) "Native" means having historically lived, grown, and reproduced in  
7 State waters.

8 (6) "Naturalized" means documented as having lived, grown, and  
9 reproduced in State waters ~~for more than 10 years~~ without known harm to the  
10 ecosystem.

11 (7) "Nonnative" means other than native or naturalized.

12 (8) "Nuisance organism" means a nonnative **OR NATURALIZED**  
13 aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the  
14 abundance and diversity of native or naturalized fish and other organisms.

15 (9) "State of nuisance" means a condition in which a nuisance  
16 organism will foreseeably alter and threaten to harm the ecosystem or the abundance  
17 and diversity of native or naturalized fish and other organisms.

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

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

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

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

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

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

31 (III) **A PERSON THAT HAS A VALID NURSERY INSPECTION**  
32 **CERTIFICATE OR PLANT DEALER LICENSE ISSUED IN ACCORDANCE WITH TITLE**  
33 **5, SUBTITLE 3 OF THE AGRICULTURE ARTICLE.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.