

CHAPTER 284

(House Bill 630)

AN ACT concerning

Department of Natural Resources – Nonnative Nuisance ~~and Naturalized~~ Organisms – Regulatory Management Authority

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

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

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

Article – Natural Resources

4–205.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Aquatic organism” means an organism that lives part of its life in water.
- (3) “Ecosystem” means a system of living organisms and their environment, each influencing the life of the other and necessary for the maintenance of life.
- (4) “Introduction into State waters” includes use of an organism as bait in the waters of the State.
- (5) “Native” means having historically lived, grown, and reproduced in State waters.
- (6) “Naturalized” means documented as having lived, grown, and reproduced in State waters ~~for more than 10 years~~ without known harm to the ecosystem.

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 24, 2008.