

SENATE BILL 538

M2

11r1843
CF HB 1340

By: **Senators Colburn and Pipkin**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2011

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Oyster Sanctuaries – Designation**

3 FOR the purpose of prohibiting the Department of Natural Resources from
4 designating more than a certain percent of the ~~available~~ quality oyster habitat
5 in the waters of the State as oyster sanctuaries, except under certain
6 circumstances; and generally relating to oyster sanctuaries.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 4–1006.2
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2010 Supplement)

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

14 **Article – Natural Resources**

15 4–1006.2.

16 **(A) THE DEPARTMENT MAY NOT DESIGNATE MORE THAN 25% OF THE**
17 **~~AVAILABLE~~ QUALITY OYSTER HABITAT IN THE WATERS OF THE STATE AS**
18 **OYSTER SANCTUARIES, UNLESS THE DEPARTMENT CONDUCTS A PUBLIC**
19 **HEARING DURING WHICH IT PRESENTS SCIENTIFIC EVIDENCE OF A SIGNIFICANT**
20 **INCREASE IN THE HARVESTABLE OYSTER POPULATION.**

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 **[(a)] (B)** The Department annually shall publish maps and coordinates of
2 oyster sanctuaries, closed oyster harvest reserve areas, and areas closed to shellfish
3 harvest by the Department of the Environment.

4 **[(b)] (C)** (1) The Department shall provide the publications required
5 under this section to each tidal fish licensee who pays the oyster surcharges required
6 under § 4-701(e) of this title.

7 (2) Before a person may catch oysters under a tidal fish license that
8 has an oyster authorization and for which the oyster surcharges have been paid, the
9 person shall certify to the Department on a form the Department prescribes that the
10 person received the publications required under this section.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.