

HOUSE BILL 1485

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By: **Delegates Jacobs, Eckardt, Haddaway–Riccio, Hershey, McDermott,
Norman, O’Donnell, Otto, Szeliga, and Weir**

Introduced and read first time: February 26, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Oyster Sanctuaries – Oyster Bar Cleaning and Removal of Diseased Oysters**

3 FOR the purpose of authorizing the Department of Natural Resources to allow a
4 person to catch oysters in an oyster sanctuary using certain equipment under
5 certain circumstances for the purpose of cleaning an oyster bar or removing
6 diseased oysters; creating a certain exception under certain circumstances to
7 certain prohibitions against catching oysters in oyster sanctuaries; authorizing
8 the Department to establish a schedule for the cleaning of oyster bars and the
9 removal of diseased oysters on oyster sanctuaries or portions of oyster
10 sanctuaries; authorizing the Department to adopt regulations establishing
11 standards and procedures to implement this Act; and generally relating to
12 oyster bar cleaning and the removal of diseased oysters on oyster sanctuaries.

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 4–1014, 4–1014.1, 4–1014.2, and 4–1014.3
16 Annotated Code of Maryland
17 (2012 Replacement Volume)

18 BY adding to
19 Article – Natural Resources
20 Section 4–1014.4
21 Annotated Code of Maryland
22 (2012 Replacement Volume)

23 BY repealing and reenacting, without amendments,
24 Article – Natural Resources
25 Section 4–1201(f)
26 Annotated Code of Maryland
27 (2012 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 4–1014.

5 (a) This section applies only to the waters of the State that lie contiguous to
6 Somerset County in the Chesapeake Bay.

7 (b) There is an oyster sanctuary in Monie Bay known as the Webster ground
8 that includes all the waters inshore of a line northeasterly from Long Point to a
9 designated point in Monie Bay at latitude 38 degrees, 12 minutes, 37.8 seconds north,
10 longitude 75 degrees, 51 minutes, 51.0 seconds west, then southwesterly to the eastern
11 entrance to Pigeon House Creek.

12 (c) **[A] SUBJECT TO § 4–1014.4 OF THIS SUBTITLE,** A person may not
13 catch oysters in the oyster sanctuary described in subsection (b) of this section or an
14 oyster sanctuary that was established by regulations adopted by the Department.

15 4–1014.1.

16 (a) This section applies only to the waters of the State that lie contiguous to
17 Calvert County in the Chesapeake Bay.

18 (b) **[A] SUBJECT TO § 4–1014.4 OF THIS SUBTITLE,** A person may not
19 catch oysters in an oyster sanctuary that was established by regulations adopted by
20 the Department.

21 4–1014.2.

22 (a) This section applies only to the waters of the State that lie contiguous to
23 St. Mary's County in the Chesapeake Bay.

24 (b) **[A] SUBJECT TO § 4–1014.4 OF THIS SUBTITLE,** A person may not
25 catch oysters in an oyster sanctuary that was established by regulations adopted by
26 the Department.

27 4–1014.3.

28 (a) This section applies only to the waters of the State that lie contiguous to
29 Dorchester County in the Chesapeake Bay.

30 (b) **[A] SUBJECT TO § 4–1014.4 OF THIS SUBTITLE,** A person may not
31 catch oysters in an oyster sanctuary that was established by regulations adopted by
32 the Department.

1 4-1014.4.

2 THE DEPARTMENT MAY:

3 (1) AUTHORIZE A PERSON TO CATCH OYSTERS IN AN OYSTER
4 SANCTUARY BY HAND TONG OR, IF LAWFUL, POWER DREDGE FOR THE PURPOSE
5 OF CLEANING AN OYSTER BAR OR REMOVING DISEASED OYSTERS;

6 (2) ESTABLISH A SCHEDULE FOR THE CLEANING OF OYSTER BARS
7 AND REMOVAL OF DISEASED OYSTERS ON OYSTER SANCTUARIES OR PORTIONS
8 OF OYSTER SANCTUARIES; AND

9 (3) ADOPT REGULATIONS ESTABLISHING STANDARDS AND
10 PROCEDURES TO IMPLEMENT THIS SECTION.

11 4-1201.

12 (f) In addition to any other applicable penalty set forth in this title, a person
13 who unlawfully takes oysters from a leased oyster bottom, an oyster sanctuary, an
14 oyster reserve, or an area closed to shellfish harvest by the Department of the
15 Environment, when the area is designated and marked by buoys or other signage or
16 the person knew or should have known that taking the oysters from the area was
17 unlawful, is subject to a fine not exceeding \$3,000.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2013.