

HOUSE BILL 1002

M2

5lr2332

By: **Delegates Jacobs, Adams, Anderton, Arentz, Carozza, Ghrist, Mautz, and Otto**
Introduced and read first time: February 13, 2015
Assigned to: Environment and Transportation

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – County Oyster Committees – ~~Authority~~**

3 FOR the purpose of ~~authorizing a county oyster committee to use certain funds to purchase~~
4 ~~oyster shells, seed oysters, or spat on shell for use on the public oyster fishery~~
5 requiring the Department of Natural Resources to form a certain workgroup with
6 representatives of county oyster committees to examine certain issues and submit a
7 certain report on or before a certain date; and generally relating to ~~the authority of~~
8 county oyster committees.

9 ~~BY repealing and reenacting, with amendments,~~
10 ~~Article – Natural Resources~~
11 ~~Section 4–1106(b)~~
12 ~~Annotated Code of Maryland~~
13 ~~(2012 Replacement Volume and 2014 Supplement)~~

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

16 **~~Article – Natural Resources~~**

17 ~~4–1106.~~

18 ~~(b) (1) The Department shall have licensed oystermen in each tidewater~~
19 ~~county of this State select a county committee of five representative licensed tongers, who~~
20 ~~earn their livelihood by catching oysters, to confer with the Department concerning oyster~~

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 propagation conducted by the Department in that county. Each county committee shall
2 elect a chairman to serve on a statewide committee of oystermen to advise the Department
3 on statewide issues concerning oyster propagation.~~

~~4 (2) A similar advisory committee that includes licensed dredgers shall be
5 selected to confer with the Department concerning the propagation of oysters in the
6 dredging areas. The committee shall elect a chairman to serve on a statewide committee of
7 oystermen to advise the Department on statewide issues concerning oyster propagation.~~

~~8 (3) The Department shall appoint 5 representative, licensed oystermen of
9 this State who earn their livelihood catching oysters by using diving apparatus as a
10 committee to confer with the Department concerning oyster propagation conducted by the
11 Department in the areas of the State where the catching of oysters by using diving
12 apparatus is permitted. The committee shall select a chairman to serve on a statewide
13 committee of oystermen to advise the Department on statewide issues concerning oyster
14 propagation.~~

~~15 (4) The Department shall appoint 5 representative, licensed oystermen of
16 this State who earn their livelihood catching oysters by using patent tongs as a committee
17 to confer with the Department concerning oyster propagation conducted by the Department
18 in the areas of the State where the catching of oysters by using patent tongs is permitted.
19 The committee shall select a chairman to serve on a statewide committee of oystermen to
20 advise the Department on statewide issues concerning oyster propagation.~~

~~21 (5) The term of membership for each committee is four years, except that
22 of the original committeemen, three are to serve a four-year term and two are to serve a
23 two-year term. Each term begins on March 1.~~

~~24 (6) If a vacancy occurs because a member is unable or unwilling to serve,
25 the Department immediately shall notify in writing each member of the committee of the
26 vacancy. The committee shall arrange for a new election to fill the vacancy. If the vacancy
27 is not filled within 60 days after the vacancy occurs, the Department shall make the
28 necessary appointments to fill each vacancy. When committee members are selected or
29 when any vacancy is filled, the Department shall notify promptly the members of the
30 General Assembly from the county of the names of the committee members selected or
31 appointed to fill a vacancy in that county. An appointment to a vacancy in an unexpired
32 term is limited to the remainder of the term.~~

~~33 (7) The Department shall prescribe by rule and regulation the time, place,
34 and manner of selection of the oyster committees.~~

~~35 (8) The Fisheries Administration shall submit an annual summary of the
36 Fisheries Research and Development Fund to the committee of oystermen for each county.
37 The summary shall include an accounting of receipts and expenditures.~~

~~38 (9) A COUNTY OYSTER COMMITTEE MAY USE FUNDS THAT THE
39 COMMITTEE RECEIVES FROM THE DEPARTMENT OR ANY OTHER SOURCE TO~~

1 ~~PURCHASE OYSTER SHELLS, SEED OYSTERS, OR SPAT ON SHELL FOR USE ON THE~~
2 ~~PUBLIC OYSTER FISHERY.:~~

3 (1) during the 2015 interim, the Department of Natural Resources shall
4 form a workgroup with representatives of the county oyster committees to examine issues
5 related to the composition and duties of county oyster committees; and

6 (2) on or before December 1, 2015, report its findings and recommendations
7 to the Governor and, subject to § 2-1246 of the State Government Article, the Senate
8 Education, Health, and Environmental Affairs Committee and the House Environment and
9 Transportation Committee.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.