

HOUSE BILL 799

M2

6lr2588

By: **Delegate O'Donnell**

Introduced and read first time: February 8, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2016

CHAPTER _____

1 AN ACT concerning

2 **Aquaculture – Liability for Trespass**

3 FOR the purpose of establishing that certain persons who enter in a certain manner an
4 area leased to another person for aquaculture purposes and cause certain harm are
5 liable to certain other persons for certain civil damages in the same manner that the
6 persons would be liable to the leaseholder of the lease for certain civil damages; and
7 generally relating to aquaculture and liability for trespass.

8 BY repealing and reenacting, without amendments,

9 Article – Natural Resources

10 Section 4–11A–16(a)(1)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Natural Resources

15 Section 4–11A–16.1

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

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 4-11A-16.

2 (a) (1) A person, other than the leaseholder, may not willfully and without
3 authority catch oysters on any aquaculture or submerged land lease area, or willfully
4 destroy or transfer oysters on this land in any manner.

5 4-11A-16.1.

6 (a) Subject to subsection (b) of this section, a person who willfully, negligently,
7 recklessly, wrongfully, or maliciously enters any area leased to another person under this
8 subtitle to harvest, damage, or transfer shellfish or to alter, damage, or remove any
9 markings or equipment is liable to the leaseholder **OR ANY AGENT, EMPLOYEE, BUSINESS**
10 **PARTNER, OR CONTRACTOR OF THE LEASEHOLDER** for damages in an amount of:

11 (1) Three times the value of the shellfish harvested, damaged, or
12 transferred;

13 (2) The actual restoration costs for the leased area and any altered,
14 damaged, or removed markings or equipment; and

15 (3) Any attorney fees or court costs incurred by the leaseholder **OR ANY**
16 **AGENT, EMPLOYEE, BUSINESS PARTNER, OR CONTRACTOR OF THE LEASEHOLDER** in
17 the matter.

18 (b) Subsection (a) of this section does not apply to a person engaging in
19 aquaculture activity on a leased area in accordance with the terms and conditions of:

20 (1) A shellfish aquaculture harvester registration card that is in the
21 person's possession; or

22 (2) An operator card that is in the possession of the person or another
23 person present in the lease area.

24 (c) On the request of a law enforcement officer, a person who enters an area
25 leased to another person under this subtitle and engages in any act specified in subsection
26 (a) of this section shall display a shellfish aquaculture harvester registration card or an
27 operator card for the lease area.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2016.