

SB0166/633824/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 166
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “registration or permit” and substitute “permit or registration”; and in line 8, after “revocation;” insert “authorizing a certain leaseholder and the Department of Natural Resources to complete within certain time periods a process to remove gear or transfer a shellfish aquaculture lease in a certain manner;”.

AMENDMENT NO. 2

On page 2, in line 16, strike “**LOCATED**” and substitute “**FROM A CLOSED OR PROHIBITED AREA**”; strike beginning with “**WITHIN**” in line 16 down through “**AREA**” in line 17 and substitute “**OUTSIDE A SHELLFISH AQUACULTURE LEASE**”; strike beginning with “**TAKING**” in line 18 down through “**TAKING**” in line 20 and substitute “**DELIVERING**”; strike beginning with “**OUTSIDE**” in line 20 down through “**BY**” in line 21 and substitute “**TO A DEALER**”; in line 21, after “**HOURLY**” insert “**AFTER THE TIME REQUIRED BY THE MARYLAND DEPARTMENT OF HEALTH’S VIBRIO PARAHAEMOLYTICUS CONTROL PLAN AS SET FORTH IN COMAR 10.15.07.06**”; in line 22, strike “**(IV)**” and substitute “**(III)**”; in line 23, strike “**AND**”; in line 24, strike “**(V)**” and substitute “**(IV)**”; in line 25, strike “**THE**” and substitute “**A**”; and in line 26, after “**TITLE**” insert “**; AND**”

(V) UNLAWFULLY TAKING OYSTERS FOR COMMERCIAL PURPOSES FROM A NATURAL OYSTER BAR OR A PUBLIC SHELLFISH FISHERY AREA AND PLANTING THOSE OYSTERS ON A SHELLFISH AQUACULTURE LEASE”.

On page 3, in line 11, strike “**REGISTRATION OR PERMIT**” and substitute “**PERMIT OR REGISTRATION**”; in line 15, strike “**LICENSE**” and substitute “**PERMIT OR REGISTRATION CARD**”; and after line 15, insert:

“(F) (1) (I) THIS SUBSECTION APPLIES ONLY TO A PERSON WHO IS THE SOLE HOLDER OF A SHELLFISH AQUACULTURE LEASE UNDER SUBTITLE 11A OF THIS TITLE AND WHOSE PERMIT OR REGISTRATION CARD HAS BEEN SUSPENDED OR REVOKED UNDER THIS SECTION.

(II) WITHIN 90 DAYS AFTER THE CONCLUSION OF AN ADMINISTRATIVE PROCEEDING UNDER § 4-11A-10 OF THIS TITLE THAT RESULTS IN THE TERMINATION OF A LEASE, A PERSON MAY PROVIDE TO THE DEPARTMENT A PLAN TO REMOVE ANY GEAR OR OTHER EQUIPMENT FROM THE LEASED AREA OR TRANSFER THE LEASE TO ANOTHER PERSON.

(III) WITHIN 60 DAYS AFTER RECEIPT OF THE PLAN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL REVIEW THE PLAN AND NOTIFY THE PERSON WHETHER THE PLAN IS COMPLETE OR REQUIRES REVISIONS.

(IV) WITHIN 30 DAYS AFTER THE DEPARTMENT’S NOTIFICATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE PERSON SHALL SUBMIT ANY REQUIRED PLAN REVISIONS AND A LEASE TRANSFER APPLICATION TO THE DEPARTMENT.

(V) WITHIN 90 DAYS AFTER RECEIPT OF THE PERSON’S COMPLETED LEASE TRANSFER APPLICATION, THE DEPARTMENT SHALL APPROVE THE LEASE TRANSFER.

(2) THE DEPARTMENT MAY NOT TERMINATE A PERSON’S LEASE BEFORE THE CONCLUSION OF THE PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) A PERSON'S FAILURE TO COMPLETE THE PROCESS UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY RESULT IN THE FORFEITURE OF ANY GEAR AND EQUIPMENT ON THE LEASED AREA TO THE STATE FOR DESTRUCTION OR DISPOSITION AS THE DEPARTMENT MAY DEEM APPROPRIATE."