

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

Sponsor Testimony in SUPPORT of House Bill 711
Potomac River Compact – Clarification of the Effectiveness of Amendments
February 18, 2022

The Potomac River Compact, an agreement between Maryland and Virginia, governs the Potomac River Fisheries Commission. The commission regulates fisheries in the main-stem tidal Potomac River. The compact is codified in both states' laws and any changes to the compact need to be enacted into law by both states. A law enacting a change to the compact typically contains contingent language requiring a similar law to be enacted by the other state before the law will take effect. In 2007 and 2013, Maryland and Virginia enacted laws that contained several provisions in common that made changes to the Potomac River Compact. However, despite having provisions in common, the enacted laws did not mirror each other, due to (1) different arrangements of the provisions in common, among different chapter laws enacted in the two states and (2) the fact that the Virginia laws contained certain provisions that were not also enacted in Maryland. This has resulted in inconsistent treatment of those laws in Maryland's and Virginia's annotated codes with respect to whether the contingent language in the laws, requiring similar enactments, is considered to have been fulfilled and whether the provisions in common are shown in the states' codes as being in effect.

House Bill 711 clarifies that the State of Maryland considers the provisions that both states enacted in 2007 and 2013 to be in effect. The bill, along with efforts by Virginia to clarify their annotated code, will help to clear up the inconsistent treatment of those provisions in both states' annotated codes. The affected provisions:

- increase the compensation of commissioners of the Potomac River Fisheries Commission from \$25 per day (or portion thereof) spent in the performance of their duties to up to \$250 per day (or portion thereof) spent in the performance of their duties, with a limit of \$1,500 per year (**MD Chap. 144 of 2007** and **VA Chap. 885 of 2007**);
- change the allowable oyster inspection tax to up to \$2.00 per bushel and require the proceeds to be used solely for planting seed or shell oyster on working bottom (**MD Chapters 234/235 of 2013** and **VA Chapter 688 of 2013**); and
- increase the maximum fine for a violation of a regulation of the commission from \$1,000 to \$3,000 (**MD Chapters 234/235 of 2013** and **VA Chapter 635 of 2013**).