

## 2009 MARYLAND FISHERIES SERVICE LEGISLATIVE SUMMARY

### **HB 103 (cross filed as SB 175) Department of Natural Resources – Shell Dredging – Permit Application— PASSED**

This Bill changes the Department's deadline to apply to the Department of the Environment and the United States Army Corp of Engineers for a permit to dredge for buried oyster shells from December 1, 2008 to July 1, 2009. The Department is only required to apply for the permit if the Oyster Advisory Commission recommends the application based on its work, including a review of the findings of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.

### **HB 177 (cross filed as SB 810) Natural Resources – Oyster Shell Purchase Program – Fair Market Value— PASSED**

This Bill amends Natural Resources Article, § 4-1019.2 to allow the Department, after consultation with advisory commissions, to alter in regulation the price it pays for oyster shell. The Bill removes the 25 cent per bushel payment requirement currently in law, and except under certain circumstances, requires oyster dealers to reserve oyster shell harvested from the public shellfish for sale to the Department.

### **HB 312 (cross filed as SB 271) – Aquaculture – Shellfish – Leasing— PASSED**

This Bill is designed to promote a private shellfish aquaculture industry in Maryland by amending or repealing sections of the Natural Resources Article that currently relate to shellfish leasing in order to provide additional shellfish leasing opportunities and streamline the permitting processes. The Bill allows DNR to establish Aquaculture Enterprise Zones (AEZs). These areas would be pre-permitted for shellfish aquaculture.

### **HB 489 (cross filed as SB 450) – Allegany County – Upper Potomac River Commission Savage River Dam – Borrowing Authority— PASSED**

House Bill 489 repeals limitations on the amount that the County Commissioners of Allegany County may borrow for a capital outlay on behalf of the Upper Potomac River Commission who are the owners of the Savage River Dam.

### **HB 584 Patuxent River – Oyster Dredging – Authorization— Heard House Environmental Matters 2/25/2009 1:00pm— Bill is in the House - FAILED**

This Bill will allow a person to harvest oysters by dredge in certain waters of Calvert and St. Mary's Counties. In particular, the Bill will allow a person to harvest oysters by dredge in the Patuxent River between a straight line proceeding westerly from the beacon at St. Leonard's Creek to the buoy marked "patent tong," and a straight line proceeding westerly from the lighted buoy at Battle Creek to the stone jetty at the mouth of Cat Creek.

**HB 862 Oyster Harvest – Closure of State Waters— Heard House Environmental Matters 3/6/2009  
1:00pm— Unfavorable Report Adopted - FAILED**

This Bill would require the Department to keep tidal the waters of the State open for oyster harvesting unless the Department makes certain determinations and opening another area for oyster harvesting.

**HB 927 (cross filed as SB 125) Natural Resources - Prohibition on Dredging Buried Oyster Shells on Man-O-War Shoals— Heard House Environmental Matters 3/13/2009 1:00pm— Unfavorable Report Adopted - FAILED**

This Bill prohibits the Department from dredging for buried oyster shell on the Man-O-War Shoals.

**HB 1355 Natural Resources – Tidal Fish Licenses and Authorizations – Enforcement— PASSED**

This Bill will allow the Department to suspend or revoke a tidal fish license for a violation of the Fisheries Title and removes provisions that preclude the Department from suspending or revoking a tidal fish license unless the licensee accumulates a certain number and type of offences occurring on separate days within a 2 year period. This Bill also requires the Department of Natural Resources to adopt regulations in consultation with the Tidal Fish and Sport Fish Advisory Committees that include enhanced penalties for repeated violations of the Fisheries Title and for violations of provisions relating to species in need of special protection including striped bass, crabs, menhaden, and oysters. Finally, this Bill requires the Department to adopt regulations relating to the suspension and revocation of licenses and authorizations issued under the Fisheries Title on or before January 1, 2010.

**HB 1419 Department of Natural Resources – Fish and Fisheries Laws Violations– Penalties— PASSED**

This Bill will amend the current maximum first and second offense fines for violating fisheries law. This bill will increase the maximum allowable fine from \$500 to \$1000 for a first offense and from \$1000 to \$2000 for a second or subsequent offense. This bill also adds provisions that allow the Secretary to impose restitution or other monetary penalties, beyond the specified amount of a fine, on a person who violates certain fisheries laws. The restitution provisions of this bill include regulatory authority for the Department to create a list of aquatic animal monetary values.

**HB 1570 Fisheries Management – Anchored Fishing Nets – Buoy Markers— PASSED**

This Bill will authorize to use a buoy or other floating device that shows the name and license number of the net owner when marking the outer end of any anchored gill net, fyke net, or hoop net.

**SB 125 Natural Resources - Prohibition on Dredging Buried Oyster Shells on Man-O-War Shoals—  
WITHDRAWN**

This Bill prohibits the Department from dredging for buried oyster shell on the Man-O-War Shoals.

**SB 164 Natural Resources - Recreational Fishing Licenses – Penalties— PASSED**

This Bill alters the authority of the Department to revoke or suspend recreational fishing licenses, authorizes the Secretary to adopt regulations that list the criteria for the suspension of recreational fishing licenses, and prohibits a person from engaging in specified activities during the period of suspension. This Bill was developed by the Department in consultation with the Fisheries Management Task Force.

**SB 168 Department of Natural Resources - Shellfish and Crabs - Public Process— PASSED SENATE WITH AMENDMENTS— Heard House Environmental Matters 4/8/2009 1:00pm - FAILED**

This Bill clarifies the processes for issuing public notices on permanent blue crab regulations under Natural Resource Article § 4-803. The Bill prevents the Department from adopting blue crab regulations without first holding public hearings on the Eastern Shore and in Southern Maryland and requires the Department to advertise these hearings once a week for two consecutive weeks in a newspaper of general circulation and in local newspapers in affected counties before the hearings.

**SB 169 Department of Natural Resources - Antiquated Fish and Fisheries Laws – Repeal— PASSED**

This Bill corrects or removes antiquated language in Title 4 of the Natural Resources Article. Currently, the Department must “notwithstanding” several antiquated statutes in order to create a regulation required under federal law, interstate compacts, or a state fisheries management plan adopted under section 4-215 of the Natural Resources Article. Notwithstanding means “ignore this referenced law.” The Bill removes or corrects these laws which have been “notwithstanding” in regulation. This Bill was developed by the Department in consultation with the Fisheries Management Task Force.

**SB 175 (cross filed as HB 103) Department of Natural Resources - Shell Dredging - Permit Application— PASSED**

This Bill changes the Department’s deadline to apply to the Department of the Environment and the United States Army Corp of Engineers for a permit to dredge for buried oyster shells from December 1, 2008 to July 1, 2009. The Department is only required to apply for the permit if the Oyster Advisory Commission recommends the application based on its work, including a review of the findings of the draft Environmental Impact Statement concerning evaluation of oyster restoration alternatives for the Chesapeake Bay.

**SB 271 (cross filed as HB 312) Aquaculture – Shellfish – Leasing— PASSED**

This Bill is designed to promote a private shellfish aquaculture industry in Maryland. This Bill amends or repeals sections of the Natural Resources Article that currently relate to shellfish leasing in order to provide additional shellfish leasing opportunities and streamline the permitting processes. The Bill allows DNR to establish Aquaculture Enterprise Zones (AEZs). These areas would be pre-permitted for shellfish aquaculture.

**SB 450 (cross filed as HB 489) Allegany County – Upper Potomac River Commission Savage River Dam – Borrowing Authority— PASSED**

Senate Bill 450 repeals limitations on the amount that the County Commissioners of Allegany County may borrow for a capital outlay on behalf of the Upper Potomac River Commission who are the owners of the Savage River Dam.

**SB 765 Natural Resources Police – Minimum Staffing— Heard Senate Budget & Taxation 3/18/2009 1:00pm— Bill is in the Senate - FAILED**

This Bill requires the Governor to include in the annual proposed State budget for the Department of Natural Resources an appropriation for at least 480 natural resources police officer positions and requires that funding for natural resources police officer positions come from certain designated sources. The Bill further requires that if funding is reduced for the minimum number of natural resources police officer positions by the General Assembly or the Board of Public Works, the number of natural resources police officer positions may not be reduced below 480.

**SB 810 (cross filed as HB 177) Natural Resources – Oyster Shell Purchase Program – Fair Market Value— PASSED**

This Bill amends Natural Resources Article, § 4-1019.2 to allow the Department, after consultation with advisory commissions, to alter in regulation the price it pays for oyster shell. The Bill removes the 25 cent per bushel payment requirement currently in law, and, except under certain circumstances, requires oyster dealers to reserve oyster shell harvested from the public shellfish for sale to the Department.

**SB 994 Crabbing – Crab Pots – Requirements— Heard Senate Education Health and Environmental Affairs 3/24/2009 1:00pm— Unfavorable Report Adopted- FAILED**

This Bill adds Section 4-817 to the Natural Resources Article, which will requires crab pots to be marked by a buoy that is easily visible by virtue of its size and color and constructed of a durable material. This bill prevents buoys from being constructed of a glass or plastic bottle, jug, or metal can. The Department is vested with the authority to adopt regulations implementing the requirements of this section by this Bill.