

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

A BILL ENTITLED

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; and
5 generally relating to the authority of county oyster committees.

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

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

13 **Article – Natural Resources**

14 4–1106.

15 (b) (1) The Department shall have licensed oystermen in each tidewater
16 county of this State select a county committee of five representative licensed tongers, who
17 earn their livelihood by catching oysters, to confer with the Department concerning oyster
18 propagation conducted by the Department in that county. Each county committee shall
19 elect a chairman to serve on a statewide committee of oystermen to advise the Department
20 on statewide issues concerning oyster propagation.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) The Department shall appoint 5 representative, licensed oystermen of
2 this State who earn their livelihood catching oysters by using diving apparatus as a
3 committee to confer with the Department concerning oyster propagation conducted by the
4 Department in the areas of the State where the catching of oysters by using diving
5 apparatus is permitted. The committee shall select a chairman to serve on a statewide
6 committee of oystermen to advise the Department on statewide issues concerning oyster
7 propagation.

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

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

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

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

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

31 **(9) A COUNTY OYSTER COMMITTEE MAY USE FUNDS THAT THE**
32 **COMMITTEE RECEIVES FROM THE DEPARTMENT OR ANY OTHER SOURCE TO**
33 **PURCHASE OYSTER SHELLS, SEED OYSTERS, OR SPAT-ON-SHELL FOR USE ON THE**
34 **PUBLIC OYSTER FISHERY.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
36 1, 2015.