

Chapter 278

(House Bill 799)

AN ACT concerning

Aquaculture – Liability for Trespass

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

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–11A–16(a)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–11A–16.1
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

Article – Natural Resources

4–11A–16.

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

4–11A–16.1.

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 26, 2016.