

SENATE BILL 344

M1, P1

3lr1811
CF HB 357

By: **Senators Middleton and Frosh**

Introduced and read first time: January 24, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2013

CHAPTER _____

1 AN ACT concerning

2 **Potomac River Fisheries Commission – Inspection Tax and Penalty**

3 FOR the purpose of establishing a certain maximum oyster inspection tax that may be
4 imposed by the Potomac River Fisheries Commission; requiring the Potomac
5 River Fisheries Commission to use the proceeds of a certain oyster inspection
6 tax for a certain purpose; increasing a certain maximum penalty for the
7 violation of certain regulations; making this Act subject to a certain
8 contingency; providing for the effective dates of this Act; and generally relating
9 to the Potomac River Fisheries Commission.

10 BY repealing and reenacting, with amendments,

11 Article – Natural Resources

12 Section 4–306 Article III Section 9 and Article V Section 2

13 Annotated Code of Maryland

14 (2012 Replacement Volume)

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

17 **Article – Natural Resources**

18 4–306.

19 Article III.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Commission Powers and Duties

2 Section 9. The commission may impose an inspection tax, in an amount as fixed
 3 from time to time by the commission, upon all oysters caught within the limits of the
 4 Potomac River, which inspection tax may not exceed [the higher severance tax per
 5 bushel on oysters that is imposed by the Commonwealth of Virginia or the State of
 6 Maryland in the waters of their respective jurisdictions] **\$2.00 PER BUSHEL**. The tax
 7 shall be paid by the buyer at the place in Maryland or Virginia where the oysters are
 8 unloaded from vessels and are to be shipped no further in bulk in vessel, to an agent of
 9 the commission, or to such officer or employee of the Virginia Marine Resources
 10 Commission or of the Maryland Department of Natural Resources, as may be
 11 designated by the commission, and by him paid over to the commission. **THE**
 12 **COMMISSION SHALL USE THE PROCEEDS OF THE OYSTER INSPECTION TAX**
 13 **SOLELY FOR ~~OYSTER REPLENISHMENT RELATED PROGRAMS~~ PLANTING SEED**
 14 **OR SHELL OYSTER ON WORKING BOTTOM.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 16 read as follows:

17

Article – Natural Resources

18 4–306.

19

Article V.

20

Enforcement of Laws and Regulations: Penalties

21 Section 2. The violation of any regulation of the commission shall be a
 22 misdemeanor. Unless a lesser punishment is provided by the commission, such
 23 violation shall be punishable by a fine not to exceed [one thousand dollars (\$1,000.00)]
 24 **\$3,000** or confinement in a penal institution for not more than one (1) year, or both, in
 25 the discretion of the court, and any vessel, boat, or equipment used in the taking of
 26 finfish, crabs, oysters, clams, or other shellfish from the Potomac River in violation of
 27 any regulation of the commission or of applicable laws may be confiscated by the court,
 28 upon the abandonment thereof or the conviction of the owner or operator thereof.

29

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not take
 31 effect until a similar act is enacted by the Commonwealth of Virginia; that the
 32 Commonwealth of Virginia is requested to concur in this Act of the General Assembly
 33 of Maryland by the enactment of a similar act; that the Department of Legislative
 34 Services shall notify the appropriate officials of the Commonwealth of Virginia of the
 35 enactment of this Act; and that on the concurrence in this Act by the Commonwealth
 36 of Virginia, the Governor of the State of Maryland shall issue a proclamation declaring
 37 this Act valid and effective and shall forward a copy of the proclamation declaring this
 38 Act valid and effective and shall forward a copy of the proclamation to the Executive
 Director of the Department of Legislative Services.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
2 this Act, Section 1 of this Act shall take effect July 1, 2013.

3 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 3 and
4 4 of this Act, this Act shall take effect October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.