

Senate Bill No. 248

AN ACT concerning

Potomac River Fisheries Commission - Dredging of Oysters and Oyster Repletion Fees

FOR the purpose of altering certain authority of the Potomac River Fisheries Commission to regulate the dredging of oysters; authorizing the Commission to levy certain oyster repletion fees; making this Act subject to a certain contingency; and generally relating to certain authority of the Potomac River Fisheries Commission regarding the dredging of oysters and the levy of certain repletion fees.

BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 4-307

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)

Preamble

WHEREAS, In establishing the Potomac River Fisheries Commission (Commission), the Maryland-Virginia Potomac River Compact of 1958 stated in Article IV, Section 1(c) that "... [l]easing, dredging, and patent tonging shall be authorized by the Commission only if such authorization is granted by joint action of the Legislatures of Maryland and Virginia ..."; and

WHEREAS, In 1974, the General Assembly of Virginia authorized the Commission to regulate the dredging of oysters with handscrapes and to levy license fees for dredging in the areas of the Potomac River within its geographical jurisdiction; and

WHEREAS, In Chapter 403 of the Acts of 1974, the General Assembly of Maryland enacted similar legislation, and, with that concurrence, the Governor of Maryland issued a proclamation to declare the authority of the Commission to be valid and effective in these areas; and

WHEREAS, In 1982 the General Assembly of Virginia enacted Chapter 116, which sought to expand the authority of the Commission so that, in addition to license fees, it could levy oyster repletion fees and regulate all dredging of oysters, not just dredging with handscrapes; and

WHEREAS, This 1982, Virginia legislation has not become effective because similar legislation has not yet been enacted in Maryland; and

WHEREAS, On the advice of its Oyster Advisory Committee, a panel of citizens and fishing industry representatives, the Commission recently determined that the regulation of power dredging and the levy of repletion fees would be useful