

SENATE BILL 344

M1, P1

3lr1811
CF 3lr2017

By: **Senators Middleton and Frosh**

Introduced and read first time: January 24, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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.

20 Commission Powers and Duties

21 Section 9. The commission may impose an inspection tax, in an amount as fixed
22 from time to time by the commission, upon all oysters caught within the limits of the
23 Potomac River, which inspection tax may not exceed [the higher severance tax per

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 bushel on oysters that is imposed by the Commonwealth of Virginia or the State of
2 Maryland in the waters of their respective jurisdictions] **\$2.00 PER BUSHEL**. The tax
3 shall be paid by the buyer at the place in Maryland or Virginia where the oysters are
4 unloaded from vessels and are to be shipped no further in bulk in vessel, to an agent of
5 the commission, or to such officer or employee of the Virginia Marine Resources
6 Commission or of the Maryland Department of Natural Resources, as may be
7 designated by the commission, and by him paid over to the commission. **THE**
8 **COMMISSION SHALL USE THE PROCEEDS OF THE OYSTER INSPECTION TAX**
9 **SOLELY FOR OYSTER REPLENISHMENT-RELATED PROGRAMS.**

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

12 **Article – Natural Resources**

13 4–306.

14 **Article V.**

15 **Enforcement of Laws and Regulations: Penalties**

16 Section 2. The violation of any regulation of the commission shall be a
17 misdemeanor. Unless a lesser punishment is provided by the commission, such
18 violation shall be punishable by a fine not to exceed [one thousand dollars (\$1,000.00)]
19 **\$3,000** or confinement in a penal institution for not more than one (1) year, or both, in
20 the discretion of the court, and any vessel, boat, or equipment used in the taking of
21 finfish, crabs, oysters, clams, or other shellfish from the Potomac River in violation of
22 any regulation of the commission or of applicable laws may be confiscated by the court,
23 upon the abandonment thereof or the conviction of the owner or operator thereof.

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

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

36 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 3 and
37 4 of this Act, this Act shall take effect October 1, 2013.