

Legislation 2013 – 2/5/13

HB 16 – State Government - Administrative Procedures Act – Effective Date of Adopted Regulations (House Health and Government Operations, 1st Reader: Hearing 1/31/2013 1pm)

The bill alters the effective date of regulations not federally mandated adopted under the Administrative Procedure Act. The bill creates a schedule of four effective dates throughout the year (January 1, April 1, July 1, and October 1).

HB 72 – Natural Resources – Aquaculture Coordinating Council – Reporting Date – Cross-filed SB 21 (House Environmental Matters, 1st Reader: Hearing 2/06/2013 1:00 pm)

This bill alters the date by which the Aquaculture Coordinating Council must formulate and make proposals for advancing Maryland aquaculture from October 1 annually to June 30 annually.

HB 96 – Natural Resources – Restricted Shellfish Harvest Areas- Water Testing

(House Environmental Matters, 1st Reader: Hearing 2/06/2013 1pm)

The bill repeals the requirement that the Department of Environment test water in restricted areas or inspect the source of pollution of the water within certain time frequencies.

HB184 – Income Tax Credit – Oyster Shell Recycling (Crossfile SB 484)

(Ways and Means Committee, 1st Reader: Hearing 2/19/2013 1:00pm)

Allowing an individual or corporation a \$1 credit against the State income tax for each bushel of oyster shells recycled during the taxable year; providing that the credit may not exceed \$750 during a taxable year; requiring the Department of Natural Resources and the Comptroller jointly to adopt regulations to authorize businesses, landfills, and nonprofit organizations to verify the amount of oyster shells recycled by each individual or corporation; applying the Act to taxable years beginning after December 31, 2012; etc.

HB 241 – Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption

(Crossfile SB 163) (House Environmental Matters, 1st Reader: Hearing 2/13/2013 1pm)

Expanding the application of specified provisions of law relating to the protection of agricultural operations from nuisance actions under specified circumstances to apply to specified commercial fishing and seafood operations; exempting specified commercial fishing and seafood operations from nuisance lawsuits; authorizing an appeal of a local agency's decision on a nuisance complaint against a commercial fishing or seafood operation to a circuit court; etc.

HB 306 – Natural Resources – Aquaculture – Shellfish Nursery Permits (Crossfile SB 464)

(House Environmental Matters, Emergency Bill, 1st Reader: Hearing 2/13/2013 1pm)

Prohibiting a person from engaging in the commercial rearing of shellfish seed outside specified leased areas without first obtaining a shellfish nursery permit from the Department of Natural Resources; placing limitations on the issuance and scope of a permit for land-based and in-water shellfish nursery operations; providing that specified water quality classifications and restrictions established by the Department of the Environment may not affect specified in-water shellfish nursery operations; etc.

HB 357 – Potomac River Fisheries Commission – Inspection Tax and Penalty

(Crossfile SB 344) (House Environmental Matters, 1st Reader)

Establishing a maximum oyster inspection tax that may be imposed by the Potomac River Fisheries Commission; requiring the Potomac River Fisheries Commission to use the proceeds of the oyster inspection tax for a specified purpose; increasing a maximum penalty for the violation of specified regulations; making the Act subject to a specified contingency; etc.

HB 505 – Natural Resources – Hunting and Fishing License Applications – Social Security Number (House Environmental Matters, 1st Reader)

Limits the information which the Department of Natural Resources may require from an applicant for a hunting, fishing, or boat manufacturer's or dealer's license. These types of applications may not require the license applicant to disclose their full Social Security number and record that number on the application. The Department can only require the applicant to disclose the last four digits of their social security number.

HB 514 – Hunting, Fishing, and Boat Manufacturer's or Dealer's License Applications – Disclosure of Information

(House Environmental Matters, 1st Reader: Hearing 2/27 1:00pm)

Establishing that the Department of Natural Resources may require an applicant to provide only specified information on an application for hunting, fishing, or boat manufacturer's or dealer's license. Alters the information that a request for information from this type of license application made by the Child Support Enforcement Administration of the Department of Human Resources to the Department of Natural Resources is required to contain.

HB 622 – Natural Resources – Oyster Harvesting – Distribution of Oyster Tags

(House Environmental Matters, 1st Reader: Hearing 2/27 1:00pm)

Requiring the Department of Natural Resources to provide at least a 30-day supply of oyster tags whenever the Department distributes oyster tags to an individual licensed to catch oysters.

HB 708 – Natural Resources – Nuisance Organisms – Penalties (Crossfile HB 547)

(House Environmental Matters, 1st Reader: Hearing 2/27/2013 at 1:00pm) Creating a separate criminal offense for each nuisance organism imported or possessed in violation of specified provisions of law or regulation; and authorizing a judge to award a monetary reward to a person who provides information leading to a conviction under the Act, under specified circumstances.

SB 21 – Natural Resources – Aquaculture Coordinating Council – Reporting Date

(Cross-filed HB 72) (Senate Education, Health, and Environmental Affairs, 1st Reader: Hearing 1/23/13 2:00pm) This bill alters the date by which the Aquaculture Coordinating Council must formulate and make proposals for advancing Maryland aquaculture from October 1 annually to June 30 annually.

SB 46 - Natural Resources - Shark or Elasmobranch Fins - Restriction on Possession, Distribution, or Consumption

(Senate Education, Health, and Environmental Affairs, 1st Reader)

This bill generally prohibits a person from possessing, selling, offering for sale, trading, or distributing a shark fin. The bill authorizes a person to possess a shark fin and use an

unprocessed ray or skate as bait in specified circumstances. Also, a museum, college, or university is authorized to possess a shark fin if the shark fin is used solely for display or research purposes and is prohibited from selling a shark fin when it is no longer used for such purposes. The bill also prohibits a person from selling or consuming shark fin soup. A “shark fin” is the raw, dried, or otherwise processed detached fin or tail of a shark or other elasmobranch. The Department of Natural Resources (DNR) must adopt implementing regulations.

SB 59- Natural Resources – Fish and Fisheries (3rd Reader passed Senate: 41-0, House Environmental Matters) This departmental bill repeals, clarifies, and modifies provisions of State fish and fisheries laws primarily relating to the allowable manner, places, and times for catching, and size limits applicable to, certain species of fish (including crabs, oysters, and clams) that are inconsistent with State regulations, unnecessary, or obsolete. To ensure consistency with federal requirements under the National Shellfish Sanitation Program (NSSP) and existing NSSP regulations under the Department of Health and Mental Hygiene (DHMH), the bill repeals provisions concerning shellfish buying stations and oyster measurement containers, and instead authorizes the Department of Natural Resources (DNR) to adopt regulations (1) establishing procedures for selling oysters and clams and (2) governing the size, type, and use of containers used to measure oysters harvested or sold in the State.

SB 163 – Commercial Fishing and Seafood Operations - Nuisance Actions – Exemption (Crossfile HB 241) (Senate Judicial Proceedings, 1st Reader) The bill expands the application of specified provisions of law relating to the protection of agricultural operations from nuisance actions under certain circumstances to apply to commercial fishing and seafood operations. Commercial fishing and seafood operations are exempted from nuisance lawsuits and the bill authorizes an appeal of a local agency's decision on a nuisance complaint against a commercial fishing or seafood operation to a circuit court.

SB 241 – Administrative Procedure Act – Proposed Regulations – Public Hearing and Voting (Senate Education, Health, and Environmental Affairs, 1st Reader: Hearing 2/07/2013 at 1:45 pm) Requiring the Joint Committee on Administrative, Executive, and Legislative Review to hold a public hearing regarding a proposed regulation if at least 5 members of the Committee request a hearing; requiring the Committee, under specified circumstances, to vote on whether to oppose the adoption of a specified regulation under a specified provision of law; and requiring that members of the Committee be provided specified notice regarding the scheduling of a specified meeting.

SB 261 – State Government – Administrative Procedure Act – Effective Date of Adopted Regulations (Crossfile HB 16) (Senate Education, Health, and Environmental Affairs, 1st Reader: Hearing 2/21/2013 at 1pm) Altering the effective date of specified regulations adopted under the Administrative Procedure Act.

SB 344 – Potomac River Fisheries Commission – Inspection Tax and Penalty (Crossfile HB 357) (Senate Education, Health, and Environmental Affairs, 1st Reader: Hearing 2/12/2013 1pm) Establishing a maximum oyster inspection tax that may be imposed by the Potomac River Fisheries Commission; requiring the Potomac River Fisheries Commission to use the proceeds of

the oyster inspection tax for a specified purpose; increasing a maximum penalty for the violation of specified regulations; making the Act subject to a specified contingency; etc.

SB 379 – Regulations – Prohibition on Proposal and Adoption – Substantially Same Content as Failed Bill

(Senate Education, Health, and Environmental Affairs, 1st Reader: Hearing 2/21/2013 1pm)
Prohibiting a unit in the Executive Branch of State government from proposing or adopting a regulation if the regulation has substantially the same content as a bill that failed to pass either house of the General Assembly.

SB 464 - Natural Resources - Aquaculture - Shellfish Nursery Permits (Crossfile HB 306)

(Senate Education, Health, and Environmental Affairs, 1st Reader: Hearing 2/19/2013 1pm)
Prohibiting a person from engaging in the commercial rearing of shellfish seed outside specified leased areas without first obtaining a shellfish nursery permit from the Department of Natural Resources; placing limitations on the issuance and scope of a permit for land-based and in-water shellfish nursery operations; providing that specified water quality classifications and restrictions established by the Department of the Environment may not affect specified in-water shellfish nursery operations; etc.

SB 525 – Fishing – Sustainable Fisheries Enforcement Fund

(Senate Education, Health, and Environmental Affairs, 1st Reader) Establishing the Sustainable Fisheries Enforcement Fund as a special, nonlapsing fund; applying a \$10 surcharge to specified angler's licenses, commercial fishing licenses, and recreational fishing licenses; requiring that the surcharge be credited to the Sustainable Fisheries Enforcement Fund to finance specified enforcement activities of the Natural Resources Police; etc.

SB 547 – Natural Resources – Nuisance Organisms – Penalties (Crossfile HB 708)

(Senate Education, Health, and Environmental Affairs, 1st Reader) Creating a separate criminal offense for each nuisance organism imported or possessed in violation of specified provisions of law or regulation; and authorizing a judge to award a monetary reward to a person who provides information leading to a conviction under the Act, under specified circumstances.

SB 592 – Natural Resources – Shark Fins – Restriction on Possession or Distribution

(Senate Education, Health, and Environmental Affairs, 1st Reader)
Prohibiting a person from possessing, selling, offering for sale, trading, or distributing a fin or tail of a shark or other elasmobranch; exempting a specified person from the prohibition against possessing a shark fin under specified circumstances; authorizing a person to use a ray or skate as bait under specified circumstances; requiring the Department of Natural Resources to adopt regulations to implement the Act; and defining "shark fin".

SB 662 – Natural Resources – Commercial Fishing – Licensing

(Senate Education, Health, and Environmental Affairs, 1st Reader)
Raises certain authorized annual fees and surcharges for specified commercial fishing licenses, authorizations, and permits; establishes an annual harvester's registration for all commercial fishing licenses for a fee of \$215; requiring anyone that purchases Maryland seafood for resale to

be licensed as a dealer or to have purchased from a dealer; and repealing provisions of law that authorize the Department to establish and issue a commercial fishing apprenticeship permit.

SB 795 - Oyster Dredging - Waters North of the Chesapeake Bay Bridge and Kent Narrows Bridge (Senate Education, Health, and Environmental Affairs, 1st Reader)

Adding the waters of Anne Arundel County, Baltimore County, Cecil County, Harford County, Kent County, and Queen Anne's County that lie north of the Chesapeake Bay Bridge and the Kent Narrows Bridge to the areas of State waters in the Chesapeake Bay where a person may catch oysters by dredge.