

(I) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT A REPORT TO THE GENERAL ASSEMBLY DEMONSTRATING THAT THE DEPARTMENT HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION;

(II) CONDUCT PUBLIC HEARINGS REGARDING THE DEPARTMENT'S DECISION TO INTRODUCE OR TO ISSUE A PERMIT TO INTRODUCE A NONNATIVE OYSTER INTO STATE WATERS;

(III) FOR AT LEAST 30 DAYS FOLLOWING THE LAST PUBLIC HEARING CONDUCTED UNDER ITEM (II) OF THIS PARAGRAPH, RECEIVE WRITTEN PUBLIC COMMENTS ON THE DEPARTMENT'S DECISION TO INTRODUCE OR TO ISSUE A PERMIT TO INTRODUCE; AND

(IV) 1. ISSUE AND PUBLISH A FINAL DECISION, INCLUDING A FULL SCIENTIFIC RATIONALE FOR THE FINAL DECISION, A SUMMARY OF ORAL AND WRITTEN COMMENTS RECEIVED UNDER ITEMS (II) AND (III) OF THIS PARAGRAPH, AND THE DEPARTMENT'S RESPONSE TO THESE COMMENTS, IN THE MARYLAND REGISTER; AND

2. PUBLISH THE FINAL DECISION, INCLUDING ALL ACCOMPANYING DOCUMENTATION UNDER ITEM 1 OF THIS ITEM, ON THE DEPARTMENT'S WEBSITE.

(3) INTRODUCTION OF A NONNATIVE OYSTER MAY NOT OCCUR UNTIL AT LEAST 60 DAYS AFTER ISSUANCE OF A FINAL DECISION UNDER PARAGRAPH (2)(IV) OF THIS SUBSECTION.

(D) IN ADDITION TO ANY OTHER PENALTY PROVIDED UNDER LAW, A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS:

(1) GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$25,000 OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT; AND

(2) LIABLE FOR THE IMPOSITION OF A CIVIL PENALTY UP TO \$25,000 AND, IN THE DISCRETION OF THE COURT, THE ACTUAL COSTS ASSOCIATED WITH REMEDIATION OF THE INTRODUCTION.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 26, 2005

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401