WHEREAS, Many small oysters or spat remain viable for several days once harvested on marketable oysters, especially during cool weather, and they should be treated as a source of seed as well as cultch for future generations; and

WHEREAS, By rapidly planting fresh oyster shell, small oysters that adhere to the shell will have an opportunity to survive and produce harvestable oysters in a shorter time period; now, therefore,

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

Article - Natural Resources

4-1019.1.

~~(A)--THIS-SECTION-DOES-NOT-APPLY-TO:~~

~~(1)--AN--INDIVIDUAL--WHO--TAKES--OR--USES--OYSTERS--FOR PERSONAL-USE-OR-CONSUMPTION-PURPOSES;-OR~~

~~(2)--OLD--OYSTER--SHELLS--THAT--ARE--DREDGED--FROM-THE CHESAPEAKE-BAY-OR-ITS-TRIBUTARIES.~~

~~(B)--ANY-COMMERCIAL-OYSTER-PACKER-SHALL-RESERVE--ALL--OYSTER SHELLS--FOR--THE--USE--OF--THE-DEPARTMENT-IN-REPLANTING-ON-PUBLIC OYSTER-AREAS-UNLESS-THE-PACKER-PLANTS-THESE-OYSTER-SHELLS:~~

~~(1)--ON-PRIVATE-LEASED-GROUND-OR-RIPARIAN--BOTTOM--FOR THE-PROPAGATION-OF-OYSTERS;-OR~~

~~(2)--ON---PUBLIC---OYSTER---AREAS--DESIGNATED--BY--THE DEPARTMENT.~~

~~(C)--IN-CONSULTATION-WITH-THE-MARYLAND-OYSTER--PACKERS,--THE DEPARTMENT--SHALL--DETERMINE--ANNUALLY-THE-FAIR-MARKET-VALUE-THAT THE-DEPARTMENT-PAYS-FOR-FRESH-OYSTER-SHELLS.~~

~~(D)--A-PERSON-MAY-NOT-SELL-FRESH-OYSTER--SHELLS--TO--ANOTHER PERSON--FOR--ANY--PURPOSE--THAT--IS-CONTRARY-TO-THE-PROVISIONS-OF SUBSECTION-(B)-OF-THIS-SECTION.~~

~~(E)--IF-THE-DEPARTMENT-HAS-BUDGETARY-CONSTRAINTS-IN-CARRYING OUT-THE-PROVISIONS-OF-THIS-SECTION,-OYSTER-PACKERS-DO-NOT-HAVE-TO COMPLY-WITH-THE-PROVISIONS-OF-SUBSECTIONS-(B)--AND--(D)--OF--THIS SECTION.~~

THE DEPARTMENT SHALL ~~-ESTABLISH-A-VOLUNTARY-PROGRAM-~~ _INITIATE THE DEVELOPMENT OF A PROGRAM FOR ENACTMENT BY THE MARYLAND GENERAL ASSEMBLY_ TO ENCOURAGE RETURN OF THE STATE'S OYSTER SHELL RESOURCE TO THE TIDAL WATERS OF THE STATE TO ASSIST OYSTER PROPAGATION. THE DEPARTMENT ALSO MAY USE THE FISHERIES RESEARCH AND DEVELOPMENT FUND TO PURCHASE OYSTER SHELL.