

Chapter 285

(House Bill 708)

AN ACT concerning

Natural Resources – Nuisance Organisms – Penalties

FOR the purpose of creating a separate criminal offense for each nuisance organism imported or possessed in violation of certain provisions of law or regulation; establishing a certain total maximum fine for offenses arising out of the same enforcement action; authorizing a judge to award a certain monetary reward to a person who provides information leading to a certain conviction, under certain circumstances; and generally relating to nuisance organisms.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–205.1(a)(8)

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–205.1(i)

Annotated Code of Maryland

(2012 Replacement Volume)

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

Article – Natural Resources

4–205.1.

(a) (8) “Nuisance organism” means a nonnative aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms.

(i) **(1)** In addition to any other penalty provided under law, a person who violates a provision of this section **OR A REGULATION ADOPTED UNDER THIS SECTION** is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$2,500 or both **FOR EACH OFFENSE, BUT NOT EXCEEDING A TOTAL OF \$25,000 FOR OFFENSES ARISING OUT OF THE SAME ENFORCEMENT ACTION.**

(2) EACH NUISANCE ORGANISM IMPORTED OR POSSESSED IN VIOLATION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION CONSTITUTES A SEPARATE OFFENSE.

~~(3) (i) SUBJECT TO SUBPARAGRAPHS (ii) AND (iii) OF THIS PARAGRAPH, ON ENTERING A CONVICTION FOR A VIOLATION UNDER THIS SECTION, A JUDGE MAY AWARD A PORTION OF ANY FINES COLLECTED UNDER THIS SECTION TO A PERSON WHO PROVIDED INFORMATION LEADING TO THE CONVICTION.~~

~~(ii) AN AWARD THAT IS GRANTED UNDER THIS PARAGRAPH MAY NOT EXCEED ONE HALF OF THE TOTAL FINES COLLECTED UNDER THIS SECTION.~~

~~(iii) AN AWARD UNDER THIS PARAGRAPH MAY NOT BE MADE TO A LAW ENFORCEMENT OFFICER OR TO AN EMPLOYEE OF THE DEPARTMENT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013.

Approved by the Governor, May 2, 2013.