

**APPENDIX E — REPORT OF THE COMMISSIONERS
TO THE GOVERNORS OF MARYLAND AND
VIRGINIA, *THE POTOMAC RIVER COMPACT OF 1958*,
REPRINTED IN VIRGINIA HOUSE
DOCUMENT NO. 22 (1960)**

Mount Vernon, Virginia

December 20, 1958

To

THE HONORABLE THEODORE R. MCKELDIN,
Governor of Maryland

and

THE HONORABLE J. LINDSAY ALMOND, JR.,
Governor of Virginia

This report is respectfully submitted to perpetuate and improve the fisheries of the Potomac River to the mutual advantage and enjoyment of the citizens of the State of Maryland and the Commonwealth of Virginia.

The legislative proposals attached to this report are necessary and are brought about by the accidents of geography and history. When the colony of Maryland was formed, its southern boundary was the Potomac River. Virginia was given the Capes which form the entrance to the Chesapeake Bay and its tributaries.

When the colonies separated from England, each became to all intents and purposes a sovereign and independent

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nation. The rights which the citizens of the two new “nations” sought to exercise soon brought about conflict. Maryland controlled the Potomac River and Virginians could not enjoy the fisheries thereof while Virginia controlled the Capes and the Maryland citizens could not pass through the Capes without the payment of toll.

It was not long before those men who had the vision and courage to separate from England saw the need for a solution to the problems confronting the citizens of their two states.

The commissioners from the two states who were appointed to compose the differences, and who were successful in doing so, met at Mount Vernon on March 28, 1785, upon the invitation of that towering figure of American history — George Washington. The success of the conference is undoubtedly due in large measure to his wisdom, although each state was well represented by men of broad vision well endowed with capacities which had met the test of the dark days of the American Revolution. The work of these men in agreeing to the Compact of 1785 led directly to the call for the Constitutional Convention in Philadelphia and subsequently to the adoption of the Constitution of the United States.

The commissioners prepared a compact which was thereafter submitted to the respective legislatures and approved in 1785. The compact dealt with matters other than the fisheries and free passage of the Capes, for these were sovereign contracting parties intending to agree upon all subjects of possible dispute.

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Many of the provisions of the original compact became obsolete with the adoption of the Federal Constitution in 1789 which gave the federal government sole jurisdiction over interstate trade and maritime matters. Notwithstanding this, the other provisions of the compact have long enjoyed unquestioned vitality and have been honored by the two states.

The means employed for regulation of the fisheries was the adoption by the two states of similar concurrent legislation. Over the years, it was the custom for the states to adopt the same legislation governing the fisheries upon the Potomac River. In the early years of the compact, these fisheries were not sufficiently important to require the adoption of similar concurrent legislation concerning the Potomac River. This process went on and a striking degree of similarity was achieved and maintained in the laws of the two states dealing with the Potomac River fisheries.

All thinking citizens realize the adoption of laws does not insure their enforcement. The problems of enforcement may arise from honest difference of opinion as to the proper means for engaging in certain activities, or a calculated disregard of the law, or sympathy on the part of local juries sitting in the trial of cases of persons charged with violation of law. Whatever the reasons, enforcement of the Potomac River statutes became increasingly difficult. As the problems of enforcement increased, so did the expenditures for enforcement. Violation of the Potomac River statutes has not been the exclusive privilege of the citizens of either state.

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In recent years attempts have been made from time to time to establish a bi-state commission to regulate the fisheries of the Potomac River. Differences of opinion have arisen as to the scope of the commission's jurisdiction and the method of appointment. Some bitterness has developed over alleged failure or refusal to enforce the Potomac River statutes and, after a long series of disagreements, the State of Maryland in 1957 adopted an act purporting to repeal the Compact of 1785. At the same session Maryland also repealed portions of her concurrent Potomac River statutes and assumed exclusive jurisdiction and control over the Potomac River. There was further legislation at Annapolis following the repeal, which provided that the citizens of Virginia should receive the same treatment as to the issuance of licenses and other matters having to do with fisheries on the river as the citizens of Maryland.

Virginia also in 1957 instituted a proceeding to invoke the original jurisdiction of the Supreme Court of the United States and to have the court rule invalid the Maryland acts which were designed to repeal the compact and place exclusive jurisdiction of the Potomac River in Maryland. After taking jurisdiction of the case, the Supreme Court of the United States assigned Mr. Justice Stanley Reed to act as a Special Master in the taking of evidence and the preparation of a report for the Court. In discussions among Mr. Justice Reed and Messrs. C. Ferdinand Sybert, Attorney General of the State of Maryland, and A.S. Harrison, Jr., Attorney General of Virginia, it was suggested that the parties should attempt to resolve their differences by the appointment of commissioners from each state to meet and

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discuss the matters in dispute with a view to arriving at a satisfactory settlement of the controversy out of court if possible.

The appointment of the Commission arose from the situation in the Potomac River, and the jurisdiction of the Commission was restricted to that area.

Pursuant to this suggestion, Governor McKeldin appointed as commissioners to represent the State of Maryland the following: Carlyle Barton, Esquire, M. William Adelson, Esquire, Judge Stephen R. Collins, Judge Edward S. Delaplaine and William J. McWilliams, Esquire. Governor Almond appointed as commissioners to represent Virginia the following: Mills E. Godwin, Jr., Esquire, John Warren Cooke, Esquire, Howard H. Adams, Esquire, Robert Y. Button, Esquire, and Edward E. Lane, Esquire. The commissioners from each state were assisted by the respective officials in charge of the fisheries program, Attorneys General and staffs, and staffs of the legislative councils.

Following the organization of each commission, a joint meeting was held at Mount Vernon on May 19, 1958. A general discussion was had of the problems confronting the two groups and some tentative proposals were made for further consideration. Thereafter, on June 23-24, 1958, a joint meeting of the two commissions was held in Annapolis and testimony was received concerning the scientific aspects of the Potomac River fisheries. The commissioners from Virginia were the guests of Governor and Mrs. McKeldin. Subsequently the two commissions held joint hearings in

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La Plata, Maryland, on the morning of July 12 and in Warsaw, Virginia, on that afternoon.

We were impressed by the desire of those dependent upon the Potomac fisheries for a living whereby some means might be found for improving the fisheries instead of seeing a constant decline in this production from the Potomac. There seemed to be no major differences of opinion among them as to what ought to be done.

We also heard the testimony of expert marine biologists who assured us that the Potomac River fisheries are on the decline, large areas of the river are barren, and a program is badly needed in which the two states might unite in jointly restoring the fisheries of the Potomac River. There also appeared no area of disagreement between the scientific personnel of Maryland and Virginia as to the problems of the Potomac River.

Upon the conclusion of the hearings, the two commissioners went to Williamsburg and held a joint meeting on the 14th day of July. While in Williamsburg Governor and Mrs. Almond entertained the commissioners and their wives. At the Williamsburg meeting agreement was reached upon many matters and it was then decided that a bi-state agency offered the most practical solution to the conservation and development of the Potomac River Fisheries. The staffs were directed to prepare drafts of measures to carry out the general agreements.

The respective commissions held frequent separate meetings after appointment, but the next joint meeting of

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the commission was held on November 14, 1958, at the Decatur House in Washington, D.C. Final agreement was reached upon all but a few minor matters and committees were appointed to reach satisfactory conclusions upon these. Mr. Justice Reed was present for luncheon and was informed of the progress being made.

The final meeting of the commission took place at Mount Vernon on December 20, 1958, at which time agreement was reached upon all matters which were entrusted to the two commissions. A new compact governing the Potomac River fisheries was unanimously approved by the members of the two commissions and a copy marked Appendix I is attached to this joint report, which is signed by all the members of each commission.

The solution proposed is a new compact entitled "The Potomac River Compact of 1958". It sets forth in general the reasons leading to the adoption of the Compact, the jurisdictional area of the Potomac River Fisheries Commission, creates the Commission and provides that it shall consist of six members with three each to be chosen from the respective fisheries commissions of Maryland and Virginia. The Commission is vested with the necessary powers as to employment of personnel, establishment of offices, etc., to enable it to discharge its duties. The Commission is required to make a survey of the oyster bars, required to conduct research relative to the conservation and repletion of fisheries resources, and is empowered to regulate the taking of finfish, crabs, oysters and clams. It may issue licenses to the citizens of each state on the same terms for taking fish and shellfish, and may call upon the agencies of

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the respective states to assist it in its duties. It may impose a license tax on oysters taken within the limits of the Potomac River but not to exceed 25¢ per bushel. The Commission is authorized to adopt rules and regulations and provision is made for due notice thereof; judicial review is provided in case of appeal from any such rule or regulation.

It should be pointed out that the laws of Maryland in force on December 1, 1958, and applicable to the Potomac River will remain in force until changed by regulation of the Commission. No regulation may be adopted unless concurred in by at least four members of the Commission, which, it is felt, adequately protects both states. Regulations of the Commission may be amended, modified or rescinded by joint action of the General Assemblies of each of the states.

Enforcement of the regulations will be through the law enforcement agencies of each of the two states. Penalties are provided for violations of the regulations and violators may be taken to an appropriate court in either state in a county adjacent to that part of the Potomac River where the offense occurred. Fines imposed are to be paid to the state in which the case was tried.

Each state pledges that it will appropriate no less than \$25,000.00 a year for the expenses and other purposes of the Commission. Provision is made for auditing the expenditures of the Commission.

The new compact would take the place of the Compact of 1785 and would become effective at the expiration of sixty days after the completion of the last act necessary to make it

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legally effective. It would also provide that once the new Compact was adopted and ratified by each state, neither could repeal or alter the same without the consent of the other. Thus further litigation between the States before the Supreme Court would be unnecessary and the case would be dismissed.

Clause VII of the Compact of 1785 is reflected in Section 4 of Article 3 and in Section 1 of Article 7 of the new Compact and carries forward certain rights of the citizens of Maryland and Virginia which have not been in controversy. Clause XIII is contained in Article VIII of the new Compact and provides that once ratified, the Company is not to be repealed or amended without the mutual consent of the two states.

We contemplate and respectfully suggest to Your Excellencies that the attached bill be introduced and enacted into law at the first session of your General Assemblies occurring after the making of this report. We further suggest that arrangements be made for the introduction of the Compact in the Congress of the United States, and that steps be taken to assure its adoption in the Congress. As soon as the Compact has been approved by the two states and the Congress, it will become effective upon the expiration of sixty days.

CONCLUSION

We have been impressed by the spirit of cooperation and good will which has prevailed in all of our meetings. In an undertaking of this kind there is seldom a winner or a loser. Those who have participated in the framing of the newly-proposed Compact have approached this task in a

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spirit which they hope is worthy of that exhibited by George Washington and the commissioners from the two states who first met at Mount Vernon and reconciled their differences. The shadow of this influence and the imprint of history have inspired us. We have sought to measure up to the responsibilities and trust conferred upon us and in a spirit of mutual confidence, we now submit to Your Excellencies, "The Potomac River Compact of 1958".

Respectfully submitted,

For the State of Maryland:

CARLYLE BARTON
WILLIAM J. McWILLIAMS
M. WILLIAM ADELSON
STEPHEN R. COLLINS
EDWARD S. DELAPLAINE

Commissioners

For the Commonwealth of Virginia:

MILES E. GODWIN, JR.
HOWARD H. ADAMS
EDWARD E. LANE
ROBERT Y. BUTTON
JOHN WARREN COOKE

Commissioners

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PREAMBLE

Whereas, Maryland and Virginia are both vitally interested in conserving and improving the valuable fishery resources of the tidewater portion of the Potomac River, and

Whereas, certain provisions of the Compact of 1785 between Maryland and Virginia having become obsolete, Maryland and Virginia each recognizing that Maryland is the owner of the Potomac River bed and waters to the low water mark of the southern shore thereof, as laid out on the Matthews-Nelson survey of 1927, and that Virginia is the owner of the Potomac River bed and waters southerly from said low water mark, as laid out, and the citizens of Virginia have certain riparian rights along the southern shore of the River as shown on said Matthews-Nelson survey, and in common with the citizens of Maryland, the right of fishing in said River. Maryland and Virginia have agreed that the necessary conservation and improvements of the tidewater portion of the Potomac fishery resources can be best achieved by a Commission comprised of representatives of both Maryland and Virginia, charged with the establishment and maintenance of a program to conserve and improve these resources, and

Whereas, at a meeting of the Commissioners appointed by the Governors of the State of Maryland and the Commonwealth of Virginia, to-wit: Carlyle Barton, M. William Adelson, Stephen R. Collins, Edward S. Delaplaine and William J. McWilliams, Esquires, on the part of the State of Maryland and Mills E. Godwin, Jr., Howard H. Adams, Robert Y. Button, John Warren Cooke and

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Edward E. Lane, Esquires, on the part of the Commonwealth of Virginia, at Mount Vernon, in Virginia, on the twentieth day of December, in the year one thousand nine hundred and fifty-eight, the following Potomac River Compact of 1958, between the Commonwealth of Virginia and the State of Maryland was mutually agreed to by the said Commissioners:

Now, Therefore, Be it Resolved by the Commissioners appointed by the Governors of the State of Maryland and the Commonwealth of Virginia, meeting in joint session, that they do unanimously recommend to the said respective Governors that there be a new Compact, to be designated as the “Potomac River Compact of 1958,” and that the said new Compact be referred as promptly as possible to the Legislatures of the State of Maryland and the Commonwealth of Virginia for appropriate action, and to the end that after ratification and adoption by said Legislatures the same be submitted to the Congress of the United States for approval.

ARTICLE I. COMMISSION — MEMBERSHIP AND ORGANIZATION

Section 1. *Commission Created*

The Potomac River Fisheries Commission, hereinafter designated as “Commission,” is hereby created.

Section 2. *Members*

The Commission shall consist of six members, three from Maryland and three from Virginia. The Maryland

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members shall be the members of the Tidewater Fisheries Commission of Maryland or its successor agency and the Virginia members shall be the members of the Virginia Fisheries Commission or its successor agency. If the membership of either of the respective State Commissions exceeds three, then the three Commission members from that state shall be selected by the Governor thereof from the members of the State Commission; and if the membership of either of the respective State Commissions is less than three, the three Commission members from that state shall be the member or members of the State Commission, and such additional person or persons who shall be appointed by the Governor, as may be necessary to constitute a total of three Commissioners.

Section 3. Term, Vacancies

The term of Commissioners who are members of their respective State Commissions shall be coterminous with their term on their State Commission. The term of Commissioners who are not members of their State Commission shall be four years. Vacancies on the Commission shall be filled by appointment of the Governor of the state entitled to fill the vacancy, except that where the State Commission has three members, the person filling a vacancy on the State Commission shall *ex officio* become a member of the Commission.

Section 4. Chairman

The Chairman of the Commission shall alternate from year to year between representatives of Maryland and

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Virginia. Subject to such alternation, the Chairman shall be elected by the Commissioners for a term of one year.

Section 5. Compensation, Expenses

Commissioners shall be entitled to receive from the General Fund of the Commission compensation of twenty-five dollars (\$25.00) for each day or portion thereof spent in the performance of their duties, and reimbursement for reasonable expenses incident to the performance of their duties.

Section 6. Meetings, Quorum

Commission meetings shall be held at least once each quarter, and at such other times as the Commission may determine. Four members shall constitute a quorum for the transaction of business.

Section 7. Office and Employees

The Commission shall establish and maintain an office at such locations as it may select, and may employ an Executive Secretary who shall serve at the pleasure of the Commission, and such other administrative, clerical, scientific, and legal personnel as it deems necessary. The powers, duties and compensation of all employees shall be as prescribed by the Commission and the employees shall not be subject to the provisions of Article 64A of the Annotated Code of Maryland nor to the provisions of the Virginia Personnel Act, as the same may be from time to time in effect. The Commission may extend to any employee

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or employees membership in the Virginia Supplemental Retirement System or the Maryland Employees' Retirement System, whichever is applicable, subject to the laws relating to each such retirement system.

ARTICLE II. JURISDICTIONAL BOUNDARIES

The territory in which the Potomac River Fisheries Commission shall have jurisdiction shall be those waters of the Potomac River enclosed within the following described area:

Beginning at the intersection of mean low water mark at Point Lookout and an established line running from Smiths Point to Point Lookout, marking Chesapeake Bay waters; thence following the mean low water line of the shore northwesterly across the respective mouths of all creeks to Gray Point at the westerly entrance into Rowley Bay; thence in a straight line northwesterly to the southerly extremity of Kitts Point; thence along the mean low water line to the southwesterly point of St. Ingoes Neck; thence in a straight line westerly to the most easterly point of St. Georges Island; thence following the mean low water line in a general northwesterly direction, across the respective mouths of all creeks and inlets to the southwesterly point of Huggins Point; thence in a straight line southwesterly to the eastern extremity of the sand bar known as Heron Island; thence northwesterly following the ridge of Heron Island Bar to its westerly extremity; thence southwesterly in a straight line to the most southerly point of Blackiston Island; thence in a straight line northwesterly to the southern extremity of Colton's Point; thence following the mean low water line, westerly,

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excluding all creeks and inlets, to the point marking the southeasterly entrance into St. Catherine Sound; thence westerly in a straight line to the southern extremity of St. Catherine Island Sandbar; thence northwesterly, along the westerly edge of said sand bar continuing along the mean low water line of the southwesterly side of St. Catherine Island to the northwesterly point of said island; thence westerly in a straight line to Cobb Point Bar Lighthouse; thence northwesterly along the ridge of Cobb Point Sandbar to the southerly extremity of Cobb Point; thence following the mean low water line in general northwesterly and northerly directions across the respective mouths of all creeks and inlets to a point at the easterly entrance into Port Tobacco River, due east of Windmill Point; thence in a straight line westerly to Windmill Point; thence southwesterly following the mean low water line across the respective mouths of all creeks and inlets to Upper Cedar Point; thence southwesterly in a straight line across the mouth of Nanjemoy Creek to a point on shore at the village of Riverside; thence following the mean low water line, southwesterly, northwesterly and northerly, across the respective mouths of all creeks and inlets to Smith Point; thence northerly in a straight line to Liverpool Point; thence northerly in a straight line to Sandy Point; thence following the mean low water line northerly, across the respective mouths of all creeks and inlets to Moss Point; thence northerly in a straight line across Chicamuxen Creek to the southernmost point of Stump Neck; thence following the mean low water line northeasterly, across the respective mouths of all creeks and inlets, to a point at the southerly entrance into Mattawoman Creek; thence in a straight line northeasterly across the mouth of Mattawoman Creek to the southwesterly point of Cornwallis Neck; thence

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following the mean low water line northeasterly, across the respective mouths of all creeks and inlets, to Chapman Point; thence in a straight line northeasterly to Pomonkey or Hollis Point; thence following the mean low water line in a northerly direction across the respective mouths of all creeks and inlets, to a point on Marshall Hall shore, due south of Ferry Point; thence northeasterly in a straight line to Bryan Point; thence northeasterly in a straight line to the northwest extremity of Mockley Point; thence northeasterly in a straight line to Hatton Point; thence northerly in a straight line to the southwesternmost point of Indian Queen Bluff; thence following the mean low water line northerly across the respective mouths of all creeks and inlets, to Rosier Bluff Point; thence in a straight line northerly to the intersection with the District of Columbia Line at Fox Ferry Point; thence following the boundary line of the District of Columbia southwesterly to a point on the lower or southern shore of the Potomac River, said point being the intersection of the boundary line of the Commonwealth of Virginia with the boundary line of the District of Columbia; thence following the mean low water line of the Potomac River on the southern, or Virginia shore, as defined in the Black-Jenkins Award of 1877 and as laid out in the Matthews-Nelson Survey of 1927, beginning at the intersection of the Potomac River and the District of Columbia Line at Jones Point and running to Smiths Point; and thence in a straight line across the mouth of the Potomac River on the established line from Smiths Point to Point Lookout, to the mean low water mark at Point Lookout, the place of beginning.

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ARTICLE III. COMMISSION POWERS AND DUTIES

Section 1. *Oyster Bars*

The Commission shall make a survey of the oyster bars within its jurisdiction and may reseed and replant said oyster bars as may from time to time be necessary.

Section 2. *Fish and Seafood*

The Commission may by regulation prescribe the type, size and description of all species of finfish, crabs, oysters, clams and other shellfish which may be taken or caught within its jurisdiction, the places where they may be taken or caught, and the manner of taking or catching.

Section 3. *Research*

The Commission shall maintain a program of research relating to the conservation and repletion of the fishery resources within its jurisdiction, and to that end may cooperate and contract with scientists and public and private scientific agencies engaged in similar work, and may purchase, construct, lease, borrow or otherwise acquire by any lawful method such property, structures, facilities, or equipment as it deems necessary.

Section 4. *Licenses*

- (a) The Commission shall issue such licenses as it may prescribe which shall thereupon be required for the taking of finfish, crabs, oysters, clams,

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or other shellfish from the waters within the jurisdiction of the Commission, and for boats, vessels and equipment used for such taking. Recognizing that the right of fishing in the territory over which the Commission shall have jurisdiction is and shall be common to and equally enjoyed by the citizens of Virginia and Maryland, the Commission shall make no distinction between the citizens of Virginia or Maryland in any rule, regulation or the granting of any licenses, privileges, or rights under this Compact.

- (b) Licenses for the taking of oysters and clams and the commercial taking of finfish and crabs within the jurisdiction of the Commission shall be granted only to citizens of Maryland or Virginia who have resided in either or both states for at least twelve months immediately preceding the application for the license. Within six months after the effective date of this Compact, the Commission shall adopt a schedule of licenses, the privileges granted thereby, and the fees therefor, which may be modified from time to time in the discretion of the Commission.
- (c) The licenses hereby authorized may be issued at such places, by such persons, and in accordance with such procedures as the Commission may determine.

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Section 5. *Expenditures*

The Commission is authorized to expend funds for the purposes of general administration, repletion of the fish and shellfish in the Potomac River, and the conservation and research programs authorized under this Compact, subject to the limitations provided in this Compact.

Section 6. *Grants, Contributions, Etc.*

The Commission is authorized to receive and accept (or to refuse) from any and all public and private sources such grants, contributions, appropriations, donations, and gifts as may be given to it, which shall be paid into and become part of the General Fund of the Commission, except where the donor instructs that it shall be used for a specific project, study, purpose, or program, in which event it shall be placed in a special account, which shall be administered under the same procedure as that prescribed for the General Fund.

Section 7. *Cooperation of State Agencies*

The Commission may call upon the resources and assistance of the Virginia Fisheries Laboratory, the Maryland Department of Research and Education, and all other agencies, institutions and departments of Maryland and Virginia which shall cooperate fully with the Commission upon such request.

*Appendix E*Section 8. *Regulations*

The Commission shall have the power to make, adopt and publish such rules and regulations as may be necessary or desirable for the conduct of its meetings, such hearings as it may from time to time hold, and for the administration of its affairs.

Section 9. *Inspection Tax*

The Commission may impose an inspection tax, in an amount as fixed from time to time by the Commission, not exceeding 25¢ per bushel, upon all oysters caught within the limits of the Potomac River. The tax shall be paid by the buyer at the place in Maryland or Virginia where the oysters are unloaded from vessels and are to be shipped no further in bulk in vessel, to an agent of the Commission, or to such officer or employee of the Virginia Fisheries Commission or of the Maryland Department of Tidewater Fisheries, as may be designated by the Commission, and by him paid over to the Commission.

ARTICLE IV. COMMISSION REGULATIONS —
PROCEDURES AND REVIEWSection 1. *Notice, Hearing, Vote*

No regulation shall be adopted by the Commission unless: (a) a public hearing is held thereon, (b) prior to the hearing the Commission has given notice of the proposed regulation by publication thereof at least once a week for three successive weeks in at least one newspaper published,

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or having a general circulation in each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction. The first such publication to be at least thirty days but not more than 45 days prior to the date of the hearing; (c) a copy of the proposed regulation is mailed at least 30 days but not more than 45 days prior to the hearing, to the clerk of the court of each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, who shall post the same in a conspicuous place at or in the courthouse; and (d) the regulation is approved by at least four members of the Commission.

Section 2. Recording, Effective Date

- (a) Regulations of the Commission shall be exempt from the provisions of Chapter 1.1 of Title 9 of the Code of Virginia (1950 Edition, as amended from time to time), and of Section 9 of Article 41 of the Annotated Code of Maryland (1957 Edition, as amended from time to time). Copies of Commission regulations shall be kept on public file and available for public reference in the offices of the Commission, the office of the clerk of court in each county of Maryland and Virginia contiguous to the waters within the Commission's jurisdiction, the office of the Virginia Division of Statutory Research and Drafting, the office of the Maryland Department of Legislative Reference, the office of the Virginia Fisheries Commission, and the office of the Maryland Department of Tidewater Fisheries.

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- (b) No regulation of the Commission shall become effective until thirty (30) days after the date of its adoption, or such later date as may be fixed by the Commission.

Section 3. *Review*

Any person aggrieved by any regulation or order of the Commission may at any time file a petition for declaratory judgment with respect to the validity or construction thereof, in the circuit court of any county in Maryland or Virginia contiguous to the waters within the Commission's jurisdiction. A review of the final judgment of the circuit court may be appealed to the court of highest appellate jurisdiction of the state in accordance with the rules or laws of procedure in such state.

Section 4. *Revision by Legislative Action*

Regulations of the Commission may be amended, modified, or rescinded by joint enactment of the General Assembly of Maryland and the General Assembly of Virginia.

ARTICLE V. ENFORCEMENT OF LAWS AND REGULATIONS: PENALTIES

Section 1. *Responsibility for Enforcement*

The regulations and orders of the Commission shall be enforced by the law enforcement agencies and officers of Maryland and Virginia.

*Appendix E***Section 2. *Penalties***

The violation of any regulation of the Commission shall be a misdemeanor. Unless a lesser punishment is provided by the Commission, such violation shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or confinement in a penal institution for not more than one (1) year, or both, in the discretion of the court, and any vessels, boat, or equipment used in the taking of finfish crabs, oysters, clams or other shellfish from the Potomac River in violation of any regulation of the Commission or of applicable laws may be confiscated by the court, upon the abandonment thereof or the conviction of the owner or operator thereof.

Section 3. *Jurisdiction of Court*

The officer making an arrest or preferring a charge for violation of a regulation of the Commission or an applicable state law respecting the waters within the Commission's jurisdiction shall take the alleged offender to a court of competent jurisdiction in either State, in a county adjacent to the portion of the Potomac River where the alleged offense occurred, which shall thereupon have jurisdiction over the offense.

Section 4. *Disposition of Fines and Forfeitures*

All fines imposed for violation or regulations of the Commission or applicable state laws respecting the waters within the Commissions' jurisdiction shall be paid into the court in which the case is prosecuted, and accounted for under the laws applicable to that court. Any property confiscated

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under the provisions of this Compact shall be turned over to the Commission, which may retain, use or dispose of as its deems best.

ARTICLE VI. COMMISSION FINANCES

Section 1. *Budget*

The Commission shall approve and adopt a proposed annual budget showing estimated income, revenues, appropriations, and grants from all sources, and estimated necessary expenditures and shall send a copy thereof to the Governors of Maryland and Virginia.

Section 2. *Appropriations*

The said Governors shall place in the proposed Budget of their respective states for each year the sum of not less than twenty-five thousand dollars (\$25,000.00) for the expenses and the other purposes of the Commission for that year; and the General Assembly of each of the two states agrees to appropriate annually not less than this sum to the Commission.

Section 3. *General Fund*

- (a) The General Fund shall consist of: (1) all income and revenue received from the issuance of licenses under this Compact; (2) the proceeds of the disposition of property confiscated pursuant to the provisions of this Compact; (3) the proceeds of the inspection tax upon

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oysters imposed pursuant to this Compact; and
(4) the funds appropriated to the Commission
by the two states.

- (b) The General Fund of the Commission shall be kept in such bank or depository as the Commission shall from time to time select. The General Fund shall be audited annually by the Auditor of Public Accounts of Virginia and the State Auditor of Maryland acting jointly, and at such other times as the Commission may request.

ARTICLE VII. EFFECT ON EXISTING LAWS AND
PRIOR COMPACT

Section 1.

The rights, including the privilege of erecting and maintaining wharves and other improvements, of the citizens of each State along the shores of the Potomac River adjoining their lands shall be neither diminished, restricted, enlarged, increased nor otherwise altered by this Compact, and the decisions of the courts construing that portion of Article VII of the Company of 1785 relating to the rights of riparian owners shall be given full force and effect.

Section 2. *Existing Laws*

The laws of the State of Maryland relating to finfish, crabs, oysters, and clams in the Potomac River, as set forth in Article 66C of the Annotated Code of Maryland and as in

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effect on December 1, 1958, shall be and remain applicable in the Potomac River except to the extent changed, amended, or modified by regulations of the Commission adopted in accordance with this Compact.

Section 3. Existing Licenses

The rights and privileges of licensees to take and catch finfish, crabs, oysters, clams, and other shellfish in the Potomac River, which are in effect at the time this Compact becomes effective, shall continue in force subsequent to the adoption of this Compact, subject to the power of the Commission, by regulation, to modify or abolish any class of licenses or the rights of any particular class of licensees.

ARTICLE VIII. EFFECT OF RATIFICATION

These articles shall be paid before the Legislatures of Virginia and Maryland, and their approbation being obtained, shall be confirmed and ratified by a law of each state, never to be repealed or altered by either, without the consent of the other.

ARTICLE IX. EFFECTIVE DATE

This Compact, which takes the place of the Compact of 1785 between Maryland and Virginia, shall take effect at the expiration of 60 days after the completion of the last act legally necessary to make it operative, and thereupon the said Compact of 1785 shall no longer have any force or effect.

Appendix E

IN TESTIMONY WHEREOF, the Commissioners, on the part of the State of Maryland and the Commonwealth of Virginia, evidence their agreement to the provisions of this Compact by becoming parties signatory this, the twentieth day of December, in the year one thousand, nine hundred and fifty-eight, at Mount Vernon, in Virginia; and now witnesseth:

Commissioners of the
Part of Maryland

CARLYLE BARTON
WILLIAM J. McWILLIAMS
M. WILLIAM ADELSON
STEPHEN R. COLLINS
EDWARD S. DELAPLAINE

Commissioners of the
Part of Virginia

MILES E. GODWIN, JR.
HOWARD H. ADAMS
EDWARD E. LANE
ROBERT Y. BUTTON
JOHN WARREN COOKE