

SENATE BILL 10

M2

9lr0029

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Natural Resources)**

Requested: October 2, 2018

Introduced and read first time: January 9, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Oysters, Clams, and Clamming – Licenses and Regulations**

3 FOR the purpose of repealing a duplicative provision of law requiring a person to obtain a
4 tidal fish license to catch certain oysters or clams for commercial purposes; altering
5 the area within which a person is authorized to catch hard-shell clams using certain
6 equipment; repealing a duplicative provision of law requiring a person to apply for a
7 tidal fish license to catch hard-shell clams by rake in Worcester County; repealing a
8 duplicative provision of law requiring a person to obtain a seafood dealer license
9 before shipping or selling certain hard-shell clams; authorizing the Department of
10 Natural Resources, in consultation with the Maryland Department of Health, to
11 adopt certain regulations; repealing a duplicative provision of law requiring a certain
12 person to obtain a seafood dealer license to catch or land certain fish; altering the
13 definition of “shinnecock rake”; making certain conforming and stylistic changes; and
14 generally relating to oysters, clams, and clamming.

15 BY repealing and reenacting, without amendments,
16 Article – Natural Resources
17 Section 4-701(a), (b), and (d)
18 Annotated Code of Maryland
19 (2018 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Natural Resources
22 Section 4-1001(r), 4-1004, and 4-1022
23 Annotated Code of Maryland
24 (2018 Replacement Volume)

25 BY repealing
26 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–1024, 4–1027, and 4–1041
2 Annotated Code of Maryland
3 (2018 Replacement Volume)

4 BY adding to
5 Article – Natural Resources
6 Section 4–1027
7 Annotated Code of Maryland
8 (2018 Replacement Volume)

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

11 **Article – Natural Resources**

12 4–701.

13 (a) Except as provided in § 4–701.1 of this subtitle, this section applies to any
14 person who is required under this subtitle or Subtitle 2, 8, 9, or 10 of this title to be licensed
15 to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal
16 in fish caught in tidal waters.

17 (b) (1) Except as provided in § 4–701.1 of this subtitle, the Department shall
18 utilize a single, commercial license, to be known and designated as a tidal fish license.

19 (2) A tidal fish license authorizes a licensee:

20 (i) To engage in each activity indicated on the license; and

21 (ii) For catching blue crabs, to utilize the number of crew members
22 authorized under § 4–814 of this title.

23 (3) Except for a person receiving a license as a beneficiary of a deceased
24 licensee under subsection (k)(4)(i) of this section, the Department may not issue a tidal fish
25 license to an individual who is younger than 14 years of age.

26 (4) A person may not guide fishing parties or catch, sell, buy, process,
27 transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this
28 section.

29 (d) (1) The Department may issue no more than one authorization to a person
30 to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection during a license
31 year.

32 (2) (i) On a tidal fish license, the Department may issue an
33 authorization for any of the following activities for which the indicated fee has been paid.

1 (ii) The following annual fees for an authorization shall apply
2 regardless of when the license is issued or an activity is authorized:

3 1. To provide services as:

4 A. A fishing guide in the tidal waters of Maryland – \$100 for
5 a resident and \$200 for a nonresident; and

6 B. A master fishing guide, in addition to the fee under item
7 A of this item – \$100 per vessel

8 2. To catch for sale fish with equipment which is legal under
9 this title:

10 A. Finfish:

11 I. Hook and line only, anywhere: \$100

12 II. All other equipment: \$150

13 B. Blue crabs:

14 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
15 scrapes: \$100

16 II. Over 50 pots, plus any other gear listed in item I of this
17 item: \$150

18 C. Clams – \$100

19 D. Oysters – \$250 for a dredge boat and \$100 for other than
20 a dredge boat

21 E. Conch, turtles, lobster, and all crabs of the genus Cancer
22 – \$100

23 F. For all activities in item 1A of this subparagraph and in
24 items A through E of this item, unlimited tidal fish – \$300

25 3. For one or two crew members employed under § 4–814 of
26 this title to enable a licensee to catch blue crabs under item 2BII and F of this subparagraph
27 with more than 300 pots, the licensee shall pay an additional:

28 A. \$100 for up to 600 pots total per vessel; or

29 B. \$150 for up to 900 pots total per vessel.

1 4. For a person to buy, process, pack, resell, market or
2 otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:

3 A. \$50 for a person licensed under item 2 of this
4 subparagraph or § 4-701.1 of this subtitle; or

5 B. \$250 for a person not licensed under item 2 of this
6 subparagraph.

7 5. For a person who is not licensed under this section to land
8 fish caught in out-of-state tidal waters, seafood landing – \$350

9 4-1001.

10 (r) “Shinnecock rake” means a [hand] tool used to catch hard-shell clams or
11 oysters[. It usually consists] **THAT:**

12 **(1) IS TOWED FROM A VESSEL UNDER POWER; AND**

13 **(2) CONSISTS** of a tooth bar with projecting long, outwardly, and upwardly
14 curving teeth which are progressively smaller towards the ends, form a basket, and are set
15 transversely at the end of a long, usually wooden handle.

16 4-1004.

17 (a) (1) A [person may not catch oysters or clams for commercial purposes in
18 the waters of the State unless the person first obtains a license, but a] resident may catch
19 up to 1 bushel each of oysters and clams a day for the person’s own use and consumption
20 without a license, in places and at times prescribed by [rule or] regulation of the
21 Department. [Notwithstanding the preceding sentence, a]

22 **(2) A** nonresident may catch in the tidal bays of Worcester County up to 1
23 bushel of hard clams per day for the nonresident’s own use and consumption.

24 **[(2) The Department shall require an applicant for an oyster license to give**
25 **the applicant’s address and telephone number.]**

26 (b) Only a resident of the State may obtain a license to catch oysters or clams for
27 commercial purposes in the waters of the State.

28 4-1022.

29 (a) A person may not catch hard-shell clams in the waters of the State with a
30 shinnecock rake or similar device.

31 (b) **(1) Notwithstanding the provisions of subsection (a) of this section AND**

1 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, a person may catch hard-shell
2 clams with a handscrape, shinnecock rake, or hydraulic dredge in the **STATE** waters of
3 **[Worcester County] THE ATLANTIC OCEAN.**

4 **(2)** **[Unless a person first obtains the permission of the shore or wharf**
5 **owner, he] IN WORCESTER COUNTY, A PERSON** may not catch hard-shell clams within
6 300 feet of any shore or wharf **WITHOUT FIRST OBTAINING THE PERMISSION OF THE**
7 **SHORE OR WHARF OWNER.**

8 **[4-1024.**

9 (a) Any person desiring to catch hard-shell clams by rake in the waters of
10 Worcester County shall apply to the Department for a license.

11 (b) Every applicant shall exhibit to the Department satisfactory evidence showing
12 the name or number and size of the boat. Each applicant shall certify that he is the bona
13 fide owner of the boat, that a nonresident of the State does not hold a lien on the boat, and
14 that he has been a State resident for at least one year prior to making the application. The
15 applicant shall supply any other information the Department requires.]

16 **[4-1027.**

17 (a) A person shall obtain a license before engaging in the business of shipping or
18 selling hard-shell clams taken from the waters of the State.

19 (b) This section does not apply to any person selling his own catch.]

20 **4-1027.**

21 **THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT**
22 **OF HEALTH, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THE**
23 **NATIONAL SHELLFISH SANITATION PROGRAM.**

24 **[4-1041.**

25 A person in charge of any boat or vessel rigged for catching surf clams or ocean
26 quahogs shall obtain a license from the Department before he catches any surf clams in the
27 waters of the State or lands any surf clams or ocean quahogs in the State.]

28 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
29 October 1, 2019.