

HOUSE BILL 613

M2

4lr2603

By: ~~Delegate Boyce~~ **Delegates Boyce, Lehman, and Ruth**

Introduced and read first time: January 25, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2024

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Recreational Catching of Oysters or Clams – Requirements**

3 FOR the purpose of altering certain authorizations to recreationally catch clams in the
4 State; establishing a recreational oyster license; requiring the Department of
5 Natural Resources to develop and publish an application form for obtaining a
6 recreational oyster license; establishing requirements for the application for and
7 issuance of a recreational oyster license; authorizing the Department to designate a
8 certain agent to sell a recreational oyster license; authorizing a certain agent to
9 retain a certain amount of money for each recreational oyster license issued by the
10 agent; requiring a recreational oyster licensee to physically possess the license while
11 harvesting or attempting to harvest oysters; prohibiting a recreational oyster
12 licensee from transferring a license; and generally relating to catching oysters and
13 clams in the State.

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 4–1003
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Natural Resources
21 Section 4–1004
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Natural Resources
 3 Section 4–1004.1
 4 Annotated Code of Maryland
 5 (2023 Replacement Volume and 2023 Supplement)

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

8 **Article – Natural Resources**

9 4–1003.

10 Any resident of the State may catch oysters or clams on any area in the waters of the
 11 State from which catching oysters or clams is permitted under the provisions of this
 12 subtitle. This section applies to catching oysters or clams by rakes, tongs, patent tongs,
 13 dredges, handscrapes, or by other means permitted by law for the particular area. This
 14 section applies also to catching clams by hydraulic or mechanical dredges or rigs permitted
 15 by law for the particular area. This section does not affect any provision of this subtitle
 16 concerning the licensing or regulation of catching oysters or clams, except as specifically
 17 provided in this section.

18 4–1004.

19 (a) (1) A resident may catch [up to 1 bushel each of oysters and] clams [a day
 20 for the person’s own use and consumption without a license, in places and at times
 21 prescribed by regulation of] **IN ACCORDANCE WITH REGULATIONS ADOPTED BY** the
 22 Department.

23 (2) A nonresident may catch in the tidal bays of Worcester County [up to 1
 24 bushel of] hard clams [per day] for the nonresident’s own use and consumption **IN**
 25 **ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

26 (b) Only a resident of the State may obtain a license to catch [oysters]:

27 (1) **OYSTERS** or clams for commercial purposes in the waters of the State;

28 **OR**

29 (2) **OYSTERS FOR RECREATIONAL PURPOSES IN THE WATERS OF THE**
 30 **STATE.**

31 **4–1004.1.**

32 (A) **THERE IS A RECREATIONAL OYSTER LICENSE.**

1 (B) A PERSON AT LEAST 16 YEARS OLD SHALL SECURE A RECREATIONAL
2 OYSTER LICENSE TO HARVEST OYSTERS IN THE TIDAL WATERS OF THE STATE.

3 (C) (1) THE DEPARTMENT SHALL DEVELOP AND PUBLISH AN
4 APPLICATION FORM FOR OBTAINING A RECREATIONAL OYSTER LICENSE.

5 (2) (I) TO OBTAIN A RECREATIONAL OYSTER LICENSE TO HARVEST
6 OYSTERS IN THE WATERS OF THE STATE, A STATE RESIDENT AT LEAST 16 YEARS OLD
7 SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION USING THE FORM
8 DEVELOPED AND PUBLISHED BY THE DEPARTMENT.

9 (II) THE APPLICATION SHALL INCLUDE:

10 1. THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL
11 SECURITY NUMBER, IF THE APPLICANT HAS A SOCIAL SECURITY NUMBER;

12 2. PAYMENT OF A \$10 APPLICATION FEE; AND

13 3. ANY OTHER INFORMATION REQUESTED BY THE
14 DEPARTMENT.

15 (III) THE DEPARTMENT SHALL USE A PORTION, AS DETERMINED
16 BY THE DEPARTMENT, OF THE APPLICATION FEE COLLECTED UNDER THIS
17 PARAGRAPH TO REPLENISH PUBLIC FISHERY OYSTER BARS BY PLANTING SHELL
18 AND JUVENILE OYSTERS.

19 (3) AN APPLICANT MAY NOT WILLFULLY MAKE A FALSE STATEMENT
20 OR REPRESENTATION TO THE DEPARTMENT ON THE APPLICATION.

21 (D) (1) A RECREATIONAL OYSTER LICENSE MAY BE ISSUED BY AN
22 AUTHORIZED AGENT OF THE DEPARTMENT.

23 (2) THE DEPARTMENT MAY DESIGNATE A PERSON ENGAGED IN A
24 COMMERCIAL ENTERPRISE AS AN AGENT TO SELL RECREATIONAL OYSTER
25 LICENSES.

26 (3) AN AGENT MAY RETAIN 50 CENTS FOR EACH RECREATIONAL
27 OYSTER LICENSE ISSUED BY THE AGENT.

28 (E) A LICENSEE SHALL PHYSICALLY POSSESS THE LICENSE WHILE
29 HARVESTING OR ATTEMPTING TO HARVEST OYSTERS.

30 (F) (1) A RECREATIONAL OYSTER LICENSE SHALL BE VALID FOR 1 YEAR
31 FOLLOWING THE DATE OF ISSUANCE.

1 **(2) A LICENSEE MAY NOT TRANSFER A RECREATIONAL OYSTER**
2 **LICENSE.**

3 **(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
4 **SECTION.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.