

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 1018 (Senator Colburn)
Education, Health, and Environmental Affairs

Natural Resources - Oyster Harvesting - Bulk Oyster Tags

This bill requires the Department of Natural Resources (DNR) to develop a bulk oyster tag for use by individuals licensed to catch oysters in the State. DNR must authorize the use of a single bulk oyster tag to identify multiple containers of oysters harvested from a single bar on a single day. DNR may not require additional tagging of any container of oysters in a lot covered by a bulk oyster tag. An “oyster tag” is any DNR-issued tag that is required to be affixed to a container of oysters before leaving the bar from which the oysters were caught. A bulk oyster tag must include a specified statement, the number of individual containers in the lot, and any other information DNR requires.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances; however, DNR’s Natural Resources Police (NRP) workload may increase to enforce catch limits and size limits.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: In accordance with regulations, oysters harvested from State waters must be stored in a specified container prior to leaving the bar from which they were harvested.

Furthermore, a DNR-issued tag must be affixed to each container of oysters prior to leaving the bar from which the oysters were harvested.

An oyster container tag must be completed legibly in indelible ink and affixed to a container until the container is in the possession of a person who is licensed and certified to sell shellfish by the Department of Health and Mental Hygiene. In addition, the tag may not be reused and it may only be transferred to another individual during a license transfer in accordance with specified licensing provisions of the Natural Resources Article. A tag is not required for oysters harvested for recreational purposes.

Background: DNR's fall 2011 oyster survey results indicate that oyster populations are doing well in most parts of Maryland's Chesapeake Bay. Specifically, the survey results indicate that oyster disease levels are at their lowest since systematic monitoring began in 1990, resulting in the lowest oyster mortalities in over 25 years.

Generally, Maryland's oyster harvest season is October 1 through March 31 annually. During the 2011-2012 oyster harvest season, a total of 127,780 bushels of oysters were harvested. Watermen reported harvesting a total of 178,809 bushels of oysters during the October through December 2012 period. Based on this data, DNR advises that the 2012-2013 oyster harvest season may result in a total harvest of approximately 250,000 bushels, a 100% increase over the previous year.

While 2,593 commercial watermen are licensed to harvest oysters, not all of these individuals pay the annual oyster surcharge and actually harvest oysters every year. During the 2011-2012 oyster harvest season, 600 harvesters paid the oyster surcharge and received less than 200,000 tags. As of January 2013, 814 harvesters had paid the oyster surcharge and received more than 400,000 tags for the 2012-2013 oyster harvest season. In January 2013, DNR ordered several hundred thousand additional oyster tags.

Currently, DNR allocates oyster container tags in accordance with the number of tags a licensed harvester required in the previous year. DNR advises that most harvesters receive less than 450 tags and new harvesters (without prior year history) receive 100 tags. Oyster harvesters may request more oyster tags as they need them. DNR notes that while it recently had a low supply of oyster container tags, it has never been unable to give tags to a waterman.

DNR advises that the bill may make it more difficult for NRP officers to enforce catch limits because each bushel container will not be individually tagged. DNR further advises that establishing tagging requirements in statute rather than regulations may make it more difficult to comply promptly with new National Shellfish Sanitation Program requirements.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2013
mlm/lgc

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