

HOUSE BILL 319

M2

6lr2226

By: **Delegates Jacobs, Arentz, Cassilly, Ghrist, Hornberger, S. Howard, Metzgar, Otto, and Sample-Hughes**

Introduced and read first time: January 27, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Oysters and Clams – Dredging by Auxiliary Yawl – Authorized Boats**

3 FOR the purpose of clarifying that certain provisions of law governing dredging by use of
4 an auxiliary yawl apply only to certain boats; establishing certain standards for
5 dredge boats that harvest oysters and clams by use of an auxiliary yawl; repealing
6 the requirement that certain persons attach certain numbers to certain boats in a
7 certain manner; making certain stylistic changes; making a certain technical
8 correction; and generally relating to oyster and clam dredge boats propelled by use
9 of an auxiliary yawl.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–1013
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2015 Supplement)

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

17 **Article – Natural Resources**

18 4–1013.

19 (a) **THIS SECTION APPLIES ONLY TO A DREDGE BOAT THAT:**

20 **(1) IS A FUNCTIONAL SAILING VESSEL USED TO CATCH OYSTERS OR**
21 **CLAMS BY DREDGE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) IS BUILT IN THE STYLE OF A TRADITIONAL CHESAPEAKE BAY**
2 **BUGEYE, SCHOONER, OR SKIPJACK;**

3 **(3) USES A SAILING RIG COMPOSED OF AT LEAST ONE MAST AND ONE**
4 **BOOM CAPABLE OF HOLDING SAILS AND CONFIGURED FOR SAILING;**

5 **(4) INCLUDES A SET OF DAVITS CAPABLE OF REMOVING AN**
6 **AUXILIARY YAWL BOAT FROM THE WATER;**

7 **(5) DOES NOT HAVE A SCREW, A PROPELLER, AN ENGINE, A TURBINE,**
8 **OR ANY OTHER DEVICE FOR SELF-PROPULSION USED IN CATCHING OYSTERS BY**
9 **DREDGE; AND**

10 **(6) MEETS ALL UNITED STATES COAST GUARD REQUIREMENTS.**

11 **(B)** Any person who owns or is in charge of operating any dredge boat shall have
12 a license to catch oysters by dredge boat.

13 **[(b)** The captain or master of any dredge boat shall securely attach the two
14 numbers, furnished by the Department for each dredge boat, to the shrouds of the foremast
15 on the port and starboard sides of the boat, with the bottom or lower edge of the number
16 not less than 4 feet above the deck. The numbers shall be displayed in an upright position
17 to provide maximum visibility at all times during the dredging season, and may not be
18 concealed or defaced. Each number shall be painted in black figures on white durable
19 material 2 feet by 2 feet in size. The material shall be selected by the Department. The
20 numbers on the material may not be less than 16 inches in height and a proportionate
21 width.]

22 **(c) (1)** The owner, captain, master, or any crew member of any **DREDGE** boat
23 capable of self-propulsion by any motor, turbine, or other engine attached to the **DREDGE**
24 boat, may not have on board the **DREDGE** boat, or in tow, or permit on board or in tow, any
25 scoop, handscape, dredge, or similar instrument used in dredging, or any winch, spool,
26 winder, or other tackle used in dredging, unless the **DREDGE** boat is permitted by the
27 Department to dredge on leased land, or is engaged in taking seed oysters under the
28 surveillance and with the permission of the Department.

29 **(2)** Notwithstanding any other provisions of this subtitle, the Department
30 may designate by [rule or] regulation a period of time not to exceed 3 days in any one week
31 during which dredge boats licensed under [the provisions of] this subtitle may be propelled
32 by means of the auxiliary yawl boat carried on the dredge boat in the waters of the
33 Chesapeake Bay.

34 **(3)** The Department may prescribe the maximum daily **HARVEST** limit on
35 any day.

1 (d) The owner, captain, master, or any crew member of any **DREDGE** boat may
2 not catch oysters by scoop, handscrape, or dredge, or permit oysters to be caught by scoop,
3 handscrape, or dredge, on any land in the State leased for cultivating oysters unless the
4 **DREDGE** boat is permitted by the Department for dredging on leased land, and the owner,
5 captain, or master of the **DREDGE** boat has on board the written consent of the lessee or
6 tenant of the leased land from which any oysters are caught.

7 (e) (1) All submerged land of the State not leased for cultivation of oysters nor
8 designated as dredging territory by [the provisions of] this subtitle shall be reserved for
9 tongers exclusively.

10 (2) The owner, captain, master or any crew member of any **DREDGE** boat
11 may not catch oysters by scoop, handscrape, or dredge, or attempt or conspire to catch
12 oysters by scoop, handscrape, or dredge, from any submerged land of the State reserved for
13 tongers exclusively or closed by any [rule or regulation,] **REGULATION** or order of the
14 Department.

15 (3) The taking of oysters by scoop, dredge or handscrape by hand may be
16 authorized by the Secretary upon the recommendations of the appropriate county tongers
17 committee, in areas reserved for tonging when areas which are designated for tonging
18 oysters are closed because of icing conditions at least 7 consecutive days.

19 (4) Handscraping may be authorized on a day for working day basis
20 according to the number of days when tonging is not possible because of ice cover, but not
21 to exceed 14 working days.

22 (5) The Secretary may specify areas to be opened and restrictions on gear.

23 (6) There shall be a limit of 10 bushels per [man] **PERSON** and no more
24 than 30 bushels per boat.

25 (7) A person may not handscrape for oysters after 12 noon.

26 (8) [However, this] **THIS** subsection does not apply to catching seed oysters
27 under the surveillance and with the permission of the Department.

28 (f) A person may not catch oysters in the waters of the State or possess any scoop,
29 dredge, handscrape, or similar instrument having a tooth bar more than 42 inches in length
30 measuring from the outside teeth on dredges used in dredging on rock bottoms or 44 inches
31 in length measuring from the outside teeth on dredges used in dredging on mud bottoms,
32 or of a weight exceeding 200 pounds.

33 (g) Subject to the laws relating to firearms, the captain, master or any person on
34 board or having control of any dredge boat, may not have or permit to be kept on the dredge
35 boat more than two shotguns not larger than a number ten gauge and using shot not larger
36 than number one.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.