

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1174

(Delegate Jacobs, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Oysters - Tolerance for Seafood Dealers

This bill authorizes a seafood dealer that uses a conveyor to load oysters from a boat into a truck to possess up to 10% oysters and shells that are less than the allowable size established by Department of Natural Resources' (DNR) regulations.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Pursuant to statute, a person who catches oysters from the waters of the State with any scoop, dredge, tong, rake, or any similar instrument must cull the oysters on the natural bar from which they were caught and return to the bar all shell, stones, gravel, and slag. Any oyster whose shell measures less than three inches in distance between its longest or widest points, whether or not attached to a marketable oyster, must be included in the culling and replaced on the bar; however, DNR by rule may permit the possession of marketable oysters to which nonmarketable oysters adhere so closely that it is impossible to remove them without destroying the smaller oyster. Statute also specifically allows a person to possess marketable oysters that have undersized oysters or spat less than one inch in length from hinge to bill attached to them that cannot be separated without destroying the small oyster.

After culling and placing in the hold or bottom of a boat, a person's possession of oysters may not include a combined total of more than 5% of oysters which measure less than three inches from hinge to bill, and cultch consisting of shells, stones, gravel, and slag. A person may not transport or attempt to transport outside the State oysters measuring less than three inches in length from hinge to mouth.

Provisions relating to the inspection and culling of oysters, and the imposition of penalties for any violation of the cull law, apply to oysters in the shell found anywhere within the State, whether afloat or ashore, and whether the oysters have been caught within the waters of the State or shipped or brought into the State.

Similar to statute, DNR regulations require a person who catches oysters to cull the oysters on the natural bar from which they were caught and return every shell to the bar. Any oyster whose shell measures less than three inches in length, from hinge to bill, must be included in the culling and replaced upon the bar. The regulations prohibit a person from possessing more than 5% shells and oysters less than the three-inch allowable size, but allow a person to possess marketable oysters that have undersized oysters or spat less than one inch in length from hinge to bill attached to them that cannot be separated without destroying the small oyster.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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