

# SENATE BILL 10

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9lr0029

(PRE-FILED)

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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2019

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## CHAPTER \_\_\_\_\_

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

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### 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 Section 4-1001(r), 4-1004, ~~and~~ 4-1022, and 4-1101(k)  
2 Annotated Code of Maryland  
3 (2018 Replacement Volume)

4 BY repealing  
5 Article – Natural Resources  
6 Section 4-1024, 4-1027, and 4-1041  
7 Annotated Code of Maryland  
8 (2018 Replacement Volume)

9 BY adding to  
10 Article – Natural Resources  
11 Section 4-1027  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume)

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

16 **Article – Natural Resources**

17 4-701.

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

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

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

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

26 (ii) For catching blue crabs, to utilize the number of crew members  
27 authorized under § 4-814 of this title.

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

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

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

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

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

8 1. To provide services as:

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

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

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

15 A. Finfish:

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

17 II. All other equipment: \$150

18 B. Blue crabs:

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

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

23 C. Clams – \$100

24 D. Oysters – \$250 for a dredge boat and \$100 for other than  
25 a dredge boat

26 E. Conch, turtles, lobster, and all crabs of the genus Cancer  
27 – \$100

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

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

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

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

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

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

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

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

14 4–1001.

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

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

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

21 4–1004.

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

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

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

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

3 4-1022.

4 (a) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,** A person  
5 may not catch hard-shell clams in the waters of the State with a shinnecock rake or similar  
6 device.

7 (b) **(1)** ~~Notwithstanding the provisions of subsection (a) of this section AND~~  
8 **SUBJECT SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** a person may catch  
9 hard-shell clams with a handscrape, shinnecock rake, or hydraulic dredge in the **STATE**  
10 waters of **[Worcester County] THE ATLANTIC OCEAN.**

11 **(2)** [Unless a person first obtains the permission of the shore or wharf  
12 owner, he] ~~IN WORCESTER COUNTY, A~~ **A PERSON** may not catch hard-shell clams **WITH**  
13 **A HANDSCRAPE, SHINNECOCK RAKE, OR HYDRAULIC DREDGE** within 300 feet of any  
14 shore or wharf **WITHOUT FIRST OBTAINING THE PERMISSION OF THE SHORE OR**  
15 **WHARF OWNER.**

16 [4-1024.

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

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

24 [4-1027.

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

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

28 **4-1027.**

29 **THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT**  
30 **OF HEALTH, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THE**  
31 **NATIONAL SHELLFISH SANITATION PROGRAM.**

32 [4-1041.

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

4 4-1101.

5 (k) “Shinnecock rake” means a [hand] tool used to catch hard-shell clams or  
6 oysters]. It usually consists] THAT:

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

8 (2) CONSISTS of a tooth bar with projecting long, outwardly and upwardly  
9 curving teeth which are progressively smaller toward the ends, form a basket, and are set  
10 transversely at the end of a long, usually wooden handle.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.