

# HOUSE BILL 613

M2

(4lr2603)

## ENROLLED BILL

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by ~~Delegate Boyce~~ Delegates Boyce, Lehman, and Ruth

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### 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 the Department to issue complimentary or discounted recreational  
11 oyster licenses to certain individuals; authorizing certain individuals to catch oysters  
12 without a recreational oyster license under certain circumstances and subject to  
13 certain requirements; requiring a recreational oyster licensee to physically possess  
14 the license while harvesting or attempting to harvest oysters; prohibiting a

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 recreational oyster licensee from transferring a license; and generally relating to  
2 catching oysters and clams in the State.

3 BY repealing and reenacting, without amendments,  
4 Article – Natural Resources  
5 Section 4–1003  
6 Annotated Code of Maryland  
7 (2023 Replacement Volume and 2023 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – Natural Resources  
10 Section 4–1004  
11 Annotated Code of Maryland  
12 (2023 Replacement Volume and 2023 Supplement)

13 BY adding to  
14 Article – Natural Resources  
15 Section 4–1004.1  
16 Annotated Code of Maryland  
17 (2023 Replacement Volume and 2023 Supplement)

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

20 **Article – Natural Resources**

21 4–1003.

22 Any resident of the State may catch oysters or clams on any area in the waters of the  
23 State from which catching oysters or clams is permitted under the provisions of this  
24 subtitle. This section applies to catching oysters or clams by rakes, tongs, patent tongs,  
25 dredges, handscrapes, or by other means permitted by law for the particular area. This  
26 section applies also to catching clams by hydraulic or mechanical dredges or rigs permitted  
27 by law for the particular area. This section does not affect any provision of this subtitle  
28 concerning the licensing or regulation of catching oysters or clams, except as specifically  
29 provided in this section.

30 4–1004.

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

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

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

5 (1) OYSTERS or clams for commercial purposes in the waters of the State;  
6 OR

7 (2) OYSTERS FOR RECREATIONAL PURPOSES IN THE WATERS OF THE  
8 STATE.

9 4-1004.1.

10 (A) IN THIS SECTION, "FORMER PRISONER OF WAR" MEANS AN INDIVIDUAL  
11 WHO, WHILE SERVING IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF THE  
12 UNITED STATES, WAS FORCIBLY DETAINED OR INTERNED IN THE LINE OF DUTY BY  
13 AN ENEMY GOVERNMENT OR ITS AGENTS, OR A HOSTILE FORCE, DURING A PERIOD  
14 OF ARMED CONFLICT.

15 (B) THERE IS A RECREATIONAL OYSTER LICENSE.

16 ~~(B)~~ (C) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A  
17 PERSON AT LEAST 16 YEARS OLD SHALL SECURE A RECREATIONAL OYSTER LICENSE  
18 TO HARVEST OYSTERS IN THE TIDAL WATERS OF THE STATE.

19 ~~(C)~~ (D) (1) THE DEPARTMENT SHALL DEVELOP AND PUBLISH AN  
20 APPLICATION FORM FOR OBTAINING A RECREATIONAL OYSTER LICENSE.

21 (2) (i) ~~TO~~ EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS  
22 SECTION, TO OBTAIN A RECREATIONAL OYSTER LICENSE TO HARVEST OYSTERS IN  
23 THE WATERS OF THE STATE, A STATE RESIDENT AT LEAST 16 YEARS OLD SHALL  
24 SUBMIT TO THE DEPARTMENT AN APPLICATION USING THE FORM DEVELOPED AND  
25 PUBLISHED BY THE DEPARTMENT.

26 (ii) THE APPLICATION SHALL INCLUDE:

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

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

30 3. ANY OTHER INFORMATION REQUESTED BY THE  
31 DEPARTMENT.

1                   **(III) THE DEPARTMENT SHALL USE A PORTION, AS DETERMINED**  
2 **BY THE DEPARTMENT, OF THE APPLICATION FEE COLLECTED UNDER THIS**  
3 **PARAGRAPH TO REPLENISH PUBLIC FISHERY OYSTER BARS BY PLANTING SHELL**  
4 **AND JUVENILE OYSTERS.**

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

7                   ~~**(2) (E)**~~     **(1) (I) A RECREATIONAL OYSTER LICENSE MAY BE ISSUED**  
8 **BY AN AUTHORIZED AGENT OF THE DEPARTMENT.**

9                   ~~**(2) (II)**~~     **(II) THE DEPARTMENT MAY DESIGNATE A PERSON ENGAGED IN**  
10 **A COMMERCIAL ENTERPRISE AS AN AGENT TO SELL RECREATIONAL OYSTER**  
11 **LICENSES.**

12                   ~~**(3) (III)**~~     **(III) AN AGENT MAY RETAIN 50 CENTS FOR EACH RECREATIONAL**  
13 **OYSTER LICENSE ISSUED BY THE AGENT.**

14                   **(2) THE DEPARTMENT SHALL ISSUE A COMPLIMENTARY**  
15 **RECREATIONAL OYSTER LICENSE TO A RESIDENT OF THE STATE WHO CERTIFIES**  
16 **THAT THE RESIDENT IS:**

17                             **(I) A FORMER PRISONER OF WAR;**

18                             **(II) AN AMERICAN VETERAN WHO IS DETERMINED TO BE**  
19 **UNEMPLOYABLE BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS;**

20                             **(III) A 100% SERVICE-CONNECTED DISABLED AMERICAN**  
21 **VETERAN; OR**

22                             **(IV) BLIND.**

23                   **(3) THE DEPARTMENT SHALL:**

24                             **(I) ISSUE A DISCOUNTED RECREATIONAL OYSTER LICENSE TO**  
25 **A RESIDENT OF THE STATE WHO IS A RECIPIENT OF THE PURPLE HEART AWARD;**  
26 **AND**

27                             **(II) DETERMINE THE COST OF THE DISCOUNTED APPLICATION**  
28 **FEE.**

1 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN  
2 INDIVIDUAL MAY CATCH OYSTERS WITHOUT A RECREATIONAL OYSTER LICENSE IF  
3 THE INDIVIDUAL:

4 (I) OWNS OR LEASES PROPERTY BORDERING TIDAL WATERS OF  
5 THE STATE; OR

6 (II) 1. IS THE SPOUSE OR IMMEDIATE FAMILY MEMBER OF  
7 THE INDIVIDUAL UNDER ITEM (I) OF THIS PARAGRAPH; AND

8 2. RESIDES ON THE PROPERTY OWNED OR LEASED  
9 UNDER ITEM (I) OF THIS PARAGRAPH.

10 (2) (I) BEFORE AN INDIVIDUAL MAY CATCH OYSTERS IN  
11 ACCORDANCE WITH THIS SUBSECTION, THE INDIVIDUAL SHALL:

12 1. REGISTER WITH THE DEPARTMENT; AND

13 2. PROVIDE ALL INFORMATION REQUESTED BY THE  
14 DEPARTMENT.

15 (II) THE DEPARTMENT MAY NOT ESTABLISH A FEE TO REGISTER  
16 UNDER THIS PARAGRAPH.

17 ~~(F)~~ (G) A LICENSEE SHALL PHYSICALLY POSSESS THE LICENSE WHILE  
18 HARVESTING OR ATTEMPTING TO HARVEST OYSTERS.

19 ~~(F)~~ (H) (1) A RECREATIONAL OYSTER LICENSE SHALL BE VALID FOR 1  
20 YEAR FOLLOWING THE DATE OF ISSUANCE.

21 (2) A LICENSEE MAY NOT TRANSFER A RECREATIONAL OYSTER  
22 LICENSE.

23 ~~(G)~~ (I) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT  
24 THIS SECTION.

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