
By: **Delegates McClenahan, Bozman, and Conway**
Introduced and read first time: February 12, 1998
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 1998

CHAPTER _____

1 AN ACT concerning

2 **Hard-Shell Clams - Harvesting - Size Limit**

3 FOR the purpose of altering the minimum size of hard-shell clams that a person may
4 harvest; altering an exception; defining a term; allowing a certain ~~percent~~
5 number of hard-shell clams in a person's possession to be under a certain size;
6 establishing a certain procedure that the Department of Natural Resources
7 shall use to determine the ~~percent~~ number of hard-shell clams in a person's
8 possession that are under the minimum size; and generally relating to the size
9 of hard-shell clams that a person may harvest.

10 BY repealing and reenacting, with amendments,
11 Article - Natural Resources
12 Section 4-1031
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1997 Supplement)

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

17 **Article - Natural Resources**

18 4-1031.

19 (A) IN THIS SECTION, "TRANSVERSE DIMENSION" MEANS THE MEASUREMENT
20 ACROSS BOTH SHELLS OF A HARD-SHELL CLAM AT THE WIDEST POINT
21 PERPENDICULAR TO THE HINGE LINE WHERE THE TWO SHELLS MEET.

1 (B) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A [A] person
2 may not possess hard-shell clams having a transverse dimension of less than [one]
3 SEVEN-EIGHTHS OF AN inch.

4 (C) A clam dealer may possess hard-shell clams having a transverse
5 dimension of less than [one] SEVEN-EIGHTHS OF AN inch if [he] THE DEALER offers
6 a bill of lading approved by the Department as proof that all clams were caught in
7 waters outside the State.

8 (D) (1) ~~A~~ OUT OF EACH 105 HARD-SHELL CLAMS IN A PERSON'S POSSESSION,
9 THE PERSON MAY POSSESS UP TO 5% OF THE 10 HARD-SHELL CLAMS IN THE
10 ~~PERSON'S POSSESSION~~ THAT HAVE A TRANSVERSE DIMENSION OF LESS THAN
11 SEVEN-EIGHTHS OF AN INCH.

12 (2) THE DEPARTMENT SHALL DETERMINE THE PERCENTAGE NUMBER
13 OF HARD-SHELL CLAMS IN A PERSON'S POSSESSION THAT HAVE A TRANSVERSE
14 DIMENSION OF LESS THAN SEVEN-EIGHTHS OF AN INCH BY TAKING A
15 REPRESENTATIVE SAMPLE OF THE HARD-SHELL CLAMS IN THE PERSON'S
16 POSSESSION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 June 1, 1998.