

---

By: **Delegates W. Baker and McClenahan**  
Introduced and read first time: February 9, 2001  
Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2001

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources - Methods for Catching Oysters and Spat**

3 FOR the purpose of requiring the Department of Natural Resources to adopt certain  
4 regulations that allow the use of certain methods by certain persons in certain  
5 areas to catch spat for ~~aquaculture~~ certain purposes; ~~requiring a person to use~~  
6 ~~certain methods when catching oyster spat in the waters of the State~~ limiting  
7 the persons who may use certain methods to catch oyster spat in the waters of  
8 the State; altering the methods that persons may use when catching oyster spat  
9 in the waters of the State; authorizing a person to catch oysters or clams in  
10 certain manners subject to regulations adopted by the Department; providing  
11 for the termination of this Act; and generally relating to catching oysters, clams,  
12 and spat.

13 BY repealing and reenacting, with amendments,  
14 Article - Natural Resources  
15 Section 4-1005  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume)

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

20 **Article - Natural Resources**

21 4-1005.

22 (a) Subject to [restrictions promulgated] REGULATIONS ADOPTED BY THE  
23 DEPARTMENT pursuant to this subtitle, a person may catch oysters or clams in the

1 waters of the State only by hand, rakes, tongs, patent tongs, diving apparatus,  
2 dredges, AND [handscrapes,] HANDSCRAPES. [cultch material suspended on strings,  
3 in trays, in bags, or similar devices.] Soft-shell clams may be caught by hydraulic or  
4 mechanical dredges or rigs.

5 (b) The Department may make uniform the size and weight of patent tongs in  
6 waters where patent tongs are permitted. However, any person using any size or  
7 weight patent tongs on June 1, 1964, may continue to use them.

8 (c) A ~~person~~ LESSEE OF A LEASED OYSTER BOTTOM may catch oyster spat in  
9 the waters of the State by METHODS IN ACCORDANCE WITH REGULATIONS  
10 PROMULGATED UNDER THIS SECTION INCLUDING [suspended] means such as cultch  
11 material on strings, trays, bags, or similar devices, [which do not touch the bottom  
12 and] WHICH do not interfere with navigation.

13 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
14 SECTION THAT ALLOW ~~THE FOLLOWING METHODS TO CATCH SPAT FOR~~  
15 ~~AQUACULTURE PURPOSES~~ A LESSEE OF A LEASED OYSTER BOTTOM TO USE THE  
16 FOLLOWING METHODS, IN AREAS DESIGNATED BY THE DEPARTMENT, BUT NOT ON A  
17 NATURAL OYSTER BAR, TO CATCH SPAT FOR USE ON THE LEASED OYSTER BOTTOM:

18 (1) SUSPENDED DEVICES; AND

19 (2) MATERIAL OR DEVICES PLACED ON THE BOTTOM.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 July 1, 2001. It shall remain effective for a period of 5 years and, at the end of June  
22 30, 2006, with no further action required by the General Assembly, this Act shall be  
23 abrogated and of no further force and effect.