

HOUSE BILL 1498

M2

8lr3327

By: **Delegate Kullen**

Introduced and read first time: February 19, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County - Soft-Shell Clam Harvesting**

3 FOR the purpose of altering in Calvert County the distances from the shoreline, a
4 natural oyster bar, or a leased oyster bottom within which a person may not
5 catch or attempt to catch soft-shell clams with certain gear; making a technical
6 correction; making a stylistic change; providing for the effective date of this Act;
7 and generally relating to the catching of soft-shell clams in Calvert County.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 4-1037
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2007 Supplement)
13 (As enacted by Chapter 260 of the Acts of the General Assembly of 2007)

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

16 **Article - Natural Resources**

17 4-1037.

18 A person may not catch or attempt to catch soft-shell clams with a hydraulic
19 clam dredge or any other gear except hand-held tools, such as shovels and hoes, in the
20 following areas:

21 (1) (I) [Within] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II)**
22 **OF THIS PARAGRAPH, WITHIN** 150 feet of a natural oyster bar or area leased under
23 [the provisions of Subtitle 11] **SUBTITLE 11A OF THIS TITLE** and marked as
24 required by that subtitle; **OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) WITHIN 500 FEET IN CALVERT COUNTY;**

2 (2) Within 1,000 feet of any occupied duck blind where decoys are set
3 out during waterfowl hunting season;

4 (3) Except for the William Preston Lane, Jr. Memorial Bridge and its
5 parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the
6 Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead,
7 structure, wharf, pier, or piling that is erected in, over, or under the waters of the
8 State under a permit granted by the State or federal governments;

9 (4) Within 300 feet of any private bathing beach running not more
10 than 300 feet along the shore which is marked as required by rule and regulation or
11 within 1,000 feet of any public bathing beach from May 1 to September 30. However,
12 the owner or lessee of a single property may not claim protection for more than one
13 private bathing beach contiguous to this property;

14 (5) (i) Within 50 feet of the mean high watermark of any shoreline
15 in [Calvert,] Queen Anne's, Talbot, or Somerset counties;

16 (ii) Within 300 feet in Dorchester County; or

17 (iii) Within 150 feet in Anne Arundel County, **CALVERT**,
18 St. Mary's County, or Kent County downriver from Nichols Point at the eastern side of
19 the mouth of Langford Creek and within 300 feet upriver from Nichols Point;

20 (6) The Dorchester County waters of the Choptank River and its
21 tributaries except as provided in §§ 4-1038(a) and 4-1039 of this subtitle; Brannock
22 Bay; Little Choptank River; Tar Bay; Honga River; all waters east of a line running
23 from the most southerly point of Holland Island to Holland Island Bar Light; all
24 waters east of a line running from Richland Point to Okahanikan Point; and any areas
25 reserved by the Department for production of seed oysters; and

26 (7) In the Atlantic Coastal Bays, as defined in § 8-1802 of this article.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2008, the effective date of Chapter 260 of the Acts of the General Assembly
29 of 2007. If the effective date of Chapter 260 is amended, this Act shall take effect on
30 the taking effect of Chapter 260.