

HOUSE BILL 1498

M2

8lr3327

By: **Delegate Kullen**

Introduced and read first time: February 19, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 29, 2008

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

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

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

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

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 4-1037.

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

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

8 ~~(II) WITHIN 500 FEET IN CALVERT COUNTY;~~

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

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

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

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

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

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 35 October 1, 2008, the effective date of Chapter 260 of the Acts of the General Assembly

1 of 2007. If the effective date of Chapter 260 is amended, this Act shall take effect on
2 the taking effect of Chapter 260.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.