

CHAPTER 698

(House Bill 1498)

AN ACT concerning

Calvert County – Soft-Shell Clam Harvesting

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

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-1037

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 260 of the Acts of the General Assembly of 2007)

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

Article – Natural Resources

4-1037.

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

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

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

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

(3) Except for the William Preston Lane, Jr. Memorial Bridge and its parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the

Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead, structure, wharf, pier, or piling that is erected in, over, or under the waters of the State under a permit granted by the State or federal governments;

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

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

(ii) Within 300 feet in Dorchester County; or

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

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

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

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

Approved by the Governor, May 22, 2008.