

# HOUSE BILL 319

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6lr2226

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By: **Delegates Jacobs, Arentz, Cassilly, Ghrist, Hornberger, S. Howard, Metzgar, Otto, and Sample-Hughes**

Introduced and read first time: January 27, 2016

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Oysters and Clams – Dredging by Auxiliary Yawl – Authorized Boats**

3 FOR the purpose of clarifying that certain provisions of law governing dredging by use of  
4 an auxiliary yawl apply only to certain boats; establishing certain standards for  
5 dredge boats that harvest oysters and clams by use of an auxiliary yawl; repealing  
6 the requirement that certain persons attach certain numbers to certain boats in a  
7 certain manner; making certain conforming changes; making certain stylistic  
8 changes; making a certain technical correction; and generally relating to oyster and  
9 clam dredge boats propelled by use of an auxiliary yawl.

10 BY repealing and reenacting, with amendments,  
11 Article – Natural Resources  
12 Section 4–1013  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2015 Supplement)

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

17 **Article – Natural Resources**

18 4–1013.

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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) **(1) THIS ~~SECTION~~ SUBSECTION APPLIES ONLY TO A DREDGE BOAT**  
 2 **THAT:**

3 ~~(1)~~ **(I) IS A FUNCTIONAL SAILING VESSEL USED TO CATCH**  
 4 **OYSTERS OR CLAMS BY DREDGE;**

5 ~~(2)~~ **(II) IS BUILT IN THE STYLE OF A TRADITIONAL CHESAPEAKE**  
 6 **BAY BUGEYE, SCHOONER, OR SKIPJACK;**

7 ~~(3)~~ **(III) USES A SAILING RIG COMPOSED OF AT LEAST ONE MAST AND**  
 8 **ONE BOOM CAPABLE OF HOLDING SAILS AND CONFIGURED FOR SAILING;**

9 ~~(4)~~ **(IV) INCLUDES A SET OF DAVITS CAPABLE OF REMOVING AN**  
 10 **AUXILIARY YAWL BOAT FROM THE WATER;**

11 ~~(5)~~ **(V) DOES NOT HAVE A SCREW, A PROPELLER, AN ENGINE, A**  
 12 **TURBINE, OR ANY OTHER DEVICE FOR SELF-PROPULSION USED IN CATCHING**  
 13 **OYSTERS BY DREDGE; AND**

14 ~~(6)~~ **(VI) MEETS ALL UNITED STATES COAST GUARD**  
 15 **REQUIREMENTS.**

16 ~~(B)~~ **(2)** Any person who owns or is in charge of operating any dredge boat shall  
 17 have a license to catch oysters by dredge boat.

18 [(b) The captain or master of any dredge boat shall securely attach the two  
 19 numbers, furnished by the Department for each dredge boat, to the shrouds of the foremast  
 20 on the port and starboard sides of the boat, with the bottom or lower edge of the number  
 21 not less than 4 feet above the deck. The numbers shall be displayed in an upright position  
 22 to provide maximum visibility at all times during the dredging season, and may not be  
 23 concealed or defaced. Each number shall be painted in black figures on white durable  
 24 material 2 feet by 2 feet in size. The material shall be selected by the Department. The  
 25 numbers on the material may not be less than 16 inches in height and a proportionate  
 26 width.]

27 ~~(e)~~ ~~(1)~~ **(3)** The owner, captain, master, or any crew member of any **DREDGE**  
 28 boat capable of self-propulsion by any motor, turbine, or other engine attached to the  
 29 **DREDGE** boat, may not have on board the **DREDGE** boat, or in tow, or permit on board or  
 30 in tow, any scoop, handscape, dredge, or similar instrument used in dredging, or any  
 31 winch, spool, winder, or other tackle used in dredging, unless the **DREDGE** boat is  
 32 permitted by the Department to dredge on leased land, or is engaged in taking seed oysters  
 33 under the surveillance and with the permission of the Department.

34 ~~(2)~~ **(4)** Notwithstanding any other provisions of this subtitle, the  
 35 Department may designate by [rule or] regulation a period of time not to exceed 3 days in

1 any one week during which dredge boats licensed under [the provisions of] this subtitle  
2 may be propelled by means of the auxiliary yawl boat carried on the dredge boat in the  
3 waters of the Chesapeake Bay.

4 ~~(3)~~ **(B)** The Department may prescribe the maximum daily **HARVEST**  
5 limit on any day.

6 ~~(d)~~ **(C)** The owner, captain, master, or any crew member of any ~~DREDGE~~ boat  
7 may not catch oysters by scoop, handscrape, or dredge, or permit oysters to be caught by  
8 scoop, handscrape, or dredge, on any land in the State leased for cultivating oysters unless  
9 the ~~DREDGE~~ boat is permitted by the Department for dredging on leased land, and the  
10 owner, captain, or master of the ~~DREDGE~~ boat has on board the written consent of the  
11 lessee or tenant of the leased land from which any oysters are caught.

12 ~~(e)~~ **(D)** **(1)** All submerged land of the State not leased for cultivation of  
13 oysters nor designated as dredging territory by [the provisions of] this subtitle shall be  
14 reserved for tongers exclusively.

15 **(2)** The owner, captain, master or any crew member of any ~~DREDGE~~ boat  
16 may not catch oysters by scoop, handscrape, or dredge, or attempt or conspire to catch  
17 oysters by scoop, handscrape, or dredge, from any submerged land of the State reserved for  
18 tongers exclusively or closed by any [rule or regulation,] **REGULATION** or order of the  
19 Department.

20 **(3)** The taking of oysters by scoop, dredge or handscrape by hand may be  
21 authorized by the Secretary upon the recommendations of the appropriate county tongers  
22 committee, in areas reserved for tonging when areas which are designated for tonging  
23 oysters are closed because of icing conditions at least 7 consecutive days.

24 **(4)** Handscraping may be authorized on a day for working day basis  
25 according to the number of days when tonging is not possible because of ice cover, but not  
26 to exceed 14 working days.

27 **(5)** The Secretary may specify areas to be opened and restrictions on gear.

28 **(6)** There shall be a limit of 10 bushels per [man] **PERSON** and no more  
29 than 30 bushels per boat.

30 **(7)** A person may not handscrape for oysters after 12 noon.

31 **(8)** [However, this] **THIS** subsection does not apply to catching seed oysters  
32 under the surveillance and with the permission of the Department.

33 ~~(f)~~ **(E)** A person may not catch oysters in the waters of the State or possess any  
34 scoop, dredge, handscrape, or similar instrument having a tooth bar more than 42 inches  
35 in length measuring from the outside teeth on dredges used in dredging on rock bottoms or

1 44 inches in length measuring from the outside teeth on dredges used in dredging on mud  
2 bottoms, or of a weight exceeding 200 pounds.

3 ~~(E)~~ **(F)** Subject to the laws relating to firearms, the captain, master or any  
4 person on board or having control of any dredge boat, may not have or permit to be kept on  
5 the dredge boat more than two shotguns not larger than a number ten gauge and using  
6 shot not larger than number one.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.