

Chapter 81

(Senate Bill 10)

AN ACT concerning

Natural Resources – Oysters, Clams, and Clamming – Licenses and Regulations

FOR the purpose of repealing a duplicative provision of law requiring a person to obtain a tidal fish license to catch certain oysters or clams for commercial purposes; altering the area within which a person is authorized to catch hard-shell clams using certain equipment; repealing a duplicative provision of law requiring a person to apply for a tidal fish license to catch hard-shell clams by rake in Worcester County; repealing a duplicative provision of law requiring a person to obtain a seafood dealer license before shipping or selling certain hard-shell clams; authorizing the Department of Natural Resources, in consultation with the Maryland Department of Health, to adopt certain regulations; repealing a duplicative provision of law requiring a certain person to obtain a seafood dealer license to catch or land certain fish; altering the definition of “shinnecock rake”; making certain conforming and stylistic changes; and generally relating to oysters, clams, and clamming.

BY repealing and reenacting, without amendments,

Article – Natural Resources
 Section 4-701(a), (b), and (d)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources
 Section 4-1001(r), 4-1004, ~~and 4-1022~~, and 4-1101(k)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing

Article – Natural Resources
 Section 4-1024, 4-1027, and 4-1041
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY adding to

Article – Natural Resources
 Section 4-1027
 Annotated Code of Maryland
 (2018 Replacement Volume)

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

Article – Natural Resources

4–701.

(a) Except as provided in § 4–701.1 of this subtitle, this section applies to any person who is required under this subtitle or Subtitle 2, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters.

(b) (1) Except as provided in § 4–701.1 of this subtitle, the Department shall utilize a single, commercial license, to be known and designated as a tidal fish license.

(2) A tidal fish license authorizes a licensee:

(i) To engage in each activity indicated on the license; and

(ii) For catching blue crabs, to utilize the number of crew members authorized under § 4–814 of this title.

(3) Except for a person receiving a license as a beneficiary of a deceased licensee under subsection (k)(4)(i) of this section, the Department may not issue a tidal fish license to an individual who is younger than 14 years of age.

(4) A person may not guide fishing parties or catch, sell, buy, process, transport, export, or otherwise deal in fish caught in tidal waters unless licensed under this section.

(d) (1) The Department may issue no more than one authorization to a person to engage in each activity under paragraph (2)(ii)1 and 2 of this subsection during a license year.

(2) (i) On a tidal fish license, the Department may issue an authorization for any of the following activities for which the indicated fee has been paid.

(ii) The following annual fees for an authorization shall apply regardless of when the license is issued or an activity is authorized:

1. To provide services as:

A. A fishing guide in the tidal waters of Maryland – \$100 for a resident and \$200 for a nonresident; and

B. A master fishing guide, in addition to the fee under item A of this item – \$100 per vessel

2. To catch for sale fish with equipment which is legal under this title:
- A. Finfish:
 - I. Hook and line only, anywhere: \$100
 - II. All other equipment: \$150
 - B. Blue crabs:
 - I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and scrapes: \$100
 - II. Over 50 pots, plus any other gear listed in item I of this item: \$150
 - C. Clams – \$100
 - D. Oysters – \$250 for a dredge boat and \$100 for other than a dredge boat
 - E. Conch, turtles, lobster, and all crabs of the genus Cancer – \$100
 - F. For all activities in item 1A of this subparagraph and in items A through E of this item, unlimited tidal fish – \$300
3. For one or two crew members employed under § 4–814 of this title to enable a licensee to catch blue crabs under item 2BII and F of this subparagraph with more than 300 pots, the licensee shall pay an additional:
- A. \$100 for up to 600 pots total per vessel; or
 - B. \$150 for up to 900 pots total per vessel.
4. For a person to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal waters of Maryland, seafood dealer:
- A. \$50 for a person licensed under item 2 of this subparagraph or § 4–701.1 of this subtitle; or
 - B. \$250 for a person not licensed under item 2 of this subparagraph.

5. For a person who is not licensed under this section to land fish caught in out-of-state tidal waters, seafood landing – \$350

4-1001.

(r) “Shinnecock rake” means a [hand] tool used to catch hard-shell clams or oysters[. It usually consists] **THAT:**

(1) IS TOWED FROM A VESSEL UNDER POWER; AND

(2) CONSISTS of a tooth bar with projecting long, outwardly, and upwardly curving teeth which are progressively smaller towards the ends, form a basket, and are set transversely at the end of a long, usually wooden handle.

4-1004.

(a) (1) A [person may not catch oysters or clams for commercial purposes in the waters of the State unless the person first obtains a license, but a] resident may catch up to 1 bushel each of oysters and clams a day for the person’s own use and consumption without a license, in places and at times prescribed by [rule or] regulation of the Department. [Notwithstanding the preceding sentence, a]

(2) A nonresident may catch in the tidal bays of Worcester County up to 1 bushel of hard clams per day for the nonresident’s own use and consumption.

[(2) The Department shall require an applicant for an oyster license to give the applicant’s address and telephone number.]

(b) Only a resident of the State may obtain a license to catch oysters or clams for commercial purposes in the waters of the State.

4-1022.

(a) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,** A person may not catch hard-shell clams in the waters of the State with a shinnecock rake or similar device.

(b) **(1) Notwithstanding the provisions of subsection (a) of this section AND SUBJECT SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** a person may catch hard-shell clams with a handscrape, shinnecock rake, or hydraulic dredge in the **STATE** waters of [Worcester County] **THE ATLANTIC OCEAN.**

(2) [Unless a person first obtains the permission of the shore or wharf owner, he] IN WORCESTER COUNTY, A A PERSON may not catch hard-shell clams **WITH**

A HANDSCRAPE, SHINNECOCK RAKE, OR HYDRAULIC DREDGE within 300 feet of any shore or wharf **WITHOUT FIRST OBTAINING THE PERMISSION OF THE SHORE OR WHARF OWNER.**

[4-1024.

(a) Any person desiring to catch hard-shell clams by rake in the waters of Worcester County shall apply to the Department for a license.

(b) Every applicant shall exhibit to the Department satisfactory evidence showing the name or number and size of the boat. Each applicant shall certify that he is the bona fide owner of the boat, that a nonresident of the State does not hold a lien on the boat, and that he has been a State resident for at least one year prior to making the application. The applicant shall supply any other information the Department requires.]

[4-1027.

(a) A person shall obtain a license before engaging in the business of shipping or selling hard-shell clams taken from the waters of the State.

(b) This section does not apply to any person selling his own catch.]

4-1027.

THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF HEALTH, MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THE NATIONAL SHELLFISH SANITATION PROGRAM.

[4-1041.

A person in charge of any boat or vessel rigged for catching surf clams or ocean quahogs shall obtain a license from the Department before he catches any surf clams in the waters of the State or lands any surf clams or ocean quahogs in the State.]

4-1101.

(k) “Shinnecock rake” means a [hand] tool used to catch hard-shell clams or oysters[. It usually consists] THAT:

(1) IS TOWED FROM A VESSEL UNDER POWER; AND

(2) CONSISTS of a tooth bar with projecting long, outwardly and upwardly curving teeth which are progressively smaller toward the ends, form a basket, and are set transversely at the end of a long, usually wooden handle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 18, 2019.