

HOUSE BILL 613

M2

4lr2603

By: **Delegate Boyce**

Introduced and read first time: January 25, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Recreational Catching of Oysters or Clams – Requirements**

3 FOR the purpose of altering certain authorizations to recreationally catch clams in the
4 State; establishing a recreational oyster license; requiring the Department of
5 Natural Resources to develop and publish an application form for obtaining a
6 recreational oyster license; establishing requirements for the application for and
7 issuance of a recreational oyster license; authorizing the Department to designate a
8 certain agent to sell a recreational oyster license; authorizing a certain agent to
9 retain a certain amount of money for each recreational oyster license issued by the
10 agent; requiring a recreational oyster licensee to physically possess the license while
11 harvesting or attempting to harvest oysters; prohibiting a recreational oyster
12 licensee from transferring a license; and generally relating to catching oysters and
13 clams in the State.

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 4–1003
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Natural Resources
21 Section 4–1004
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2023 Supplement)

24 BY adding to
25 Article – Natural Resources
26 Section 4–1004.1
27 Annotated Code of Maryland
28 (2023 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Natural Resources

4–1003.

Any resident of the State may catch oysters or clams on any area in the waters of the State from which catching oysters or clams is permitted under the provisions of this subtitle. This section applies to catching oysters or clams by rakes, tongs, patent tongs, dredges, handscrapes, or by other means permitted by law for the particular area. This section applies also to catching clams by hydraulic or mechanical dredges or rigs permitted by law for the particular area. This section does not affect any provision of this subtitle concerning the licensing or regulation of catching oysters or clams, except as specifically provided in this section.

4–1004.

(a) (1) 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 regulation of] **IN ACCORDANCE WITH REGULATIONS ADOPTED BY** the Department.

(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 **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

(b) Only a resident of the State may obtain a license to catch [oysters]:

(1) **OYSTERS** or clams for commercial purposes in the waters of the State;
OR

(2) **OYSTERS FOR RECREATIONAL PURPOSES IN THE WATERS OF THE STATE.**

4–1004.1.

(A) **THERE IS A RECREATIONAL OYSTER LICENSE.**

(B) **A PERSON AT LEAST 16 YEARS OLD SHALL SECURE A RECREATIONAL OYSTER LICENSE TO HARVEST OYSTERS IN THE TIDAL WATERS OF THE STATE.**

(C) (1) **THE DEPARTMENT SHALL DEVELOP AND PUBLISH AN APPLICATION FORM FOR OBTAINING A RECREATIONAL OYSTER LICENSE.**

1 **(2) (I) TO OBTAIN A RECREATIONAL OYSTER LICENSE TO HARVEST**
2 **OYSTERS IN THE WATERS OF THE STATE, A STATE RESIDENT AT LEAST 16 YEARS OLD**
3 **SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION USING THE FORM**
4 **DEVELOPED AND PUBLISHED BY THE DEPARTMENT.**

5 **(II) THE APPLICATION SHALL INCLUDE:**

6 **1. THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL**
7 **SECURITY NUMBER, IF THE APPLICANT HAS A SOCIAL SECURITY NUMBER;**

8 **2. PAYMENT OF A \$10 APPLICATION FEE; AND**

9 **3. ANY OTHER INFORMATION REQUESTED BY THE**
10 **DEPARTMENT.**

11 **(3) AN APPLICANT MAY NOT WILLFULLY MAKE A FALSE STATEMENT**
12 **OR REPRESENTATION TO THE DEPARTMENT ON THE APPLICATION.**

13 **(D) (1) A RECREATIONAL OYSTER LICENSE MAY BE ISSUED BY AN**
14 **AUTHORIZED AGENT OF THE DEPARTMENT.**

15 **(2) THE DEPARTMENT MAY DESIGNATE A PERSON ENGAGED IN A**
16 **COMMERCIAL ENTERPRISE AS AN AGENT TO SELL RECREATIONAL OYSTER**
17 **LICENSES.**

18 **(3) AN AGENT MAY RETAIN 50 CENTS FOR EACH RECREATIONAL**
19 **OYSTER LICENSE ISSUED BY THE AGENT.**

20 **(E) A LICENSEE SHALL PHYSICALLY POSSESS THE LICENSE WHILE**
21 **HARVESTING OR ATTEMPTING TO HARVEST OYSTERS.**

22 **(F) (1) A RECREATIONAL OYSTER LICENSE SHALL BE VALID FOR 1 YEAR**
23 **FOLLOWING THE DATE OF ISSUANCE.**

24 **(2) A LICENSEE MAY NOT TRANSFER A RECREATIONAL OYSTER**
25 **LICENSE.**

26 **(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
27 **SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2024.