

Chapter 518

(House Bill 613)

AN ACT concerning

Natural Resources – Recreational Catching of Oysters or Clams – Requirements

FOR the purpose of altering certain authorizations to recreationally catch clams in the State; establishing a recreational oyster license; requiring the Department of Natural Resources to develop and publish an application form for obtaining a recreational oyster license; establishing requirements for the application for and issuance of a recreational oyster license; authorizing the Department to designate a certain agent to sell a recreational oyster license; authorizing a certain agent to retain a certain amount of money for each recreational oyster license issued by the agent; requiring the Department to issue complimentary or discounted recreational oyster licenses to certain individuals; authorizing certain individuals to catch oysters without a recreational oyster license under certain circumstances and subject to certain requirements; requiring a recreational oyster licensee to physically possess the license while harvesting or attempting to harvest oysters; prohibiting a recreational oyster licensee from transferring a license; and generally relating to catching oysters and clams in the State.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–1003

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–1004

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

BY adding to

Article – Natural Resources

Section 4–1004.1

Annotated Code of Maryland

(2023 Replacement Volume and 2023 Supplement)

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) **IN THIS SECTION, "FORMER PRISONER OF WAR" MEANS AN INDIVIDUAL WHO, WHILE SERVING IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES, WAS FORCIBLY DETAINED OR INTERNED IN THE LINE OF DUTY BY AN ENEMY GOVERNMENT OR ITS AGENTS, OR A HOSTILE FORCE, DURING A PERIOD OF ARMED CONFLICT.**

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

~~(B)~~ (C) **A** **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A PERSON AT LEAST 16 YEARS OLD SHALL SECURE A RECREATIONAL OYSTER LICENSE TO HARVEST OYSTERS IN THE TIDAL WATERS OF THE STATE.**

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

(2) (I) ~~TO~~ EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, TO OBTAIN A RECREATIONAL OYSTER LICENSE TO HARVEST OYSTERS IN THE WATERS OF THE STATE, A STATE RESIDENT AT LEAST 16 YEARS OLD SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION USING THE FORM DEVELOPED AND PUBLISHED BY THE DEPARTMENT.

(II) THE APPLICATION SHALL INCLUDE:

1. THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER, IF THE APPLICANT HAS A SOCIAL SECURITY NUMBER;
2. PAYMENT OF A \$10 APPLICATION FEE; AND
3. ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT.

(III) THE DEPARTMENT SHALL USE A PORTION, AS DETERMINED BY THE DEPARTMENT, OF THE APPLICATION FEE COLLECTED UNDER THIS PARAGRAPH TO REPLENISH PUBLIC FISHERY OYSTER BARS BY PLANTING SHELL AND JUVENILE OYSTERS.

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

~~(D)~~ (E) (1) (I) A RECREATIONAL OYSTER LICENSE MAY BE ISSUED BY AN AUTHORIZED AGENT OF THE DEPARTMENT.

~~(2)~~ (II) THE DEPARTMENT MAY DESIGNATE A PERSON ENGAGED IN A COMMERCIAL ENTERPRISE AS AN AGENT TO SELL RECREATIONAL OYSTER LICENSES.

~~(3)~~ (III) AN AGENT MAY RETAIN 50 CENTS FOR EACH RECREATIONAL OYSTER LICENSE ISSUED BY THE AGENT.

(2) THE DEPARTMENT SHALL ISSUE A COMPLIMENTARY RECREATIONAL OYSTER LICENSE TO A RESIDENT OF THE STATE WHO CERTIFIES THAT THE RESIDENT IS:

(I) A FORMER PRISONER OF WAR;

(II) AN AMERICAN VETERAN WHO IS DETERMINED TO BE UNEMPLOYABLE BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS;

(III) A 100% SERVICE-CONNECTED DISABLED AMERICAN VETERAN; OR

(IV) BLIND.

(3) THE DEPARTMENT SHALL:

(I) ISSUE A DISCOUNTED RECREATIONAL OYSTER LICENSE TO A RESIDENT OF THE STATE WHO IS A RECIPIENT OF THE PURPLE HEART AWARD; AND

(II) DETERMINE THE COST OF THE DISCOUNTED APPLICATION FEE.

(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL MAY CATCH OYSTERS WITHOUT A RECREATIONAL OYSTER LICENSE IF THE INDIVIDUAL:

(I) OWNS OR LEASES PROPERTY BORDERING TIDAL WATERS OF THE STATE; OR

(II) 1. IS THE SPOUSE OR IMMEDIATE FAMILY MEMBER OF THE INDIVIDUAL UNDER ITEM (I) OF THIS PARAGRAPH; AND

2. RESIDES ON THE PROPERTY OWNED OR LEASED UNDER ITEM (I) OF THIS PARAGRAPH.

(2) (I) BEFORE AN INDIVIDUAL MAY CATCH OYSTERS IN ACCORDANCE WITH THIS SUBSECTION, THE INDIVIDUAL SHALL:

1. REGISTER WITH THE DEPARTMENT; AND

2. PROVIDE ALL INFORMATION REQUESTED BY THE DEPARTMENT.

(II) THE DEPARTMENT MAY NOT ESTABLISH A FEE TO REGISTER UNDER THIS PARAGRAPH.

~~(F)~~ (G) A LICENSEE SHALL PHYSICALLY POSSESS THE LICENSE WHILE HARVESTING OR ATTEMPTING TO HARVEST OYSTERS.

~~(F)~~ (H) (1) A RECREATIONAL OYSTER LICENSE SHALL BE VALID FOR 1 YEAR FOLLOWING THE DATE OF ISSUANCE.

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

~~(G)~~ (I) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

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

Approved by the Governor, May 9, 2024.