

SENATE BILL 37

M2

(PRE-FILED)

0lr0611

CF 0lr1311

By: **Senator Colburn**

Requested: September 21, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Oysters – Patent Tongs and Power**
3 **Dredges**

4 FOR the purpose of prohibiting the Department of Natural Resources from prohibiting
5 the use of certain devices to catch oysters in the waters of the State; providing
6 for the application of a certain provision of this Act; making stylistic changes;
7 and generally relating to the authority of the Department of Natural Resources
8 to regulate the oyster catch in the waters of the State.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 4–1003
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2009 Supplement)

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

16 **Article – Natural Resources**

17 4–1003.

18 **(A) (1)** [Any resident of the State may catch oysters or clams on any area
19 in the waters of the State from which catching oysters or clams is permitted under the
20 provisions of this subtitle.] This section applies to catching:

21 **(i)** [oysters] **OYSTERS** or clams by rakes, tongs, patent tongs,
22 dredges, handscrapes, or by other means permitted by law for [the] A particular [area.
23 This section applies also to catching] **AREA; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II)** [clams] **CLAMS** by hydraulic or mechanical dredges or rigs
2 permitted by law for [the] A particular area.

3 **(2)** [This] **EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION,**
4 **THIS** section does not affect any provision of this subtitle concerning the licensing or
5 regulation of catching oysters or clams[, except as specifically provided in this section].

6 **(B)** **ANY RESIDENT OF THE STATE MAY CATCH OYSTERS OR CLAMS ON**
7 **ANY AREA IN THE WATERS OF THE STATE FROM WHICH CATCHING OYSTERS OR**
8 **CLAMS IS PERMITTED UNDER THE PROVISIONS OF THIS SUBTITLE.**

9 **(C)** **(1)** **NOTWITHSTANDING § 4-215(H) OF THIS TITLE, THE**
10 **DEPARTMENT MAY NOT PROHIBIT THE USE OF PATENT TONGS OR POWER**
11 **DREDGES TO CATCH OYSTERS IN THE WATERS OF THE STATE.**

12 **(2)** **THIS SUBSECTION DOES NOT LIMIT THE AUTHORITY OF THE**
13 **DEPARTMENT TO REGULATE THE TIME AND MANNER OF THE USE OF PATENT**
14 **TONGS AND POWER DREDGES TO CATCH OYSTERS IN THE WATERS OF THE**
15 **STATE.**

16 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
17 **October 1, 2010.**