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By: **Delegate Weir**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2001

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CHAPTER 294

1 AN ACT concerning

2 **Crabs - Restrictions on Harvesting and Requirements for Regulations**

3 FOR the purpose of ~~prohibiting the Department of Natural Resources from adopting~~  
4 ~~regulations to reduce the harvest of hard crabs in the Chesapeake Bay unless~~  
5 ~~the regulations are adopted in recognition of certain considerations; requiring~~  
6 ~~that the owner of a commercial crabbing license catch crabs for commercial~~  
7 ~~purposes on only a certain number of days each week; and requiring the~~  
8 ~~Department of Natural Resources to adopt certain regulations pertaining to the~~  
9 ~~restriction of commercial crabbing to certain days of the week; authorizing the~~  
10 Department of Natural Resources to adopt regulations to restrict the days that  
11 a commercial license holder may catch crabs and take into account certain  
12 considerations under certain circumstances; requiring the Department to adopt  
13 certain regulations to require certain individuals to make a certain declaration  
14 and provide certain information in a certain manner; establishing the duration  
15 of a declared day off except under certain circumstances; authorizing the  
16 Department to allow a licensee to change a declared day off under certain  
17 circumstances; prohibiting a licensed individual from certain activities on  
18 certain days except under certain circumstances; authorizing the Department to  
19 adopt certain regulations; requiring a licensed individual to affix certain letters  
20 to the individual's vessel for a certain purpose and in a certain manner;  
21 providing for the termination of this Act; and generally relating to restrictions  
22 on crab harvesting in the State.

23 BY repealing and reenacting, with amendments,

24 Article - Natural Resources

25 Section 4-803 and 4-804

26 Annotated Code of Maryland

1 (2000 Replacement Volume)

2 BY adding to

3 Article - Natural Resources

4 Section 4-701(p)

5 Annotated Code of Maryland

6 (2000 Replacement Volume)

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

9 **Article - Natural Resources**

10 4-701.

11 (P) A COMMERCIAL CRABBING LICENSE SHALL IDENTIFY EITHER SUNDAY OR  
12 MONDAY AS THE DAY ON WHICH THE PERSON WHO HOLDS THE LICENSE MAY NOT  
13 CRAB FOR COMMERCIAL PURPOSES.

14 4-803.

15 (a) The Department may adopt rules and regulations to effectuate the  
16 following purposes:

17 (1) To restrict catching and possessing any blue crab;

18 (2) The methods by which crabs are taken;

19 (3) To close or open any specified area to catch crabs;

20 (4) To prohibit or restrict devices used to catch crabs;

21 (5) To establish seasons to catch crabs; and

22 (6) To establish minimum size limits for hard, soft, and peeler crabs.

23 However, this section does not permit the Department to change existing license fees  
24 for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab  
25 meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The  
26 Department may set license fees on types of gear or equipment if not otherwise set by  
27 law.

28 ~~(B) THE DEPARTMENT MAY NOT ADOPT REGULATIONS TO REDUCE THE  
29 HARVEST OF HARD CRABS IN THE CHESAPEAKE BAY UNLESS THE REGULATIONS:~~

30 ~~(1) ARE ADOPTED IN RECOGNITION OF THE DIVERSITY OF INDUSTRY IN  
31 DIFFERENT AREAS OF THE BAY; AND~~

32 ~~(2) BALANCE THE IMPACT OF THE REDUCTION IN THE HARVEST OF  
33 HARD CRABS ON THE VARIOUS COMMERCIAL HARVESTERS.~~

1 (B) (1) THE DEPARTMENT MAY ADOPT REGULATIONS WHICH RESTRICT A  
 2 HOLDER OF A COMMERCIAL LICENSE FROM CATCHING CRABS ON CERTAIN DAYS OF  
 3 THE WEEK.

4 (2) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL BE IN  
 5 ACCORDANCE WITH § 4-804 OF THIS SUBTITLE AND, TO THE EXTENT POSSIBLE, BE  
 6 BASED ON THE CONSIDERATIONS SET FORTH IN § 4-215(C) OF THIS TITLE.

7 [(b)] (C) The Department's regulations may not become effective under this  
 8 section until the Department first holds public hearings. The Department shall  
 9 advertise the time, place, and purpose of the hearings in one newspaper of general  
 10 daily circulation in the State, and at least in one newspaper circulated in the affected  
 11 region of each county whose waters may be directly affected by the proposed  
 12 regulations for 2 successive weeks in advance of the hearings.

13 4-804.

14 (a) Any person who owns or is in charge of operating a vessel utilized to catch  
 15 crabs in the waters of the State for commercial purposes shall obtain a license.

16 (b) Any person crabbing from a "for hire" boat operated by the owner, who is  
 17 present on the boat and is licensed to catch crabs for commercial purposes, is not  
 18 required to obtain a license.

19 (C) THE DEPARTMENT SHALL ADOPT REGULATIONS REQUIRING EACH  
 20 INDIVIDUAL LICENSED TO CRAB FOR COMMERCIAL PURPOSES TO:

21 (1) ~~INCLUDE THE INDIVIDUAL'S VESSEL IDENTIFICATION NUMBER ON~~  
 22 ~~THE INDIVIDUAL'S LICENSE; AND~~

23 (2) ~~PLACE A PERMANENT COLOR CODED IDENTIFICATION ON THE~~  
 24 ~~INDIVIDUAL'S VESSEL INDICATING WHETHER SUNDAY OR MONDAY IS THE DAY ON~~  
 25 ~~WHICH THAT VESSEL AND THE LICENSE ON WHICH THAT VESSEL IS IDENTIFIED~~  
 26 ~~MAY NOT BE USED FOR COMMERCIAL CRABBING.~~

27 (1) AT THE TIME OF LICENSE RENEWAL, ON FORMS PROVIDED BY THE  
 28 DEPARTMENT:

29 (I) DECLARE A SUNDAY OR MONDAY AS A DAY OFF FOR THE  
 30 LICENSE YEAR; AND

31 (II) PROVIDE THE LICENSEE'S VESSEL IDENTIFICATION NUMBER;  
 32 AND

33 (2) PRINT IN INK ON THE INDIVIDUAL'S LICENSE THE LICENSEE'S  
 34 VESSEL IDENTIFICATION NUMBER AND THE DECLARED DAY OFF FOR THE LICENSE  
 35 YEAR.

36 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE  
 37 SUNDAY OR MONDAY THAT IS DECLARED AS A DAY OFF UNDER THIS SECTION SHALL

1 REMAIN VALID FOR THE SEASON AND MAY BE CHANGED ANNUALLY AT THE TIME OF  
2 LICENSE RENEWAL.

3 (2) THE DEPARTMENT MAY ALLOW FOR GOOD CAUSE A LICENSEE TO  
4 CHANGE THE DECLARED DAY OFF AT A TIME OTHER THAN THE TIME OF LICENSE  
5 RENEWAL.

6 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
7 LICENSED INDIVIDUAL MAY NOT SET CRABBING GEAR OR CRAB FOR COMMERCIAL  
8 PURPOSES, AND THE INDIVIDUAL'S DECLARED VESSEL MAY NOT BE USED TO SET  
9 CRABBING GEAR OR CRAB FOR COMMERCIAL PURPOSES, ON THE DAY THAT THE  
10 INDIVIDUAL DECLARED AS THE DAY OFF UNDER THIS SECTION.

11 (2) A LICENSEE MAY SET CRABBING GEAR OR CATCH CRABS FOR  
12 COMMERCIAL PURPOSES ON A SUNDAY AND A MONDAY OF A PARTICULAR WEEK IF:

13 (I) A STATE OR FEDERAL HOLIDAY FALLS ON THE SUNDAY OR  
14 MONDAY, OR THE IMMEDIATELY PRECEDING SATURDAY; OR

15 (II) THE SUNDAY AND MONDAY PRECEDE A STATE OR FEDERAL  
16 HOLIDAY THAT FALLS ON A TUESDAY, WEDNESDAY, THURSDAY, OR FRIDAY OF THE  
17 PARTICULAR WEEK.

18 (F) THE DEPARTMENT MAY ADOPT REGULATIONS THAT ALLOW THE  
19 DEPARTMENT IN ITS DISCRETION TO ESTABLISH ALTERNATIVE DAYS OFF FOR A  
20 LICENSEE OTHER THAN A SUNDAY OR MONDAY.

21 (G) THE LICENSED INDIVIDUAL SHALL PAINT OR FIRMLY AFFIX LETTERS TO  
22 THE PORT SIDE OF THE VESSEL THAT IS DECLARED UNDER THIS SECTION IN THE  
23 FOLLOWING MANNER:

24 (1) THE LETTERS SHALL BE POSITIONED IN SUCH A MANNER AS TO BE  
25 CLEARLY VISIBLE TO PERSONS IN PASSING BOATS;

26 (2) THE LETTERS SHALL BE PLAIN VERTICAL BLOCK CHARACTERS OF  
27 NOT LESS THAN 4 INCHES IN HEIGHT AND SHALL CONTRAST WITH THE COLOR OF  
28 THE BACKGROUND;

29 (3) THE LETTERS "SUN" SHALL BE DISPLAYED AS THE ABBREVIATION  
30 FOR A SUNDAY DECLARED AS OFF UNDER THIS SECTION; AND

31 (4) THE LETTERS "MON" SHALL BE DISPLAYED AS THE ABBREVIATION  
32 FOR A MONDAY DECLARED AS OFF UNDER THIS SECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 ~~July 1, 2004~~ June 1, 2001. It shall remain effective for a period of 3 years and, at the  
35 end of May 31, 2004, with no further action required by the General Assembly, this  
36 Act shall be abrogated and of no further force and effect.

