
By: **Eastern Shore Delegation**

Introduced and read first time: February 14, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Crabs - Minimum Catch and Possession Size Limits**

3 FOR the purpose of prohibiting the Department of Natural Resources from adopting
4 regulations establishing minimum sizes for the possession of certain crabs
5 caught out-of-state; prohibiting the Department of Natural Resources from
6 adopting regulations establishing minimum size limits above certain size levels
7 for catching certain crabs; making certain provisions of this Act contingent on
8 the failure of the Commonwealth of Virginia and the Potomac River Fisheries
9 Commission to adopt certain minimum size limits for catching certain crabs;
10 requiring the Department of Natural Resources to monitor certain regulatory
11 activity governing minimum size limits for catching certain crabs and to certify
12 its findings to the Department of Legislative Services; requiring the Department
13 of Natural Resources to adopt certain emergency regulations based on a certain
14 contingency; making certain stylistic changes; and generally relating to
15 minimum sizes for catching and possessing certain crabs.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 4-803
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2001 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Natural Resources
23 Section 4-809
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2001 Supplement)

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

1 **Article - Natural Resources**

2 4-803.

3 (a) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Department
4 may adopt rules and regulations to effectuate the following purposes:

- 5 (1) To restrict catching and possessing any blue crab;
- 6 (2) The methods by which crabs are taken;
- 7 (3) To close or open any specified area to catch crabs;
- 8 (4) To prohibit or restrict devices used to catch crabs;
- 9 (5) To establish seasons to catch crabs; and
- 10 (6) To establish minimum size limits for hard, soft, and peeler crabs.

11 (A-1) (1) [However, this] THIS section does not [permit] ALLOW the
12 Department to change existing license fees for:13 (I) [catching] CATCHING, picking, canning, packing, or shipping
14 cooked hard or soft crabs or crab meat; or15 (II) [for selling] SELLING[,] or shipping live hard or soft crabs by
16 barrel or crate.17 (2) The Department may set license fees on types of gear or equipment if
18 not otherwise set by law.

19 (b) The Department may not adopt regulations to:

20 (1) Restrict a tidal fish licensee who catches crabs using trotline gear to
21 a workday of less than 8 hours per day, excluding time spent setting or taking up
22 gear;23 (2) Establish time restrictions on a tidal fish licensee using trotline gear
24 for setting and taking up gear; [or]25 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard
26 crab pot at any time of the year in order to catch peeler crabs; OR27 (4) NOTWITHSTANDING § 4-102 OF THIS TITLE, ESTABLISH MINIMUM
28 SIZE LIMITS FOR THE POSSESSION OF HARD CRABS, SOFT CRABS, OR PEELER CRABS
29 THAT ARE CAUGHT OUT-OF-STATE.30 (c) (1) The Department may adopt regulations which restrict a holder of a
31 commercial license from catching crabs on certain days of the week.

1 (2) Regulations adopted under this subsection shall be in accordance
2 with § 4-804 of this subtitle and, to the extent possible, be based on the
3 considerations set forth in § 4-215(c) of this title.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:
12 4-803.

13 (a) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Department
14 may adopt rules and regulations to effectuate the following purposes:

- 15 (1) To restrict catching and possessing any blue crab;
- 16 (2) The methods by which crabs are taken;
- 17 (3) To close or open any specified area to catch crabs;
- 18 (4) To prohibit or restrict devices used to catch crabs;
- 19 (5) To establish seasons to catch crabs; and
- 20 (6) To establish minimum size limits for hard, soft, and peeler crabs.

21 (A-1) (1) [However, this] THIS section does not [permit] ALLOW the
22 Department to change existing license fees for:

23 (I) [catching] CATCHING, picking, canning, packing, or shipping
24 cooked hard or soft crabs or crab meat; or

25 (II) [for selling] SELLING[,] or shipping live hard or soft crabs by
26 barrel or crate.

27 (2) The Department may set license fees on types of gear or equipment if
28 not otherwise set by law.

29 (b) The Department may not adopt regulations to:

30 (1) Restrict a tidal fish licensee who catches crabs using trotline gear to
31 a workday of less than 8 hours per day, excluding time spent setting or taking up
32 gear;

33 (2) Establish time restrictions on a tidal fish licensee using trotline gear
34 for setting and taking up gear; [or]

1 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard
2 crab pot at any time of the year in order to catch peeler crabs;

3 (4) ESTABLISH MINIMUM SIZE LIMITS MEASURED ACROSS THE SHELL
4 FROM TIP TO TIP OF SPIKE THAT ARE GREATER THAN:

5 (I) 5 INCHES FOR CATCHING OR POSSESSING HARD CRABS;

6 (II) 3 1/2 INCHES FOR CATCHING OR POSSESSING SOFT CRABS; OR

7 (III) 3 INCHES FOR CATCHING OR POSSESSING PEELER CRABS; OR

8 (5) NOTWITHSTANDING § 4-102 OF THIS TITLE, ESTABLISH MINIMUM
9 SIZE LIMITS FOR THE POSSESSION OF HARD CRABS, SOFT CRABS, OR PEELER CRABS
10 THAT ARE CAUGHT OUT-OF-STATE.

11 (c) (1) The Department may adopt regulations which restrict a holder of a
12 commercial license from catching crabs on certain days of the week.

13 (2) Regulations adopted under this subsection shall be in accordance
14 with § 4-804 of this subtitle and, to the extent possible, be based on the
15 considerations set forth in § 4-215(c) of this title.

16 (d) The Department's regulations may not become effective under this section
17 until the Department first holds public hearings. The Department shall advertise the
18 time, place, and purpose of the hearings in one newspaper of general daily circulation
19 in the State, and at least in one newspaper circulated in the affected region of each
20 county whose waters may be directly affected by the proposed regulations for 2
21 successive weeks in advance of the hearings.

22 4-809.

23 (a) A person may not catch or possess more than 10 hard crabs per bushel or
24 25 hard crabs per barrel which measure less than 5 inches across the shell from tip to
25 tip of spike.

26 (b) (1) Except as provided in paragraph (2) of this subsection, a person may
27 not catch or possess peeler crabs measuring less than 3 inches across the shell from
28 tip to tip of spike.

29 (2) A person may possess a bycatch of peeler crabs measuring less than 3
30 inches across the shell from tip to tip of spike if the bycatch is not greater than:

31 (i) 30 per bushel; or

32 (ii) 60 per float.

33 (3) In determining the number of peelers measuring less than 3 inches
34 across the shell from tip to tip of the spike, the Department shall select the minimum
35 number of bushels or floats necessary to be representative of the person's catch.

1 (c) A person may not catch or possess soft crabs measuring less than three
2 and one-half inches across the shell from tip to tip of the spike.

3 (d) In the waters of Worcester County, a person may not catch, possess, or
4 keep in floats any fat crabs, or any crab known as snot crab, green crab, or buckram
5 crab.

6 (e) The minimum size of crabs does not apply to mature female crabs,
7 identified by the rounded apron.

8 (f) The provisions of subsection (a) do not apply to crabs imported into
9 Maryland during the closed season for catching crabs if the person possessing the
10 imported crabs has a certificate of origin.

11 (g) Once taken, peelers shall be kept separate from other crabs.

12 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
13 shall take effect July 1, 2002, contingent on the Commonwealth of Virginia and the
14 Potomac River Fisheries Commission adopting regulations by June 1, 2002
15 establishing minimum size limits of five and a quarter inches for hard crabs, four and
16 a quarter inches for soft crabs, and three and a half inches for peeler crabs, and if the
17 Commonwealth of Virginia and the Potomac River Fisheries Commission do not adopt
18 regulations by June 1, 2002 establishing minimum size limits of five and a quarter
19 inches for hard crabs, four and a quarter inches for soft crabs, and three and a half
20 inches for peeler crabs, Section 1 of this Act shall be null and void without the
21 necessity of further action by the General Assembly.

22 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
23 shall take effect July 1, 2002 contingent on the failure of Section 1 of this Act to take
24 effect on July 1, 2002, and if Section 1 of this Act does take effect on July 1, 2002,
25 Section 2 of this Act shall be null and void without the necessity of further action by
26 the General Assembly.

27 SECTION 5. AND BE IT FURTHER ENACTED, That the Department of
28 Natural Resources shall monitor regulations related to minimum size limits for
29 catching crabs adopted by the Commonwealth of Virginia and the Potomac River
30 Fisheries Commission and shall certify, by June 15, 2002, to the Department of
31 Legislative Services in writing at 90 State Circle, Annapolis, Maryland 21401
32 whether or not the Commonwealth of Virginia and the Potomac River Fisheries
33 Commission adopt regulations by June 1, 2002 establishing minimum size limits of
34 five and a quarter inches for hard crabs, four and a quarter inches for soft crabs, and
35 three and a half inches for peeler crabs.

36 SECTION 6. AND BE IT FURTHER ENACTED, That, if the Commonwealth
37 of Virginia and the Potomac River Fisheries Commission do not adopt regulations by
38 June 1, 2002 establishing minimum size limits of five and a quarter inches for hard
39 crabs, four and a quarter inches for soft crabs, and three and a half inches for peeler
40 crabs, the Department of Natural Resources shall adopt emergency regulations that
41 are effective by July 1, 2002 establishing minimum size limits for catching and
42 possessing hard crabs, soft crabs, and peeler crabs that are the same as the

1 regulations in effect on January 1, 2002 that governed the minimum sizes for
2 catching or possessing hard crabs, soft crabs, and peeler crabs.

3 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
4 Sections 3 and 4 of this Act, this Act shall take effect June 1, 2002.