

HOUSE BILL 111

M2

11r0021

By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 24, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Fishing – Regulatory Authority**

3 FOR the purpose of authorizing the Department of Natural Resources, subject to
4 certain standards and requirements, to adopt regulations governing the
5 manner, methods, and gear for catching and possessing fish; repealing
6 provisions of law that require a person to possess a valid fishing license before
7 using certain devices to catch or attempt to catch finfish; prohibiting the
8 Department from adopting regulations governing the use of certain crabbing
9 gear for certain purposes; and generally relating to the regulatory authority of
10 the Department of Natural Resources with respect to catching and possessing
11 fish.

12 BY adding to

13 Article – Natural Resources
14 Section 4–221
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Natural Resources
19 Section 4–704 and 4–803(b)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Natural Resources
24 Section 4–803(a)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Natural Resources**

4 **4–221.**

5 **SUBJECT TO THE PROVISIONS OF THIS TITLE, THE DEPARTMENT MAY**
6 **ADOPT REGULATIONS GOVERNING THE MANNER, METHODS, AND GEAR FOR**
7 **CATCHING AND POSSESSING FISH.**

8 4–704.

9 (a) [A person may not catch or attempt to catch finfish in the tidal waters of
10 the State by the use of any net or other device except hook and line, dip net operated
11 by hand, spear gun, or bow and arrow pursuant to the provisions of this subtitle unless
12 he possesses a valid license to catch finfish issued by the Department.

13 (b)] An applicant for a license to catch finfish shall furnish information the
14 Department requires.

15 [(c)] (B) The Department may not grant a license to any person, under the
16 provisions of this subtitle, to set a pound net on the location occupied by any other
17 pound net or within 4,500 feet in the Chesapeake Bay or 1,500 feet in a tributary of
18 the Chesapeake Bay measured at right angles to the line of stakes, unless the other
19 licensee failed to apply for renewal of his license by the expiration date of the year for
20 which it was granted.

21 4–803.

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

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

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

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

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

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

29 (6) To establish minimum size limits for hard, soft, and peeler crabs.
30 However, this section does not permit the Department to change existing license fees
31 for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab
32 meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The

1 Department may set license fees on types of gear or equipment if not otherwise set by
2 law.

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

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

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

9 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a
10 hard crab pot at any time of the year in order to catch peeler crabs].

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2011.