

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

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

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

15 BY adding to

16 Article – Natural Resources

17 Section 4–221

18 Annotated Code of Maryland

19 (2005 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Natural Resources

22 Section 4–704 and 4–803(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2010 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Natural Resources
5 Section 4–803(a)
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2010 Supplement)

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

10 **Article – Natural Resources**

11 **4–221.**

12 ~~SUBJECT TO THE PROVISIONS OF THIS TITLE, THE DEPARTMENT MAY~~
13 ~~ADOPT REGULATIONS GOVERNING THE MANNER, METHODS, AND GEAR FOR~~
14 ~~CATCHING AND POSSESSING FISH.~~

15 (A) THE AUTHORITY PROVIDED BY THIS SECTION IS IN ADDITION TO
16 ANY OTHER AUTHORITY OF THE SECRETARY PROVIDED BY LAW.

17 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
18 SECRETARY, AFTER CONSULTATION WITH THE TIDAL FISHERIES ADVISORY
19 COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION, MAY ADOPT
20 REGULATIONS TO DEFINE AND GOVERN THE USE OF:

21 (I) RECREATIONAL FISHING GEAR; AND

22 (II) THE FOLLOWING TYPES OF COMMERCIAL FISHING
23 GEAR:

24 1. FISH POTS;

25 2. BANK TRAPS;

26 3. FYKE NETS; AND

27 4. HOOP NETS.

28 (2) THE DEPARTMENT SHALL CONSIDER RELEVANT BIOLOGICAL,
29 ECOLOGICAL, AND SOCIOECONOMIC FACTORS BEFORE ADOPTING REGULATIONS
30 UNDER THIS SUBSECTION.

1 4-704.

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

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

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

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:

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.