

SENATE BILL 59

M2

7lr0748

(PRE-FILED)

By: **Senator Waugh**

Requested: October 3, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2017

CHAPTER _____

1 AN ACT concerning

2 **Crabs – Harvest Times – ~~Trotlines and Crab Pots~~ Holidays**

3 FOR the purpose of requiring the Department of Natural Resources to adopt regulations
4 that provide ~~the option to~~ a tidal fish licensee authorized to catch crabs using
5 ~~trotlines and crab pots~~ all legal gear to work ~~certain hours during certain time~~
6 ~~periods~~ 1 additional early hour on certain days; ~~requiring a licensee who chooses a~~
7 ~~certain hours of work option to notify the Department of that choice by a certain~~
8 ~~date; prohibiting a licensee who chooses a certain~~
9 ~~hours of work option from changing that option until the following license year;~~
10 ~~requiring a licensee who chooses a certain hours of work option to affix a certain~~
11 ~~display on the licensee's vessel signifying the choice of that option;~~ and generally
12 relating to harvest times for catching crabs ~~using trotlines and crab pots.~~

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 4–803
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2016 Supplement)

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

20 **Article – Natural Resources**

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 4-803.

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

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

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

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

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

8 (5) To establish seasons to catch crabs;

9 (6) To establish that the workday for tidal fish licensees who catch crabs
10 using trotline gear may begin earlier than 1 hour before sunrise; and

11 (7) To establish minimum size limits for hard, soft, and peeler crabs.
12 However, this section does not permit the Department to change existing license fees for
13 catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or
14 for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set
15 license fees on types of gear or equipment if not otherwise set by law.

16 (b) (1) The Department may not adopt regulations to:

17 (i) Restrict a tidal fish licensee who catches crabs using trotline gear
18 to a workday of less than 8 hours per day, excluding time spent setting or taking up gear;
19 or

20 (ii) Establish time restrictions on a tidal fish licensee using trotline
21 gear for setting and taking up gear.

22 (2) ~~IF EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF~~
23 the Department authorizes the workday to begin earlier than 1 hour before sunrise, then:

24 (i) ~~{The} SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE~~
25 Department may not adopt regulations to restrict a tidal fish licensee who catches crabs
26 using trotline gear to a workday of less than 11 hours per day, including time spent setting
27 or taking up gear; and

28 (ii) Trotline gear may not be set earlier than the catch time
29 established by the Department.

30 (c) ~~(1)~~ **THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE**
31 **~~THE OPTION TO A TIDAL FISH LICENSEE WHO IS AUTHORIZED TO CATCH CRABS~~**
32 **USING TROT LINES OR CRAB POTS ALL LEGAL GEAR TO WORK THE FOLLOWING**

1 ~~HOURS 1~~ ADDITIONAL EARLY HOUR ON LABOR DAY, MEMORIAL DAY, JULY 4, AND
2 THE DAY BEFORE EACH OF THESE HOLIDAYS IN A LICENSE YEAR;

3 ~~(I) FOR A LICENSEE WHO USES TROTLINE GEAR, HOURS THAT~~
4 ~~BEGIN 2 HOURS BEFORE SUNRISE AND END 8 HOURS AFTER SUNRISE, NOT~~
5 ~~INCLUDING TIME SPENT SETTING OR TAKING UP GEAR; OR~~

6 ~~(H) FOR A LICENSEE WHO USES CRAB POTS, HOURS THAT BEGIN~~
7 ~~1.5 HOURS BEFORE SUNRISE AND END 6.5 HOURS AFTER SUNRISE.~~

8 ~~(2) (I) A LICENSEE WHO CHOOSES THE OPTION OF WORKING THE~~
9 ~~EARLIER HOURS UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A LICENSE YEAR~~
10 ~~SHALL NOTIFY THE DEPARTMENT OF THAT CHOICE BY AUGUST 31 OF THE~~
11 ~~PREVIOUS LICENSE YEAR.~~

12 ~~(H) AFTER A LICENSEE CHOOSES THE EARLY HOURS OPTION~~
13 ~~FOR THE LICENSE YEAR, THE LICENSEE MAY NOT CHANGE OPTIONS UNTIL THE~~
14 ~~FOLLOWING LICENSE YEAR.~~

15 ~~(3) A LICENSEE WHO CHOOSES THE EARLY HOURS OPTION SHALL~~
16 ~~AFFIX A DISPLAY ON THE LICENSEE'S VESSEL IN A FORM AND MANNER DETERMINED~~
17 ~~BY THE DEPARTMENT TO SIGNIFY THE CHOICE OF THE EARLY HOURS OPTION.~~

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.