

HOUSE BILL 1249

M2

8lr1978

By: **Delegate Adams**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Crab Harvest – Start Time – Code Red Days**

3 FOR the purpose of authorizing the Department of Natural Resources to establish, after
4 providing certain notice, that the workday for tidal fish licensees who catch crabs
5 using any gear may begin at a certain time on days and in tidal regions for which
6 the U.S. Environmental Protection Agency reports the Air Quality Index to be code
7 red or higher; making certain stylistic changes; and generally relating to start times
8 for the crab harvest on code red days.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 4–803
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

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

16 **Article – Natural Resources**

17 4–803.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (5) To establish seasons to catch crabs;

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

5 (7) **TO ESTABLISH, AFTER PROVIDING PUBLIC NOTICE, THAT THE**
6 **WORKDAY FOR TIDAL FISH LICENSEES WHO CATCH CRABS USING ANY GEAR MAY**
7 **BEGIN AT 3:00 A.M. ON DAYS AND IN TIDAL REGIONS FOR WHICH THE U.S.**
8 **ENVIRONMENTAL PROTECTION AGENCY REPORTS THE AIR QUALITY INDEX TO BE**
9 **CODE RED OR HIGHER; AND**

10 (8) To establish minimum size limits for hard, soft, and peeler crabs.

11 (B) (1) [However, this] **THIS** section does not permit the Department to
12 change existing license fees for catching, picking, canning, packing, or shipping cooked hard
13 or soft crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or
14 crate.

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

17 [(b)] (C) (1) The Department may not adopt regulations to:

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

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

23 (2) Except as provided in subsection [(c)] (D) of this section, if the
24 Department authorizes the workday to begin earlier than 1 hour before sunrise, then:

25 (i) The Department may not adopt regulations to restrict a tidal fish
26 licensee who catches crabs using trotline gear to a workday of less than 11 hours per day,
27 including time spent setting 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)] (D) The Department shall adopt regulations that authorize a tidal fish
31 licensee who is authorized to catch crabs using all legal gear to work 1 additional early hour
32 on Labor Day, Memorial Day, July 4, and the day before each of these holidays in a license
33 year.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
8 1, 2018.