

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Natural Resources  
(DLS Control No. 16-135)**

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**Overview and Legal and Fiscal Impact**

The regulation alters the term of the crabbing charter decal to coincide with the term of the commercial licenses that are prerequisites to acquiring the decal.

The regulation raises no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Department of Natural Resources:**

Fisheries Service: Crabs:  
COMAR 08.02.03.15

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**Legal Analysis**

**Background**

In April, 2013, the Department of Natural Resources began scoping crabbing charter regulations to clarify permissible activities and improve flexibility for businesses that offer recreational crabbing charters. The resulting regulations, finalized in 2014, established a crabbing charter decal and implemented new rules for licensed fishing guides who offer recreational crabbing trips to paying customers. The crabbing charter decal is offered free of charge and is only available to individuals holding a fishing guide license, master fishing guide license, or operating vessels for a licensed master fishing guide. The decal covers the crabbing license requirement for any customers on board the vessel. All crabbing charters must comply with the recreational seasons, times, size limits, and gear restrictions established for licensed recreational crabbers.

Currently, the crabbing charter decal is valid from the time of purchase through the end of the calendar year. Fishing guide and master fishing guide licenses, on the other hand, are valid from September 1 through August 31 of the following year.

## **Summary of Regulation**

The regulation establishes that a crabbing charter decal is valid for “the current commercial year” instead of for “the remainder of the calendar year following the date of issuance.” This change aligns the term of the crabbing charter decal with the term of the fishing guide licenses that charterboat captains must obtain.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 4-803 of the Natural Resources Article as statutory authority for the regulation. Section 4-803 gives the department broad authority to regulate blue crabs. Among other things, this section allows the department to place restrictions on catching and possessing blue crabs, to limit the methods by which crabs are taken, and to restrict the devices used to catch crabs. Subsection (c) of this section requires the department to hold a public hearing before any regulations pertaining to blue crabs may become effective. The department advises that it has scheduled a public hearing on the regulation for August 25, 2016.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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