

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Natural Resources**  
(DLS Control No. 15-410)

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## **Overview and Legal and Fiscal Impact**

The regulations make several updates to crabbing regulations by repealing the requirement to contain live male crabs used for peeler bait to the upper chamber of the crab pot, prohibiting the use of all crabs in the bait box of a crab pot, repealing the cull ring closure period for crab pots in Worcester County, establishing a minimum size for floats used for holding or shedding peelers, and clarifying the crab catch limits and prohibitions for crabbing charters.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Department of Natural Resources:**

Fisheries Service: Crabs: COMAR 08.02.03.07, .12, .14, and .15

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## **Legal Analysis**

### **Background**

Currently, live male blue crabs used for catching peeler crabs must be contained to the upper chamber of the crab pot. However, male crabs are able to move to the lower chamber of the crab pot even though they are placed in the upper chamber. Under the current regulation, a harvester may be cited for a violation over which the harvester has no control. Additionally, the industry also uses female peelers as bait for male hard crabs by placing the female peelers in the bait box.

The Department of Natural Resources indicates that a public hearing on the regulations will be held, on a date and time to be determined.

### **Summary of Regulations**

Regulation .07 repeals the requirement to contain the male crabs to the upper chamber of the crab pot. As a means to protect both male and female crabs used as bait in the hard and peeler crab fishery, Regulation .07 prohibits all crabs from being placed in the bait box of the crab pot.

The regulations also remove the cull ring closure period for crab pots in Worcester County, establish a minimum size for floats used for holding or shedding peelers, and correct the crab catch limits and prohibitions for crabbing charters as they apply to the Chesapeake Bay and its tributaries and the Atlantic Ocean and its coastal bays.

### **Legal Issues**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites §§ 4-215 and 4-803 of the Natural Resources Article as statutory authority for the regulations. Section 4-215 requires the department to establish a fishery management plan for a variety of species, including blue crabs. Section 4-803, among other things, authorizes the department to adopt regulations to restrict catching and possessing any blue crab, to prescribe the methods by which crabs are taken, and to restrict devices used to catch crabs. Additionally, section 4-803(c) requires the department to hold a public hearing before any new crabbing regulations become effective.

This authority is correct and complete. The regulations comply 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 regulations have 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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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