

By: ~~Senator Dyson~~ Senators Dyson, Colburn, and Stoltzfus

Introduced and read first time: March 4, 1996

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, March 8, 1996

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1996

CHAPTER _____

1 AN ACT concerning

2 Department of Natural Resources - Crab Seasons - Regulatory Authority

3 FOR the purpose of prohibiting the Department of Natural Resources from adopting
4 regulations restricting the number of crab pots that may be set for catching crabs or
5 altering the days of the crab season under certain circumstances; ~~making this Act an~~
6 ~~emergency measure~~; providing for the termination of this Act; and generally
7 relating to the authority of the Department of Natural Resources to adopt
8 regulations regarding the catching of crabs.

9 BY repealing and reenacting, with amendments,
10 Article - Natural Resources
11 Section 4-803
12 Annotated Code of Maryland
13 (1989 Replacement Volume and 1995 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, 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;

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

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

3 (5) To establish seasons to catch crabs; and

4 (6) To establish minimum size limits for hard, soft, and peeler crabs.

5 However, this section does not permit the Department to change existing license fees for
6 catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or
7 for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set
8 license fees on types of gear or equipment if not otherwise set by law.

9 (b) The Department's regulations may not become effective under this section
10 until the Department first holds public hearings. The Department shall advertise the
11 time, place, and purpose of the hearings in one newspaper of general daily circulation in
12 the State, and at least in one newspaper circulated in the affected region of each county
13 whose waters may be directly affected by the proposed regulations for two successive weeks
14 in advance of the hearings.

15 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
16 SECTION OR ANY FISHERY MANAGEMENT PLAN ADOPTED UNDER § 4-215 OF THIS
17 TITLE, AFTER THE CRAB SEASON HAS BEGUN THE DEPARTMENT MAY NOT ADOPT
18 ANY REGULATION, ~~EXCEPT AN APPROVED EMERGENCY REGULATION~~ UNLESS AN
19 EMERGENCY EXISTS:

20 (1) RESTRICTING THE NUMBER OF CRAB POTS THAT A PERSON MAY SET
21 FOR CATCHING CRABS; OR

22 (2) ALTERING THE DAYS OF THE CRAB SEASON.

23 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency~~
24 ~~measure, is necessary for the immediate preservation of the public health and safety, has~~
25 ~~been passed by a yea and nay vote supported by three-fifths of all the members elected to~~
26 ~~each of the two Houses of the General Assembly, and shall take effect from the date it is~~
27 ~~enacted.~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1996.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall remain
31 effective until March 31, 1999 and, at the end of March 31, 1999, with no further action
32 required by the General Assembly, this Act shall be abrogated and of no further force
33 and effect.

