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HB 1242/96 - ENV

1997 Regular Session  
7lr1338  
CF 7lr2594

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**By: Delegates McClenahan, W. Baker, Wood, Schisler, Linton, D. Hughes, Love, Walkup, O'Donnell, Eckardt, Conway, Bozman, Gordon, Klausmeier, and Guns**

Introduced and read first time: January 24, 1997

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Natural Resources - Crabbing**

3 FOR the purpose of prohibiting the Department of Natural Resources from adopting  
4 rules and regulations that restrict the number of crab pots a person may set for  
5 catching crabs or that restrict the crab season after the season has begun; and  
6 generally relating to rules and regulations relating to crabbing.

7 BY repealing and reenacting, with amendments,  
8 Article - Natural Resources  
9 Section 4-803  
10 Annotated Code of Maryland  
11 (1989 Replacement Volume and 1996 Supplement)

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

14 **Article - Natural Resources**

15 4-803.

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

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

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

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

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

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

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

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

7 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS  
8 SECTION OR ANY FISHERY MANAGEMENT PLAN ADOPTED UNDER § 4-215 OF THIS  
9 TITLE UNLESS APPROVED AS AN EMERGENCY REGULATION BASED UPON A  
10 NATURAL DISASTER, THE DEPARTMENT MAY NOT ADOPT ANY REGULATION  
11 RESTRICTING THE NUMBER OF CRAB POTS THAT A PERSON MAY SET FOR CATCHING  
12 CRABS OR RESTRICTING THE DAYS OF THE CRAB SEASON AFTER THE SEASON HAS  
13 BEGUN.

14 [(b)] (C) The Department's regulations may not become effective under this  
15 section until the Department first holds public hearings. The Department shall advertise  
16 the time, place, and purpose of the hearings in one newspaper of general daily circulation  
17 in the State, and at least in one newspaper circulated in the affected region of each  
18 county whose waters may be directly affected by the proposed regulations for 2 successive  
19 weeks in advance of the hearings.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 ~~October~~ June 1, 1997.