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SB 689/96 - EEA

1997 Regular Session  
7r1045  
CF 7r1044

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**By: Senator Frosh (Chesapeake Bay Commission) and Senator Stoltzfus**

Introduced and read first time: January 17, 1997

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Noncommercial Crabbing License**

3 FOR the purpose of establishing a noncommercial crabbing license for certain individuals  
4 catching crabs in the Chesapeake Bay and tributaries; requiring a certain individual  
5 catching crabs in a certain manner to obtain a license; providing for the expiration  
6 of the license; establishing certain fees for the license under certain circumstances;  
7 authorizing certain persons to sell noncommercial crabbing licenses as an agent of  
8 the Department of Natural Resources; authorizing the agent to retain a certain  
9 portion of the fee the agent collects; authorizing individuals to catch crabs without  
10 a license under certain circumstances; establishing daily catch limits under certain  
11 circumstances; establishing a limit on the use of certain methods under certain  
12 circumstances; requiring the Department to deposit the fees in a certain fund for  
13 certain purposes; prohibiting an individual who catches crabs for noncommercial  
14 purposes to sell the crabs; prohibiting a person from buying crabs from a person  
15 who catches crabs for noncommercial purposes; establishing certain penalties for  
16 certain violations under certain circumstances; providing for the effective date of  
17 this Act; providing for the termination of this Act; and generally relating to the  
18 establishment of a noncommercial crabbing license.

19 BY adding to

20 Article - Natural Resources  
21 Section 4-804.1  
22 Annotated Code of Maryland  
23 (1989 Replacement Volume and 1996 Supplement)

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

26 **Article - Natural Resources**

27 4-804.1.

28 (A) AN INDIVIDUAL WHO ATTEMPTS TO CATCH OR CATCHES CRABS IN THE  
29 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR  
30 NONCOMMERCIAL PURPOSES SHALL OBTAIN A NONCOMMERCIAL CRABBING  
31 LICENSE IF THE INDIVIDUAL:

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1 (1) USES MORE THAN 300 FEET BUT NOT MORE THAN 1,000 FEET OF  
2 TROTLINE;

3 (2) USES MORE THAN 10 BUT NOT MORE THAN 20 COLLAPSIBLE CRAB  
4 TRAPS; OR

5 (3) USES MORE THAN 10 BUT NOT MORE THAN 20 RINGS.

6 (B) A NONCOMMERCIAL CRABBING LICENSE ISSUED UNDER THIS SECTION IS  
7 VALID FOR NOT MORE THAN 1 YEAR AND EXPIRES ON DECEMBER 31 OF EACH YEAR.

8 (C) (1) A NONCOMMERCIAL CRABBING LICENSE MAY BE OBTAINED FROM  
9 ANY AUTHORIZED AGENT OF THE DEPARTMENT.

10 (2) THE ANNUAL NONCOMMERCIAL CRABBING LICENSE FEES ARE:

11 (I) FOR A MARYLAND RESIDENT, \$5;

12 (II) FOR A MARYLAND RESIDENT, IN POSSESSION OF A MARYLAND  
13 CHESAPEAKE BAY SPORT FISHING LICENSE, \$1; AND

14 (III) FOR A NONRESIDENT, \$10.

15 (3) (I) THE DEPARTMENT MAY DESIGNATE A PERSON ENGAGED IN A  
16 COMMERCIAL ENTERPRISE TO SELL NONCOMMERCIAL CRABBING LICENSES AS AN  
17 AGENT UNDER THE DEPARTMENT'S CONTROL AND SUPERVISION.

18 (II) AN AGENT SELLING NONCOMMERCIAL CRABBING LICENSES  
19 UNDER THIS PARAGRAPH MAY RETAIN 50 CENTS FOR EACH LICENSE ISSUED BY THE  
20 AGENT.

21 (D) AN INDIVIDUAL MAY ATTEMPT TO CATCH OR CATCH CRABS IN THE  
22 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR  
23 NONCOMMERCIAL PURPOSES WITHOUT OBTAINING A NONCOMMERCIAL CRABBING  
24 LICENSE, IF THE INDIVIDUAL USES:

25 (1) NOT MORE THAN 300 FEET OF TROTLINE;

26 (2) NOT MORE THAN 10 COLLAPSIBLE CRAB TRAPS;

27 (3) NOT MORE THAN 10 RINGS; OR

28 (4) A DIPNET OR A HANDLINE AND DIPNET.

29 (E) (1) THE DAILY CATCH LIMITS UNDER THIS SECTION ARE:

30 (I) 1 BUSHEL FOR A HOLDER OF A NONCOMMERCIAL CRABBING  
31 LICENSE;

32 (II) 2 BUSHELS PER BOAT IF THERE ARE TWO OR MORE HOLDERS  
33 OF NONCOMMERCIAL CRABBING LICENSES ON A BOAT;

34 (III) 3 DOZEN CRABS FOR AN INDIVIDUAL WHO IS EXEMPT FROM  
35 THE LICENSE REQUIREMENT OF THIS SECTION; AND

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1 (IV) 3 DOZEN CRABS PER INDIVIDUAL EXEMPT FROM THE LICENSE  
2 REQUIREMENT OF THIS SECTION, UP TO A MAXIMUM OF 1 BUSHEL PER BOAT, IF  
3 THERE ARE MULTIPLE INDIVIDUALS EXEMPT FROM THE LICENSE REQUIREMENT OF  
4 THIS SECTION ON A BOAT.

5 (2) IF THERE ARE TWO OR MORE HOLDERS OF NONCOMMERCIAL  
6 CRABBING LICENSES ATTEMPTING TO CATCH OR CATCHING CRABS FROM A BOAT,  
7 THEY MAY NOT USE FROM ONE BOAT MORE THAN A TOTAL OF:

8 (I) 25 COLLAPSIBLE CRAB TRAPS OR RINGS; AND

9 (II) TWO 1,000-FOOT TROT LINES.

10 (F) (1) THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR  
11 NONCOMMERCIAL CRABBING LICENSES TO THE CREDIT OF THE FISHERIES  
12 RESEARCH AND DEVELOPMENT FUND TO BE USED FOR RESEARCH TO DETERMINE  
13 THE EXTENT OF THE NONCOMMERCIAL CRAB CATCH.

14 (2) ANY FUNDS REMAINING BEYOND THE FINANCIAL DEMANDS OF THE  
15 RESEARCH REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED  
16 FOR ENFORCEMENT.

17 (G) (1) AN INDIVIDUAL WHO MAY CATCH OR ATTEMPT TO CATCH CRABS  
18 UNDER THIS SECTION MAY NOT OFFER TO SELL OR SELL CRABS THAT WERE  
19 CAUGHT FOR NONCOMMERCIAL OR RECREATIONAL PURPOSES.

20 (2) A PERSON MAY NOT KNOWINGLY BUY OR OFFER TO BUY CRABS  
21 FROM AN INDIVIDUAL WHO CAUGHT CRABS FOR NONCOMMERCIAL PURPOSES  
22 UNDER THIS SECTION.

23 (H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
24 PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A  
25 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

26 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; AND

27 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT  
28 EXCEEDING \$1,000.

29 (2) A PERSON WHO VIOLATES SUBSECTION (G) OF THIS SECTION IS  
30 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

31 (I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500; AND

32 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS  
33 THAN \$500 AND NOT EXCEEDING \$2,000.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 January 1, 1998. It shall remain effective for a period of 2 years and, at the end of  
36 December 31, 1999, with no further action required by the General Assembly, this Act  
37 shall be abrogated and of no further force and effect.