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SB 689/96 - EEA

1997 Regular Session
7r1045
CF 7r1044

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

Introduced and read first time: January 17, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 1997

CHAPTER ____

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

20 BY adding to

21 Article - Natural Resources

22 Section 4-804.1

23 Annotated Code of Maryland

24 (1989 Replacement Volume and 1996 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

26 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Natural Resources**

2 4-804.1.

3 (A) AN INDIVIDUAL WHO ATTEMPTS TO CATCH OR CATCHES CRABS IN THE
4 WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR
5 NONCOMMERCIAL PURPOSES SHALL OBTAIN A NONCOMMERCIAL CRABBING
6 LICENSE IF THE INDIVIDUAL:

7 ~~(1) USES MORE THAN 300 FEET BUT NOT MORE THAN 1,000 FEET OF~~
8 ~~TROTLINE;~~

9 ~~(2) USES MORE THAN 10 BUT NOT MORE THAN 20 COLLAPSIBLE CRAB~~
10 ~~TRAPS; OR~~

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

12 (1) USES A TROTLINE, WHICH MAY NOT EXCEED 1,000 FEET IN LENGTH;

13 (2) USES COLLAPSIBLE CRAB TRAPS, NOT TO EXCEED 10; OR

14 (3) USES NET RINGS, NOT TO EXCEED 10.

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

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

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

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

21 (II) FOR A MARYLAND RESIDENT, IN POSSESSION OF A MARYLAND
22 CHESAPEAKE BAY SPORT FISHING LICENSE, ~~\$1~~ OR A RESIDENT CONSOLIDATED
23 SENIOR SPORT FISHING LICENSE, \$2; AND

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

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

28 (II) AN AGENT SELLING NONCOMMERCIAL CRABBING LICENSES
29 UNDER THIS PARAGRAPH MAY RETAIN 50 CENTS FOR EACH LICENSE ISSUED BY THE
30 AGENT.

31 ~~(D) AN INDIVIDUAL MAY ATTEMPT TO CATCH OR CATCH CRABS IN THE~~
32 ~~WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES FOR~~
33 ~~NONCOMMERCIAL PURPOSES WITHOUT OBTAINING A NONCOMMERCIAL CRABBING~~
34 ~~LICENSE, IF THE INDIVIDUAL USES:~~

35 ~~(1) NOT MORE THAN 300 FEET OF TROTLINE;~~

36 ~~(2) NOT MORE THAN 10 COLLAPSIBLE CRAB TRAPS;~~

3

1 ~~(3) NOT MORE THAN 10 RINGS; OR~~

2 ~~(4) A DIPNET OR A HANDLINE AND DIPNET.~~

3 (D) A NONCOMMERCIAL CRABBING LICENSE IS NOT REQUIRED FOR:

4 (1) AN INDIVIDUAL TO TAKE CRABS BY DIPNET OR HANDLINE; OR

5 (2) A PERSON WHO OWNS PRIVATE PROPERTY ALONG THE SHORE TO
6 SET UP TO TWO CRAB POTS FROM THAT PRIVATE PROPERTY.

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

8 ~~(I) 1 BUSHEL FOR A HOLDER OF A NONCOMMERCIAL CRABBING~~
9 ~~LICENSE;~~

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

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

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

18 (I) ONE BUSHEL FOR A HOLDER OF A NONCOMMERCIAL
19 CRABBING LICENSE OR AN INDIVIDUAL EXEMPT UNDER SUBSECTION (D) OF THIS
20 SECTION;

21 (II) TWO BUSHELS PER BOAT IF THERE ARE MULTIPLE
22 INDIVIDUALS ON THE BOAT AND AT LEAST ONE INDIVIDUAL HOLDS A
23 NONCOMMERCIAL CRABBING LICENSE; AND

24 (III) TWO BUSHELS PER BOAT IF THERE ARE MULTIPLE
25 INDIVIDUALS TAKING CRABS BY DIPNET OR HANDLINE.

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

29 (I) ~~25~~ 20 COLLAPSIBLE CRAB TRAPS OR NET RINGS; ~~AND~~

30 ~~(II) TWO 1,000-FOOT TROT LINES~~ OR

31 (II) TWO TROT LINES, EACH OF WHICH MAY NOT EXCEED 1,000
32 FEET IN LENGTH.

33 (F) (1) THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR
34 NONCOMMERCIAL CRABBING LICENSES TO THE CREDIT OF THE FISHERIES
35 RESEARCH AND DEVELOPMENT FUND TO BE USED FOR RESEARCH TO DETERMINE
36 THE EXTENT OF THE NONCOMMERCIAL CRAB CATCH. THE AMOUNT OF FUNDS
37 EXPENDED ON THE CRAB RESEARCH MAY NOT EXCEED \$150,000.

4

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

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

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

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

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

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
26 Natural Resources shall prepare a report to the Senate Economic and Environmental
27 Affairs Committee, House Environmental Matters Committee, and Chesapeake Bay
28 Commission, in accordance with § 2-1312 of the State Government Article, no later than
29 December 31, 1998, and every year thereafter, which shall include estimates or survey
30 results detailing the number of recreational crabbers, the categories or groupings of
31 recreational crabbing activities such as handlines, trotlines, traps, shoreline owners' use of
32 crab pots, and whether such activities are carried out from private boats, hired boats, or
33 from the shore or piers. The report shall also include estimates or counts of recreational
34 crab catchers, by category, for at least the last 2 years and information on short-term and
35 long-term trends in crab populations and how recreational crabbing affects or is affected
36 by these trends. The report shall also include itemized costs of the noncommercial crab
37 catch research, identifying any needs, if necessary, for expansion of the research. The
38 report shall also include information on law enforcement activities regarding recreational
39 crabbing, particularly enforcement of a prohibition on selling recreationally caught
40 noncommercial crabs. The report shall also include information or results of studies
41 dealing with the effect of fish and crab predation on small crabs.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997. It shall remain effective for a period of 5 years and 3 months, and, at the
3 end of December 31, 2002, with no further action required by the General Assembly, this
4 Act shall be abrogated and of no further force and effect.