

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 772

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Recreational" insert "and Commercial"; in line 2, strike "License"; in line 4, strike "catches or possesses" and substitute "uses certain gear to catch or possess"; in line 9, strike "exempted" and substitute "unlicensed"; in line 11, after "purposes;" insert "prohibiting an individual from catching crabs for recreational purposes until a certain time of day; prohibiting the Department from adopting certain regulations;"; in line 13, strike "removing the termination date of certain provisions of law;"; in line 17, after "Section" insert "4-803 and"; and strike in their entirety lines 20 through 25, inclusive.

AMENDMENT NO. 2

On page 2, after line 3, insert:

"4-803.

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

- (1) To restrict catching and possessing any blue crab;
- (2) The methods by which crabs are taken;
- (3) To close or open any specified area to catch crabs;
- (4) To prohibit or restrict devices used to catch crabs;
- (5) To establish seasons to catch crabs; and

(Over)

(6) To establish minimum size limits for hard, soft, and peeler crabs. However, this section does not permit the Department to change existing license fees for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set license fees on types of gear or equipment if not otherwise set by law.

(B) THE DEPARTMENT MAY NOT ADOPT REGULATIONS TO:

(1) RESTRICT A TIDAL FISH LICENSEE WHO CATCHES CRABS USING TROTLINE GEAR TO A WORKDAY OF LESS THAN 8 HOURS PER DAY, EXCLUDING TIME SPENT SETTING OR TAKING UP GEAR;

(2) ESTABLISH TIME RESTRICTIONS ON A TIDAL FISH LICENSEE USING TROTLINE GEAR FOR SETTING AND TAKING UP GEAR; OR

(3) PROHIBIT A TIDAL FISH LICENSEE FROM OBSTRUCTING THE CULL RING OF A HARD CRAB POT AT ANY TIME OF THE YEAR IN ORDER TO CATCH PEELER CRABS.

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

in line 15, after “LICENSE” insert “IF THE INDIVIDUAL USES:

(1) UP TO 1200 FEET OF TROTLINE;

(2) MORE THAN 10 BUT LESS THAN 30 COLLAPSIBLE TRAPS OR NET RINGS;

(3) MORE THAN 10 BUT LESS THAN 30 OF A COMBINATION OF COLLAPSIBLE TRAPS AND NET RINGS; OR

(4) UP TO 10 EEL POTS FOR CATCHING THE INDIVIDUAL'S OWN BAIT";

in lines 16 and 18, in each instance, after "license" insert "OR RECREATIONAL CRABBING BOAT LICENSE"; after line 26, insert:

"(3) THE ANNUAL FEE FOR A RECREATIONAL CRABBING BOAT LICENSE IS \$15.";

in line 27, strike "(3)" and substitute "(4)"; in line 28, after "licenses" insert "OR RECREATIONAL CRABBING BOAT LICENSES"; and after line 32, insert:

"(III) AN AGENT SELLING RECREATIONAL CRABBING BOAT LICENSES UNDER THIS PARAGRAPH MAY RETAIN \$1.50 FOR EACH LICENSE ISSUED BY THE AGENT.

(5) (I) IF A BOAT OWNER PURCHASES A RECREATIONAL CRABBING BOAT LICENSE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE BOAT OWNER MAY CATCH CRABS FOR RECREATIONAL PURPOSES ANYWHERE IN THE CHESAPEAKE BAY, WHETHER THE BOAT OWNER IS FISHING IN THE OWNER'S BOAT, IN ANOTHER PERSON'S BOAT, ON LAND, OR ELSEWHERE.

(II) THE DEPARTMENT SHALL ISSUE A COMPLIMENTARY RECREATIONAL CRABBING LICENSE TO A BOAT OWNER WHO PURCHASES A RECREATIONAL CRABBING BOAT LICENSE UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(III) IF A BOAT TO WHICH THE RECREATIONAL CRABBING BOAT LICENSE IS AFFIXED HAS MORE THAN ONE OWNER, ONLY THE INDIVIDUAL APPLICANT WHO SIGNS THE APPLICATION FOR THE RECREATIONAL CRABBING BOAT LICENSE SHALL BE ENTITLED TO A COMPLIMENTARY RECREATIONAL CRABBING LICENSE UNDER THIS PARAGRAPH.

(Over)

(6) AN INDIVIDUAL WHO IS ABOARD A BOAT WITH AN INDIVIDUAL WHO HAS A RECREATIONAL CRABBING LICENSE IS NOT REQUIRED TO HAVE A RECREATIONAL CRABBING LICENSE REGARDLESS OF WHETHER THE INDIVIDUAL IS PARTICIPATING IN RECREATIONAL CRABBING ACTIVITIES.

AMENDMENT NO. 3

On page 3, in line 32, strike “OF RECREATIONAL CRABBING”; and in line 33, after “(E)” insert “(1)”.

On pages 3 and 4, strike beginning with “MAY” in line 33 on page 3 down through “OBTAINING” in line 1 on page 4 and substitute “IS NOT REQUIRED TO OBTAIN”.

On page 4, in line 1, after “LICENSE” insert “FOR CRABBING FOR RECREATIONAL PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES”; in the same line, after “IF” insert “:

(I)”;

in line 2, after “16” insert “:

(II) THE INDIVIDUAL IS CRABBING FOR RECREATIONAL PURPOSES IN A PUBLIC CRABBING AREA ESTABLISHED BY THE DEPARTMENT AND IN A MANNER AUTHORIZED BY THE DEPARTMENT THROUGH REGULATION;

(III) THE INDIVIDUAL IS CRABBING FOR RECREATIONAL PURPOSES FROM A BOAT AND THE BOAT HAS BEEN LICENSED BY THE DEPARTMENT:

1. AS A RECREATIONAL CRABBING BOAT UNDER SUBSECTION (C)(3) OF THIS SECTION; OR

2. UNDER § 4-745 OF THIS TITLE; OR

(IV) THE INDIVIDUAL USES:

1. A DIPNET;
2. A HANDLINE;
3. UP TO 10 COLLAPSIBLE TRAPS OR NET RINGS; OR
4. UP TO 10 OF A COMBINATION OF COLLAPSIBLE TRAPS AND NET RINGS”;

and after line 2, insert:

“(2) AN OWNER OF PRIVATE SHORELINE PROPERTY OR A GUEST OF THE OWNER IS NOT REQUIRED TO OBTAIN A RECREATIONAL CRABBING LICENSE TO CATCH CRABS FOR RECREATIONAL PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES IF THE OWNER OR GUEST USES NOT MORE THAN TWO CRAB POTS FROM THE OWNER’S PROPERTY.”.

AMENDMENT NO. 4

On page 4, strike beginning with “(I)” in line 3 down through the comma in line 4; in line 5, strike “OR AN INDIVIDUAL EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION”; in line 6, after “THAN” insert “;

(I)”;

in the same line, after “DAY” insert “; AND

(II) 2 DOZEN PEELERS OR SOFT CRABS OR A COMBINATION OF 2 DOZEN PEELERS AND SOFT CRABS”;

strike in their entirety lines 7 through 15, inclusive, and substitute:

(Over)

“(2) THE DAILY CATCH LIMIT FOR CATCHING CRABS FROM A BOAT THAT IS LICENSED UNDER SUBSECTION (C)(3) OF THIS SECTION IS:

(I) 1 BUSHEL OF HARD CRABS PER BOAT AND 2 DOZEN PEELERS OR SOFT CRABS PER BOAT OR A COMBINATION OF 2 DOZEN PEELERS AND SOFT CRABS IF NO LICENSED INDIVIDUAL IS ON THE BOAT; OR

(II) 1 BUSHEL OF HARD CRABS PER LICENSEE AND 2 DOZEN PEELERS OR SOFT CRABS PER LICENSEE OR A COMBINATION OF 2 DOZEN PEELERS AND SOFT CRABS.”;

and strike in their entirety lines 16 through 20, inclusive, and substitute:

“(3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL WHO DOES NOT HAVE A RECREATIONAL CRABBING LICENSE MAY NOT CATCH MORE THAN 4 DOZEN HARD CRABS AND 1 DOZEN PEELERS OR SOFT CRABS OR A COMBINATION OF 1 DOZEN PEELERS AND SOFT CRABS PER DAY.

(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE DAILY CATCH LIMIT FOR A BOAT ON WHICH NONE OF THE INDIVIDUALS HAS A RECREATIONAL CRABBING LICENSE IS 4 DOZEN HARD CRABS AND 1 DOZEN PEELERS OR SOFT CRABS OR A COMBINATION OF 1 DOZEN PEELERS AND SOFT CRABS.

(4) AN INDIVIDUAL LICENSED TO PROVIDE SERVICES AS A FISHING GUIDE OR TO FISH RECREATIONALLY IN THE CHESAPEAKE BAY MAY POSSESS ANY NUMBER OF PEELERS OR SOFT CRABS FOR THE PURPOSES OF FISHING.”.

AMENDMENT NO. 5

On page 4, strike beginning with “OR” in line 22 down through “SECTION” in line 23; in line 25, strike “ONE”; in the same line, after “TROTLINE” insert “GEAR”; in the same line, strike “1,000” and substitute “1,200”; in lines 27 and 29, in each instance, strike “20” and substitute “30”; in line 30, strike “AND”; and strike lines 32 and 33 in their entirety and substitute:

“(IV) UP TO 10 EEL POTS FOR CATCHING THE INDIVIDUAL’S OWN BAIT; AND”.

On pages 4 and 5, strike beginning with “REGARDLESS” in line 36 on page 4 down through the comma in line 1 on page 5 and substitute “IF AT LEAST ONE INDIVIDUAL ON A BOAT IS LICENSED UNDER SUBSECTION (C)(2) OF THIS SECTION, OR IF THE BOAT IS LICENSED UNDER SUBSECTION (C)(3) OF THIS SECTION,”.

On page 5, in line 3, strike “ONE”; in the same line, after “TROTLINE” insert “GEAR”; in the same line, strike “1,000” and substitute “1,200”; in line 4, strike “AND”; in lines 5 and 7, in each instance, strike “20” and substitute “30”; in line 8, after “RINGS” insert “;

(III) HANDLINES, DIPNETS, SEINES; AND

(IV) ANY OTHER GEAR LIMITATIONS SPECIFIED IN REGULATION FOR THE CATCHING OF CRABS FOR RECREATIONAL PURPOSES.

(H) AN INDIVIDUAL MAY NOT SET GEAR TO CATCH CRABS FOR RECREATIONAL PURPOSES UNTIL AT LEAST ONE-HALF HOUR AFTER THE WORK DAY BEGINS FOR INDIVIDUALS WHO CRAB FOR COMMERCIAL PURPOSES.

(I) IF THERE ARE INDIVIDUALS LICENSED UNDER SUBSECTION (C)(2) OF THIS SECTION AND UNLICENSED INDIVIDUALS ABOARD A BOAT ENGAGED IN RECREATIONAL CRABBING, THE DAILY CATCH LIMITS IN SUBSECTION (F)(1) OF THIS SECTION SHALL APPLY”;

strike in their entirety lines 9 through 15, inclusive; and in lines 16 and 22, strike “(H)” and “(I)”, respectively, and substitute “(J)” and “(K)”, respectively.

On pages 5 and 6, strike in their entirety the lines beginning with line 32 on page 5 through line 9 on page 6, inclusive.

(Over)

