

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 514

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Recreational" insert "and Commercial"; in the same line, strike "License"; strike beginning with "removing" in line 13 down through "law;" in line 14; in line 18, after "Section" insert "4-803 and"; and strike in their entirety lines 21 through 24, inclusive.

On page 2, strike in their entirety lines 1 and 2; and in line 3, strike "and reenacting, with amendments,".

AMENDMENT NO. 2

On page 2, after line 8, 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
- (6) To establish minimum size limits for hard, soft, and peeler crabs. However,

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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 CULLING 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 17, strike “(1)” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,”; in line 21, strike “(I) A” and substitute “(1) UP TO 1200 FEET OF”; in line 22, strike “(II)” and substitute “(2)”; in the same line, strike “5” and substitute “10 BUT LESS THAN 30”; in the same line strike the second “OR”; in line 23, strike “(III)” and substitute “(3)”; in the same line, after “THAN” insert “10 BUT LESS THAN 30 OF”; in the same line, strike “5”; in line 24, after “RINGS” insert “; OR”

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

and strike in their entirety lines 25 through 33, inclusive.

On page 3, strike in their entirety lines 1 through 4, inclusive; in lines 5 and 7, in each instance, after “license” insert “OR RECREATIONAL CRABBING BOAT LICENSE”; after line 15, insert:

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

in line 16, strike “(3)” and substitute “(4)”; in line 17, after “licenses” insert “OR RECREATIONAL CRABBING BOAT LICENSES”; and after line 21, 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.

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(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 4, in line 27, after “(1)” insert “AN INDIVIDUAL IS NOT REQUIRED TO OBTAIN A RECREATIONAL CRABBING LICENSE FOR CRABBING FOR RECREATIONAL PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES IF:

(I) THE INDIVIDUAL IS UNDER THE AGE OF 16;

(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.

(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 27 down through the comma in line 28 and substitute “(F)(1)”; in line 30, strike “OR POSSESS”; in line 30, after “THAN” insert “:

(I)”;

in line 30, strike “OR MORE THAN 1” and substitute “PER DAY; AND

(II) 2”;

in line 31, strike “1” and substitute “2”; and in line 32, strike “PER DAY”.

On pages 4 and 5, strike in their entirety the lines beginning with line 33 on page 4 through line 19 on page 5, inclusive, and substitute:

“(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.

(Over)

(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.”.

On page 5, in line 20, strike “(3)” and substitute “(4)”; in line 22, strike “MORE THAN 2 DOZEN” and substitute “ANY NUMBER OF”; in line 24, strike “(F)” and substitute “(G)”; strike beginning with the first “IN” in line 25 down through the comma in line 26 and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,”; in line 29, strike “ONE”; in the same line, after “TROTLINE” insert “GEAR”; in the same line, strike “1,000” and substitute “1,200”; in line 30, strike “AND”; in lines 31 and 33, in each instance, strike “20” and substitute “30”; and after line 34, insert:

“(III) HANDLINES, DIPNETS, SEINES;

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

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

On page 6, after line 17, insert:

“(2) 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, THE FOLLOWING LIMITS ON GEAR APPLY TO

THE BOAT:

(I) TROTLINE GEAR THAT MAY NOT EXCEED 1,200 FEET IN LENGTH FOR THE BAITED PORTION;

(II) 1. NOT MORE THAN 30 COLLAPSIBLE TRAPS OR NET RINGS; OR

2. NOT MORE THAN 30 OF A COMBINATION OF COLLAPSIBLE TRAPS AND NET RINGS;

(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.”;

in line 18, strike “(g)” and substitute “(J)”;

and in line 24, strike “(h)” and substitute “(K)”.

AMENDMENT NO. 5

On page 7, strike in their entirety lines 1 through 12, inclusive; after line 14, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter 184 of the Acts of the General Assembly of 1994 be repealed.”;

strike in their entirety lines 15 through 27, inclusive; and in line 28, strike “2.” and substitute “3.”.

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