

HOUSE BILL 772
EMERGENCY BILL

Unofficial Copy
M2

2001 Regular Session
11r1884
CF 11r1883

By: **Delegates Wood, Weir, McClenahan, and W. Baker**

Introduced and read first time: February 8, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2001

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Recreational and Commercial Crabbing License**

3 FOR the purpose of repealing certain provisions of law establishing a noncommercial
4 crabbing license; requiring an individual who ~~catches or possesses~~ uses certain
5 gear to catch or possess crabs in the waters of the Chesapeake Bay and its tidal
6 tributaries for recreational purposes to obtain a recreational crabbing license;
7 providing a certain exception to the licensing requirement; establishing certain
8 restrictions on gear that may be used for catching crabs for recreational
9 purposes; establishing certain limits on the numbers of certain crabs that
10 licensed and ~~exempted~~ unlicensed individuals may catch or possess; prohibiting
11 certain individuals from offering to sell or selling crabs that were caught for
12 recreational purposes; prohibiting an individual from catching crabs for
13 recreational purposes until a certain time of day; prohibiting the Department
14 from adopting certain regulations; providing that certain penalties apply for
15 violations of this Act; repealing certain obsolete provisions of law; ~~removing the~~
16 ~~termination date of certain provisions of law~~; making this Act an emergency
17 measure; and generally relating to recreational crabbing licenses.

18 BY repealing and reenacting, with amendments,

19 Article - Natural Resources

20 Section 4-803 and 4-805

21 Annotated Code of Maryland

22 (2000 Replacement Volume)

23 ~~BY repealing and reenacting, with amendments,~~

24 ~~Chapter 418 of the Acts of the General Assembly of 1998~~

25 ~~Section 12~~

1 ~~BY repealing and reenacting, with amendments,~~
2 ~~Chapter 419 of the Acts of the General Assembly of 1998~~
3 ~~Section 12~~

4 BY repealing
5 Chapter 184 of the Acts of the General Assembly of 1994
6 Section 3

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

9 **Article - Natural Resources**

10 4-803.

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

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

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

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

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

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

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

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

24 (B) THE DEPARTMENT MAY NOT ADOPT REGULATIONS TO:

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

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

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

33 [(b)] (C) The Department's regulations may not become effective under this
34 section until the Department first holds public hearings. The Department shall

1 advertise the time, place, and purpose of the hearings in one newspaper of general
 2 daily circulation in the State, and at least in one newspaper circulated in the affected
 3 region of each county whose waters may be directly affected by the proposed
 4 regulations for 2 successive weeks in advance of the hearings.

5 4-805.

6 (a) [An individual who attempts to catch or catches crabs in the waters of the
 7 Chesapeake Bay and its tidal tributaries for noncommercial purposes shall obtain a
 8 noncommercial crabbing license if the individual:

9 (1) Uses more than 600 feet but not more than 1,200 feet of trotline;

10 (2) Uses more than 10 but not more than 30 collapsible traps or net
 11 rings; or

12 (3) Uses no more than 10 eel pots for catching the individual's own bait]
 13 EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, AN INDIVIDUAL MAY
 14 NOT CATCH OR POSSESS CRABS FOR RECREATIONAL PURPOSES IN THE WATERS OF
 15 THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES WITHOUT FIRST OBTAINING A
 16 RECREATIONAL CRABBING LICENSE IF THE INDIVIDUAL USES:

17 (1) UP TO 1200 FEET OF TROTLINE;

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

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

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

23 (b) A [noncommercial] RECREATIONAL crabbing license OR RECREATIONAL
 24 CRABBING BOAT LICENSE issued under this section is valid for not more than 1 year
 25 and expires on December 31 of each year.

26 (c) (1) A [noncommercial] RECREATIONAL crabbing license OR
 27 RECREATIONAL CRABBING BOAT LICENSE may be obtained from any authorized
 28 agent of the Department.

29 (2) The annual [noncommercial] RECREATIONAL crabbing license fees
 30 are:

31 (i) For a Maryland resident, \$5;

32 (ii) For a Maryland resident, in possession of a Maryland
 33 Chesapeake Bay sport fishing license or a resident consolidated senior sport fishing
 34 license, \$2; and

35 (iii) For a nonresident, \$10.

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

3 ~~(3)~~ (4) (i) The Department may designate a person engaged in a
4 commercial enterprise to sell [noncommercial] RECREATIONAL crabbing licenses OR
5 RECREATIONAL CRABBING BOAT LICENSES as an agent under the Department's
6 control and supervision.

7 (ii) An agent selling [noncommercial] RECREATIONAL crabbing
8 licenses under this paragraph may retain 50 cents for each license issued by the
9 agent.

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

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

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

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

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

31 (d) [A noncommercial crabbing license is not required for:

32 (1) An individual to take crabs by dipnet or handline;

33 (2) A person who owns private property along the shore to set up to two
34 crab pots from that private property;

35 (3) An individual who uses 600 feet or less of trotline;

36 (4) An individual who uses 10 or fewer collapsible traps or net rings;

37 (5) Multiple individuals on a boat who use 600 feet or less of trotline; or

1 (6) Multiple individuals on a boat who use fewer than 25 collapsible
2 traps or net rings.

3 (e) (1) The daily catch limits for hard crabs under this section are:

4 (i) 1 bushel for an individual exempt under subsection (d) of this
5 section;

6 (ii) 2 bushels per boat if two or more individuals exempt under
7 subsection (d) of this section are on the boat;

8 (iii) 2 bushels for a holder of a noncommercial crabbing license; or

9 (iv) 3 bushels per boat if two or more individuals who hold a
10 noncommercial crabbing license are on the boat.

11 (2) The daily catch limits for peeler crabs and soft shell crabs under this
12 section are:

13 (i) 3 dozen for a holder of a noncommercial crabbing license; or

14 (ii) 1 dozen for an individual exempt under subsection (d) of this
15 section.

16 (f) (1) The Department shall deposit all fees received for noncommercial
17 crabbing licenses to the credit of the fisheries research and development fund to be
18 used for research, including independent studies of the fishery, and to determine the
19 extent of the noncommercial crab catch. The amount of funds expended on the crab
20 research may not exceed \$200,000.

21 (2) Any funds remaining beyond the financial demands of the research
22 required under paragraph (1) of this subsection shall be used for enforcement.]

23 THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR RECREATIONAL
24 CRABBING LICENSES TO THE CREDIT OF THE FISHERIES RESEARCH AND
25 DEVELOPMENT FUND TO BE USED FOR RESEARCH, INCLUDING THE
26 DETERMINATION OF THE ANNUAL RECREATIONAL CRAB CATCH, INDEPENDENT
27 STUDIES OF THE CRAB FISHERY, AND ENFORCEMENT ~~OF RECREATIONAL CRABBING.~~

28 (E) (1) AN INDIVIDUAL MAY CATCH AND POSSESS CRABS FOR
29 RECREATIONAL PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL
30 TRIBUTARIES WITHOUT FIRST OBTAINING IS NOT REQUIRED TO OBTAIN A
31 RECREATIONAL CRABBING LICENSE FOR CRABBING FOR RECREATIONAL PURPOSES
32 IN THE WATERS OF THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES IF:

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

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

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

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

5 2. UNDER § 4-745 OF THIS TITLE; OR

6 (IV) THE INDIVIDUAL USES:

7 1. A DIPNET;

8 2. A HANDLINE;

9 3. UP TO 10 COLLAPSIBLE TRAPS OR NET RINGS; OR

10 4. UP TO 10 OF A COMBINATION OF COLLAPSIBLE TRAPS AND
11 NET RINGS.

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

17 (F) (1) (†) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
18 ~~PARAGRAPH, AN INDIVIDUAL LICENSED UNDER SUBSECTION (A) OF THIS SECTION~~
19 ~~OR AN INDIVIDUAL EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION MAY NOT~~
20 ~~CATCH MORE THAN:~~

21 (I) 1 BUSHEL OF HARD CRABS PER DAY; AND

22 (II) 2 DOZEN PEELERS OR SOFT CRABS OR A COMBINATION OF 2
23 DOZEN PEELERS AND SOFT CRABS.

24 (H) ~~REGARDLESS OF THE NUMBER OF INDIVIDUALS WHO ARE~~
25 ~~LICENSED UNDER SUBSECTION (A) OF THIS SECTION OR EXEMPTED UNDER~~
26 ~~SUBSECTION (E) OF THIS SECTION ARE ON A BOAT, NOT MORE THAN 1 BUSHEL OF~~
27 ~~HARD CRABS PER DAY MAY BE TAKEN PER BOAT.~~

28 (2) (†) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS~~
29 ~~PARAGRAPH, AN INDIVIDUAL LICENSED UNDER SUBSECTION (A) OF THIS SECTION~~
30 ~~OR AN INDIVIDUAL EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION MAY NOT~~
31 ~~CATCH OR POSSESS PER DAY MORE THAN 1 DOZEN PEELERS OR SOFT CRABS OR A~~
32 ~~COMBINATION OF 1 DOZEN PEELERS AND SOFT CRABS.~~

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

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

4 (II) 1 BUSHEL OF HARD CRABS PER LICENSEE AND 2 DOZEN
 5 PEELERS OR SOFT CRABS PER LICENSEE OR A COMBINATION OF 2 DOZEN PEELERS
 6 AND SOFT CRABS.

7 ~~(H) REGARDLESS OF THE NUMBER OF INDIVIDUALS WHO ARE~~
 8 ~~LICENSED UNDER SUBSECTION (A) OF THIS SECTION OR EXEMPTED UNDER~~
 9 ~~SUBSECTION (E) OF THIS SECTION ARE ON A BOAT, NOT MORE THAN 2 DOZEN~~
 10 ~~PEELERS OR SOFT CRABS OR A COMBINATION OF 2 DOZEN PEELERS AND SOFT CRABS~~
 11 ~~PER DAY MAY BE TAKEN PER BOAT.~~

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

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

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

24 (G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
 25 INDIVIDUAL LICENSED UNDER SUBSECTION (A) OF THIS SECTION ~~OR AN INDIVIDUAL~~
 26 ~~EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION~~ MAY ONLY USE THE
 27 FOLLOWING GEAR:

28 (I) ~~ONE~~ TROTLINE GEAR THAT MAY NOT EXCEED ~~4,000~~ 1,200 FEET
 29 IN LENGTH FOR THE BAITED PORTION;

30 (II) 1. NOT MORE THAN ~~20~~ 30 COLLAPSIBLE TRAPS OR NET
 31 RINGS; OR

32 2. NOT MORE THAN ~~20~~ 30 OF A COMBINATION OF
 33 COLLAPSIBLE TRAPS AND NET RINGS; ~~AND~~

34 (III) HANDLINES, DIPNETS, SEINES;

35 ~~(IV) NOT MORE THAN 2 CRAB POTS SET FROM A PRIVATE~~
 36 ~~SHORELINE FOR RECREATIONAL PURPOSES; AND~~

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

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

3 (2) ~~REGARDLESS OF THE NUMBER OF INDIVIDUALS WHO ARE LICENSED~~
4 ~~UNDER SUBSECTION (A) OF THIS SECTION OR EXEMPTED UNDER SUBSECTION (E) OF~~
5 ~~THIS SECTION ARE ON A BOAT, IF AT LEAST ONE INDIVIDUAL ON A BOAT IS LICENSED~~
6 ~~UNDER SUBSECTION (C)(2) OF THIS SECTION, OR IF THE BOAT IS LICENSED UNDER~~
7 ~~SUBSECTION (C)(3) OF THIS SECTION, THE FOLLOWING LIMITS ON GEAR APPLY TO~~
8 THE BOAT:

9 (I) ~~ONE TROTLINE GEAR THAT MAY NOT EXCEED 4,000~~ 1,200 FEET
10 IN LENGTH FOR THE BAITED PORTION; ~~AND~~

11 (II) 1. NOT MORE THAN ~~20~~ 30 COLLAPSIBLE TRAPS OR NET
12 RINGS; OR

13 2. NOT MORE THAN ~~20~~ 30 OF A COMBINATION OF
14 COLLAPSIBLE TRAPS AND NET RINGS;

15 (III) HANDLINES, DIPNETS, SEINES; AND

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

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

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

25 ~~(3) AN INDIVIDUAL WHO IS LICENSED UNDER SUBSECTION (A) OF THIS~~
26 ~~SECTION AND WHO OWNS PRIVATE PROPERTY ALONG THE SHORE:~~

27 ~~(4) MAY NOT SET MORE THAN 2 CRAB POTS FROM THE~~
28 ~~INDIVIDUAL'S PROPERTY; AND~~

29 ~~(H) SHALL DISPLAY THE INDIVIDUAL'S LICENSE NUMBER, WITH~~
30 ~~CHARACTERS NOT LESS THAN 2 INCHES HIGH, ON A SIGN AFFIXED TO A POLE OR~~
31 ~~PIER ATTACHED TO THE INDIVIDUAL'S PROPERTY.~~

32 [(g)] ~~(H)~~ (J) (1) An individual who may catch or attempt to catch crabs
33 under this section may not offer to sell or sell crabs that were caught for
34 [noncommercial or] recreational purposes.

35 (2) [A person] AN INDIVIDUAL may not knowingly buy or offer to buy
36 crabs from [an] ANOTHER individual who caught crabs for [noncommercial]
37 RECREATIONAL purposes under this section.

