

SENATE BILL 514
EMERGENCY BILL

Unofficial Copy
M2

2001 Regular Session
(11r1883)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senators Frosh and Stoltzfus**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 uses certain gear to catches catch
5 or ~~possesses~~ 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; providing that certain penalties apply for violations of
13 this Act; repealing certain obsolete provisions of law; ~~removing the termination~~
14 ~~date of certain provisions of law~~; making this Act an emergency measure; and
15 generally relating to recreational crabbing licenses.

16 BY repealing and reenacting, with amendments,

1 Article - Natural Resources
 2 Section ~~4-803 and~~ 4-805
 3 Annotated Code of Maryland
 4 (2000 Replacement Volume)

5 ~~BY repealing and reenacting, with amendments,~~
 6 ~~Chapter 418 of the Acts of the General Assembly of 1998~~
 7 ~~Section 12~~

8 ~~BY repealing and reenacting, with amendments,~~
 9 ~~Chapter 419 of the Acts of the General Assembly of 1998~~
 10 ~~Section 12~~

11 BY repealing ~~and reenacting, with amendments,~~
 12 Chapter 184 of the Acts of the General Assembly of 1994
 13 Section 3

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

16 **Article - Natural Resources**

17 4-803.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 4-805.

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

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

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

22 (3) Uses no more than 10 eel pots for catching the individual's own bait]
 23 ~~EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, (1) EXCEPT AS PROVIDED~~
 24 ~~IN SUBSECTION (E) OF THIS SECTION, AN INDIVIDUAL MAY NOT CATCH OR POSSESS~~
 25 ~~CRABS FOR RECREATIONAL PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY OR~~
 26 ~~ITS TIDAL TRIBUTARIES WITHOUT FIRST OBTAINING A RECREATIONAL CRABBING~~
 27 ~~LICENSE IF THE INDIVIDUAL USES:~~

28 ~~(1) UP TO 1200 FEET OF TROTLINE;~~

29 ~~(2) MORE THAN 5 10 BUT LESS THAN 30 COLLAPSIBLE TRAPS~~
 30 ~~OR NET RINGS; OR~~

31 ~~(3) MORE THAN 10 BUT LESS THAN 30 OF A COMBINATION OF~~
 32 ~~5 COLLAPSIBLE TRAPS AND NET RINGS; OR~~

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

34 ~~(2) (1) AN INDIVIDUAL IS NOT REQUIRED TO OBTAIN A RECREATIONAL~~
 35 ~~CRABBING LICENSE IF THE INDIVIDUAL USES:~~

36 ~~1. A HANDLINE;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR RECREATIONAL
14 CRABBING LICENSES TO THE CREDIT OF THE FISHERIES RESEARCH AND
15 DEVELOPMENT FUND TO BE USED FOR RESEARCH, INCLUDING THE
16 DETERMINATION OF THE ANNUAL RECREATIONAL CRAB CATCH, INDEPENDENT
17 STUDIES OF THE CRAB FISHERY, AND ENFORCEMENT ~~OF RECREATIONAL CRABBING.~~

18 ~~(E) AN INDIVIDUAL MAY CATCH AND POSSESS CRABS FOR RECREATIONAL
19 PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES
20 WITHOUT FIRST OBTAINING A RECREATIONAL CRABBING LICENSE IF THE
21 INDIVIDUAL IS UNDER THE AGE OF 16.~~

22 ~~(F)~~ (1) AN INDIVIDUAL IS NOT REQUIRED TO OBTAIN A RECREATIONAL
23 CRABBING LICENSE FOR CRABBING FOR RECREATIONAL PURPOSES IN THE WATERS
24 OF THE CHESAPEAKE BAY OR ITS TIDAL TRIBUTARIES IF:

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

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

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

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

33 2. UNDER § 4-745 OF THIS TITLE; OR

34 (IV) THE INDIVIDUAL USES:

35 1. A DIPNET;

36 2. A HANDLINE;

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

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

6 (II) ~~1 BUSHEL~~ IF 2 OR MORE LICENSEES ARE ON THE BOAT, 2
 7 BUSHELS OF HARD CRABS PER ~~LICENSEE~~ BOAT AND 2 DOZEN PEELERS OR SOFT
 8 CRABS PER ~~LICENSEE~~ BOAT OR A COMBINATION OF 2 DOZEN PEELERS AND SOFT
 9 CRABS.

10 (3) IF 2 OR MORE LICENSED INDIVIDUALS ARE ON A BOAT THAT IS NOT
 11 LICENSED AS A RECREATIONAL CRABBING BOAT, THE DAILY CATCH LIMIT IS 2
 12 BUSHELS OF HARD CRABS PER BOAT AND 4 DOZEN PEELERS OR SOFT CRABS PER
 13 BOAT OR A COMBINATION OF 4 DOZEN PEELERS AND SOFT CRABS.

14 ~~(3)~~ (4) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
 15 SUBSECTION AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL WHO
 16 DOES NOT HAVE A RECREATIONAL CRABBING LICENSE MAY NOT CATCH MORE THAN
 17 4 2 DOZEN HARD CRABS AND 1 DOZEN PEELERS OR SOFT CRABS OR A COMBINATION
 18 OF 1 DOZEN PEELERS AND SOFT CRABS PER DAY.

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

23 ~~(3)~~ ~~(4)~~ (5) AN INDIVIDUAL LICENSED TO PROVIDE SERVICES AS A
 24 COMMERCIAL FISHING GUIDE OR TO RECREATIONALLY FISH IN THE CHESAPEAKE
 25 BAY MAY POSSESS ~~MORE THAN 2 DOZEN~~ ANY NUMBER OF PEELERS OR SOFT CRABS
 26 FOR THE PURPOSE OF FISHING.

27 (G) ~~(F) (G)~~ (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
 28 SUBSECTION, IN ADDITION TO THE RECREATIONAL CRABBING GEAR AUTHORIZED IN
 29 SUBSECTION (A)(2)(I) OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF
 30 THIS SUBSECTION, AN INDIVIDUAL LICENSED UNDER SUBSECTION (A) OF THIS
 31 SECTION OR AN INDIVIDUAL EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION
 32 MAY ONLY USE THE FOLLOWING GEAR:

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

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

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

39 (III) HANDLINES, DIPNETS, SEINES;

1 ~~(IV) UP TO 10 EEL POTS FOR CATCHING THE INDIVIDUAL'S OWN~~
 2 ~~BAIT; AND~~

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

5 ~~(III) HANDLINES, DIPNETS, SEINES;~~

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

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

10 ~~(2) REGARDLESS OF THE NUMBER OF INDIVIDUALS WHO ARE LICENSED~~
 11 ~~UNDER SUBSECTION (A) OF THIS SECTION OR EXEMPTED UNDER SUBSECTION (E) OF~~
 12 ~~THIS SECTION ARE ON A BOAT, THE FOLLOWING LIMITS ON GEAR APPLY TO THE~~
 13 ~~BOAT:~~

14 ~~(I) ONE TROTLINE THAT MAY NOT EXCEED 1,000 FEET IN LENGTH~~
 15 ~~FOR THE BAITED PORTION; AND~~

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

18 ~~2. NOT MORE THAN 20 OF A COMBINATION OF COLLAPSIBLE~~
 19 ~~TRAPS AND NET RINGS.~~

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

22 ~~(I) MAY NOT SET MORE THAN 2 CRAB POTS FROM THE~~
 23 ~~INDIVIDUAL'S PROPERTY; AND~~

24 ~~(II) SHALL DISPLAY THE INDIVIDUAL'S LICENSE NUMBER, WITH~~
 25 ~~CHARACTERS NOT LESS THAN 2 INCHES HIGH, ON A SIGN AFFIXED TO A POLE OR~~
 26 ~~PIER ATTACHED TO THE INDIVIDUAL'S PROPERTY.~~

27 ~~(2) IF AT LEAST ONE INDIVIDUAL ON A BOAT IS LICENSED UNDER~~
 28 ~~SUBSECTION (C)(2) OF THIS SECTION, OR IF THE BOAT IS LICENSED UNDER~~
 29 ~~SUBSECTION (C)(3) OF THIS SECTION, THE FOLLOWING LIMITS ON GEAR APPLY TO~~
 30 ~~THE BOAT:~~

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

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

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

1 (III) HANDLINES, DIPNETS, SEINES; AND

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

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

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

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

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

17 ~~[(h)]~~ ~~(I)-(K)~~ (1) Except as provided in paragraph (2) of this subsection, [a
18 person] AN INDIVIDUAL who violates any provision of this section is guilty of a
19 misdemeanor and on conviction is subject to:

20 (i) For a first offense, a fine not exceeding \$500; and

21 (ii) For a second or subsequent offense, a fine not exceeding \$1,000.

22 (2) [A person] AN INDIVIDUAL who violates subsection [(g)] (H) of this
23 section is guilty of a misdemeanor and on conviction is subject to:

24 (i) For a first offense, a fine not exceeding \$500; and

25 (ii) For a second or subsequent offense, a fine of not less than \$500
26 and not exceeding \$2,000.

27 **Chapter 418 of the Acts of 1998**

28 ~~SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 11 of this~~
29 ~~Act shall take effect January 1, 1999. [They shall remain effective for a period of 5~~
30 ~~years, and, at the end of December 31, 2003, with no further action required by the~~
31 ~~General Assembly, Sections 3 and 11 of this Act shall be abrogated and of no further~~
32 ~~force and effect.]~~

33 **Chapter 419 of the Acts of 1998**

34 ~~SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 11 of this~~
35 ~~Act shall take effect January 1, 1999. [They shall remain effective for a period of 5~~

1 years, and, at the end of December 31, 2003, with no further action required by the
2 General Assembly, Sections 3 and 11 of this Act shall be abrogated and of no further
3 force and effect.]

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter~~
5 ~~184 of the Acts of the General Assembly of 1994 be repealed.~~

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter~~
7 ~~184 of the Acts of the General Assembly of 1994 be repealed.~~

8 **Chapter 184 of the Acts of 1994**

9 ~~SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding any~~
10 ~~regulation adopted by the Department of Natural Resources to the contrary [:~~

11 ~~(1) A person catching crabs for recreational purposes may begin crabbing~~
12 ~~at 5:30 a.m. on any day;~~

13 ~~(2) The per person limit on the number of collapsible crab traps and crab~~
14 ~~net rings that may be used to catch crabs for recreational purposes, in any~~
15 ~~combination, is 10, except that, regardless of the number of people on a boat, up to 25~~
16 ~~collapsible crab traps and rings, in any combination, may be used for recreational~~
17 ~~purposes per boat; and~~

18 ~~(3) Notwithstanding] AND NOTWITHSTANDING a requirement that crab~~
19 ~~pots have unobstructed cull rings, a person may obstruct the cull ring of a crab pot at~~
20 ~~any time of the year in order to catch peeler crabs.~~

21 SECTION ~~3.~~ 2. 3. AND BE IT FURTHER ENACTED, That this Act is an
22 emergency measure, is necessary for the immediate preservation of the public health
23 and safety, has been passed by a ye and nay vote supported by three-fifths of all of
24 the members elected to each of the two Houses of the General Assembly, and shall
25 take effect from the date it is enacted.