

**SENATE BILL 514**  
**EMERGENCY BILL**

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M2

2001 Regular Session  
11r1883  
CF 11r1884

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By: **Senators Frosh and Stoltzfus**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Recreational 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 crabs in the  
5 waters of the Chesapeake Bay and its tidal tributaries for recreational purposes  
6 to obtain a recreational crabbing license; providing a certain exception to the  
7 licensing requirement; establishing certain restrictions on gear that may be  
8 used for catching crabs for recreational purposes; establishing certain limits on  
9 the numbers of certain crabs that licensed and exempted individuals may catch  
10 or possess; prohibiting certain individuals from offering to sell or selling crabs  
11 that were caught for recreational purposes; providing that certain penalties  
12 apply for violations of this Act; repealing certain obsolete provisions of law;  
13 removing the termination date of certain provisions of law; making this Act an  
14 emergency measure; and generally relating to recreational crabbing licenses.

15 BY repealing and reenacting, with amendments,  
16 Article - Natural Resources  
17 Section 4-805  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Chapter 418 of the Acts of the General Assembly of 1998  
22 Section 12

23 BY repealing and reenacting, with amendments,  
24 Chapter 419 of the Acts of the General Assembly of 1998  
25 Section 12

26 BY repealing  
27 Chapter 184 of the Acts of the General Assembly of 1994  
28 Section 3

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

3 **Article - Natural Resources**

4 4-805.

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

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

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

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

16 (b) A [noncommercial] RECREATIONAL crabbing license issued under this  
17 section is valid for not more than 1 year and expires on December 31 of each year.

18 (c) (1) A [noncommercial] RECREATIONAL crabbing license may be  
19 obtained from any authorized agent of the Department.

20 (2) The annual [noncommercial] RECREATIONAL crabbing license fees  
21 are:

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

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

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

27 (3) (i) The Department may designate a person engaged in a  
28 commercial enterprise to sell [noncommercial] RECREATIONAL crabbing licenses as  
29 an agent under the Department's control and supervision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR RECREATIONAL  
29 CRABBING LICENSES TO THE CREDIT OF THE FISHERIES RESEARCH AND  
30 DEVELOPMENT FUND TO BE USED FOR RESEARCH, INCLUDING THE  
31 DETERMINATION OF THE ANNUAL RECREATIONAL CRAB CATCH, INDEPENDENT  
32 STUDIES OF THE CRAB FISHERY, AND ENFORCEMENT OF RECREATIONAL CRABBING.

33 (E) AN INDIVIDUAL MAY CATCH AND POSSESS CRABS FOR RECREATIONAL  
34 PURPOSES IN THE WATERS OF THE CHESAPEAKE BAY AND ITS TIDAL TRIBUTARIES

1 WITHOUT FIRST OBTAINING A RECREATIONAL CRABBING LICENSE IF THE  
2 INDIVIDUAL IS UNDER THE AGE OF 16.

3 (F) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
4 PARAGRAPH, AN INDIVIDUAL LICENSED UNDER SUBSECTION (A) OF THIS SECTION  
5 OR AN INDIVIDUAL EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION MAY NOT  
6 CATCH MORE THAN 1 BUSHEL OF HARD CRABS PER DAY.

7 (II) 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 1 BUSHEL OF  
10 HARD CRABS PER DAY MAY BE TAKEN PER BOAT.

11 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
12 PARAGRAPH, AN INDIVIDUAL LICENSED UNDER SUBSECTION (A) OF THIS SECTION  
13 OR AN INDIVIDUAL EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION MAY NOT  
14 CATCH OR POSSESS PER DAY MORE THAN 1 DOZEN PEELERS OR SOFT CRABS OR A  
15 COMBINATION OF 1 DOZEN PEELERS AND SOFT CRABS.

16 (II) REGARDLESS OF THE NUMBER OF INDIVIDUALS WHO ARE  
17 LICENSED UNDER SUBSECTION (A) OF THIS SECTION OR EXEMPTED UNDER  
18 SUBSECTION (E) OF THIS SECTION ARE ON A BOAT, NOT MORE THAN 2 DOZEN  
19 PEELERS OR SOFT CRABS OR A COMBINATION OF 2 DOZEN PEELERS AND SOFT CRABS  
20 PER DAY MAY BE TAKEN PER BOAT.

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

25 (I) ONE TROTLINE THAT MAY NOT EXCEED 1,000 FEET IN LENGTH  
26 FOR THE BAITED PORTION;

27 (II) 1. NOT MORE THAN 20 COLLAPSIBLE TRAPS OR NET RINGS;  
28 OR

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

31 (III) HANDLINES, DIPNETS, SEINES;

32 (IV) NOT MORE THAN 2 CRAB POTS SET FROM A PRIVATE  
33 SHORELINE FOR RECREATIONAL PURPOSES; AND

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

36 (2) REGARDLESS OF THE NUMBER OF INDIVIDUALS WHO ARE LICENSED  
37 UNDER SUBSECTION (A) OF THIS SECTION OR EXEMPTED UNDER SUBSECTION (E) OF

1 THIS SECTION ARE ON A BOAT, THE FOLLOWING LIMITS ON GEAR APPLY TO THE  
2 BOAT:

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

5 (II) 1. NOT MORE THAN 20 COLLAPSIBLE TRAPS OR NET RINGS;  
6 OR

7 2. NOT MORE THAN 20 OF A COMBINATION OF COLLAPSIBLE  
8 TRAPS AND NET RINGS.

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

11 (I) MAY NOT SET MORE THAN 2 CRAB POTS FROM THE  
12 INDIVIDUAL'S PROPERTY; AND

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

16 [(g)] (H) (1) An individual who may catch or attempt to catch crabs under  
17 this section may not offer to sell or sell crabs that were caught for [noncommercial or]  
18 recreational purposes.

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

22 [(h)] (I) (1) Except as provided in paragraph (2) of this subsection, [a  
23 person] AN INDIVIDUAL who violates any provision of this section is guilty of a  
24 misdemeanor and on conviction is subject to:

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

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

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

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

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

32

### Chapter 418 of the Acts of 1998

33 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 3 and 11 of this  
34 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

**Chapter 419 of the Acts of 1998**

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter  
11 184 of the Acts of the General Assembly of 1994 be repealed.

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