

SENATE BILL 514
EMERGENCY BILL

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2001 Regular Session
11r1883
CF 11r1884

By: **Senators Frosh and Stoltzfus**

Introduced and read first time: February 2, 2001

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2001

CHAPTER _____

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 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,
17 Article - Natural Resources
18 Section 4-805
19 Annotated Code of Maryland
20 (2000 Replacement Volume)

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

24 BY repealing and reenacting, with amendments,

1 Chapter 419 of the Acts of the General Assembly of 1998
 2 Section 12

3 BY repealing and reenacting, with amendments.
 4 Chapter 184 of the Acts of the General Assembly of 1994
 5 Section 3

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

8 **Article - Natural Resources**

9 4-805.

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

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

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

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

21 (I) A TROTLINE;

22 (II) MORE THAN 5 COLLAPSIBLE TRAPS OR NET RINGS; OR

23 (III) MORE THAN A COMBINATION OF 5 COLLAPSIBLE TRAPS AND
 24 NET RINGS.

25 (2) (I) AN INDIVIDUAL IS NOT REQUIRED TO OBTAIN A RECREATIONAL
 26 CRABBING LICENSE IF THE INDIVIDUAL USES:

27 1. A HANDLINE;

28 2. A DIPNET;

29 3. A SEINE;

30 4. NOT MORE THAN 5 COLLAPSIBLE TRAPS OR NET RINGS;

31 OR

32 5. NOT MORE THAN A COMBINATION OF 5 COLLAPSIBLE
 33 TRAPS AND NET RINGS.

1 (II) AN OWNER OF PRIVATE SHORELINE PROPERTY OR GUESTS OF
2 AN OWNER OF PRIVATE SHORELINE PROPERTY ARE NOT REQUIRED TO OBTAIN A
3 RECREATIONAL CRABBING LICENSE TO CATCH CRABS FROM THE PROPERTY FOR
4 RECREATIONAL PURPOSES.

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

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

9 (2) The annual [noncommercial] RECREATIONAL crabbing license fees
10 are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 THE DEPARTMENT SHALL DEPOSIT ALL FEES RECEIVED FOR RECREATIONAL
19 CRABBING LICENSES TO THE CREDIT OF THE FISHERIES RESEARCH AND
20 DEVELOPMENT FUND TO BE USED FOR RESEARCH, INCLUDING THE
21 DETERMINATION OF THE ANNUAL RECREATIONAL CRAB CATCH, INDEPENDENT
22 STUDIES OF THE CRAB FISHERY, AND ENFORCEMENT ~~OF RECREATIONAL CRABBING.~~

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

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

33 (II) REGARDLESS OF THE NUMBER OF INDIVIDUALS LICENSED
34 UNDER SUBSECTION (A) OF THIS SECTION WHO ARE LICENSED UNDER SUBSECTION
35 ~~(A) OF THIS SECTION OR EXEMPTED UNDER SUBSECTION (E) OF THIS SECTION~~ ARE
36 ON A BOAT, NOT MORE THAN 1 BUSHEL OF HARD CRABS OR MORE THAN 2 DOZEN
37 PEELERS OR SOFT CRABS OR A COMBINATION OF NOT MORE THAN 2 DOZEN PEELERS
38 AND SOFT CRABS PER DAY MAY BE TAKEN OR POSSESSED PER BOAT.

1 (III) AN INDIVIDUAL WHO IS NOT REQUIRED TO OBTAIN A
2 RECREATIONAL CRABBING LICENSE UNDER SUBSECTION (A) OF THIS SECTION MAY
3 NOT CATCH OR POSSESS MORE THAN 2 DOZEN HARD CRABS OR MORE THAN 1 DOZEN
4 PEELERS OR SOFT CRABS OR A COMBINATION OF NOT MORE THAN 1 DOZEN PEELERS
5 AND SOFT CRABS PER DAY.

6 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
7 PARAGRAPH, NOT MORE THAN 2 DOZEN HARD CRABS OR MORE THAN 1 DOZEN
8 PEELERS OR SOFT CRABS OR A COMBINATION OF 1 DOZEN PEELERS AND SOFT CRABS
9 MAY BE TAKEN OR POSSESSED PER BOAT.

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

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

20 (3) AN INDIVIDUAL LICENSED TO PROVIDE SERVICES AS A COMMERCIAL
21 FISHING GUIDE OR TO RECREATIONALLY FISH IN THE CHESAPEAKE BAY MAY
22 POSSESS MORE THAN 2 DOZEN PEELERS OR SOFT CRABS FOR THE PURPOSE OF
23 FISHING.

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

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

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

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

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

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

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

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

5 ~~(F) ONE TROTLINE THAT MAY NOT EXCEED 1,000 FEET IN LENGTH~~
 6 ~~FOR THE BAITED PORTION; AND~~

7 ~~(H) 1. NOT MORE THAN 20 COLLAPSIBLE TRAPS OR NET RINGS;~~
 8 ~~OR~~

9 ~~2. NOT MORE THAN 20 OF A COMBINATION OF COLLAPSIBLE~~
 10 ~~TRAPS AND NET RINGS.~~

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

13 ~~(F) MAY NOT SET MORE THAN 2 CRAB POTS FROM THE~~
 14 ~~INDIVIDUAL'S PROPERTY; AND~~

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

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

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

24 ~~{h}~~ ~~(H)~~ (1) Except as provided in paragraph (2) of this subsection, [a
 25 person] AN INDIVIDUAL who violates any provision of this section is guilty of a
 26 misdemeanor and on conviction is subject to:

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

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

29 (2) [A person] AN INDIVIDUAL who violates subsection ~~{g}~~ (H) of this
 30 section is guilty of a misdemeanor and on conviction is subject to:

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

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

1

Chapter 418 of the Acts of 1998

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

7

Chapter 419 of the Acts of 1998

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

13 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter~~
14 ~~184 of the Acts of the General Assembly of 1994 be repealed.~~

15

Chapter 184 of the Acts of 1994

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

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

20 (2) The per person limit on the number of collapsible crab traps and crab
21 net rings that may be used to catch crabs for recreational purposes, in any
22 combination, is 10, except that, regardless of the number of people on a boat, up to 25
23 collapsible crab traps and rings, in any combination, may be used for recreational
24 purposes per boat; and

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

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

