
By: **Delegates W. Baker, Weir, Cadden, and Boutin**

Introduced and read first time: February 6, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Crab Scrapes**

3 FOR the purpose of authorizing the Department of Natural Resources to adopt
4 regulations to prohibit the use of crab scrapes in certain areas; prohibiting the
5 use of crab scrapes in certain areas; providing for the effective date of certain
6 provisions of this Act; providing for the termination of certain provisions of this
7 Act; and generally relating to scraping for crabs.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 4-803
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2001 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Natural Resources
15 Section 4-803
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2001 Supplement)
18 (As enacted by Chapter 294 of the Acts of the General Assembly of 2001)

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

21 **Article - Natural Resources**

22 4-803.

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

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

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

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

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

3 (5) To establish seasons to catch crabs; [and]

4 (6) TO PROHIBIT AN INDIVIDUAL FROM USING A CRAB SCRAPE IN THE
5 WATERS OF THE CHESAPEAKE BAY AND TIDAL TRIBUTARIES NORTH OF A LINE
6 EXTENDING IN A WESTERLY DIRECTION FROM THE SOUTHERN POINT OF THE
7 MOUTH OF PUNCH ISLAND CREEK IN DORCHESTER COUNTY TO COVE POINT IN
8 CALVERT COUNTY; AND

9 (7) To establish minimum size limits for hard, soft, and peeler crabs.
10 However, this section does not permit the Department to change existing license fees
11 for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab
12 meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The
13 Department may set license fees on types of gear or equipment if not otherwise set by
14 law.

15 (b) The Department may not adopt regulations to:

16 (1) Restrict a tidal fish licensee who catches crabs using trotline gear to
17 a workday of less than 8 hours per day, excluding time spent setting or taking up
18 gear;

19 (2) Establish time restrictions on a tidal fish licensee using trotline gear
20 for setting and taking up gear; or

21 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard
22 crab pot at any time of the year in order to catch peeler crabs.

23 (c) (1) The Department may adopt regulations which restrict a holder of a
24 commercial license from catching crabs on certain days of the week.

25 (2) Regulations adopted under this subsection shall be in accordance
26 with § 4-804 of this subtitle and, to the extent possible, be based on the
27 considerations set forth in § 4-215(c) of this title.

28 (d) The Department's regulations may not become effective under this section
29 until the Department first holds public hearings. The Department shall advertise the
30 time, place, and purpose of the hearings in one newspaper of general daily circulation
31 in the State, and at least in one newspaper circulated in the affected region of each
32 county whose waters may be directly affected by the proposed regulations for 2
33 successive weeks in advance of the hearings.

34 (E) A PERSON MAY NOT USE A CRAB SCRAPE IN A SUBMERGED AQUATIC
35 VEGETATION BED AS DELINEATED BY THE DEPARTMENT OF NATURAL RESOURCES
36 UNDER § 4-1006.1 OF THIS TITLE IN THE WATERS OF THE CHESAPEAKE BAY
37 DESCRIBED IN SUBSECTION (A)(6) OF THIS SECTION.

1 (F) A PERSON MAY NOT USE A CRAB SCRAPE WITHIN 500 FEET OF A TROTLINE
2 IN THE WATERS OF THE CHESAPEAKE BAY DESCRIBED IN SUBSECTION (A)(6) OF THIS
3 SECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article - Natural Resources**

7 4-803.

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

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

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

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

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

14 (5) To establish seasons to catch crabs; [and]

15 (6) TO PROHIBIT AN INDIVIDUAL FROM USING A CRAB SCRAPE IN THE
16 WATERS OF THE CHESAPEAKE BAY AND TIDAL TRIBUTARIES NORTH OF A LINE
17 EXTENDING IN A WESTERLY DIRECTION FROM THE SOUTHERN POINT OF THE
18 MOUTH OF PUNCH ISLAND CREEK IN DORCHESTER COUNTY TO COVE POINT IN
19 CALVERT COUNTY; AND

20 (7) To establish minimum size limits for hard, soft, and peeler crabs.
21 However, this section does not permit the Department to change existing license fees
22 for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab
23 meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The
24 Department may set license fees on types of gear or equipment if not otherwise set by
25 law.

26 (b) The Department may not adopt regulations to:

27 (1) Restrict a tidal fish licensee who catches crabs using trotline gear to
28 a workday of less than 8 hours per day, excluding time spent setting or taking up
29 gear;

30 (2) Establish time restrictions on a tidal fish licensee using trotline gear
31 for setting and taking up gear; or

32 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard
33 crab pot at any time of the year in order to catch peeler crabs.

1 (c) The Department's regulations may not become effective under this section
2 until the Department first holds public hearings. The Department shall advertise the
3 time, place, and purpose of the hearings in one newspaper of general daily circulation
4 in the State, and at least in one newspaper circulated in the affected region of each
5 county whose waters may be directly affected by the proposed regulations for 2
6 successive weeks in advance of the hearings.

7 (D) A PERSON MAY NOT USE A CRAB SCRAPE IN A SUBMERGED AQUATIC
8 VEGETATION BED AS DELINEATED BY THE DEPARTMENT OF NATURAL RESOURCES
9 UNDER § 4-1006.1 OF THIS TITLE IN THE WATERS OF THE CHESAPEAKE BAY
10 DESCRIBED IN SUBSECTION (A)(6) OF THIS SECTION.

11 (E) A PERSON MAY NOT USE A CRAB SCRAPE WITHIN 500 FEET OF A TROTLINE
12 IN THE WATERS OF THE CHESAPEAKE BAY DESCRIBED IN SUBSECTION (A)(6) OF THIS
13 SECTION.

14 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
15 take effect on the taking effect of the termination provision specified in Section 2 of
16 Chapter 294 of the Acts of the General Assembly of 2001. If that termination provision
17 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
18 This Act may not be interpreted to have any effect on that termination provision.

19 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
20 of Section 3 of this Act, this Act shall take effect October 1, 2002.