

HOUSE BILL 747
EMERGENCY BILL

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M2
HB 679/01 - ENV

2002 Regular Session
2r1680

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

Introduced and read first time: February 6, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 21, 2002

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Crabs and 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 Department of Natural Resources from adopting regulations to establish certain
6 size limits for catching or possessing hard crabs; prohibiting the use of crab
7 scrapes in certain areas, with certain exceptions; making this Act an emergency
8 measure; providing for the effective date of certain provisions of this Act;
9 providing for the termination of certain provisions of this Act; and generally
10 relating to scraping for crabs and size limits for catching or possessing hard
11 crabs.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 4-803
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 4-803
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2001 Supplement)
22 (As enacted by Chapter 294 of the Acts of the General Assembly of 2001)

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

1

Article - Natural Resources

2 4-803.

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

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

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

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

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

9 (5) To establish seasons to catch crabs; {and}

10 (6) ~~TO PROHIBIT AN INDIVIDUAL FROM USING A CRAB SCRAPE IN THE~~
11 ~~WATERS OF THE CHESAPEAKE BAY AND TIDAL TRIBUTARIES NORTH OF A LINE~~
12 ~~EXTENDING IN A WESTERLY DIRECTION FROM THE SOUTHERN POINT OF THE~~
13 ~~MOUTH OF PUNCH ISLAND CREEK IN DORCHESTER COUNTY TO COVE POINT IN~~
14 ~~CALVERT COUNTY; AND~~

15 (7) ~~To~~ SUBJECT TO SUBSECTION (B)(4) OF THIS SECTION, TO establish
16 minimum size limits for hard, soft, and peeler crabs. However, this section does not
17 permit the Department to change existing license fees for catching, picking, canning,
18 packing, or shipping cooked hard or soft crabs or crab meat; or for selling, or shipping
19 live hard or soft crabs by barrel or crate. The Department may set license fees on
20 types of gear or equipment if not otherwise set by law.

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

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

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

27 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard
28 crab pot at any time of the year in order to catch peeler crabs; OR

29 (4) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,
30 ESTABLISH A MINIMUM SIZE LIMIT FOR CATCHING OR POSSESSING HARD CRABS
31 OTHER THAN 5 INCHES MEASURED FROM TIP TO TIP OF SPIKE.

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

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

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

10 (E) (1) A PERSON MAY NOT USE A CRAB SCRAPE IN A SUBMERGED AQUATIC
 11 VEGETATION BED AS DELINEATED BY THE DEPARTMENT OF NATURAL RESOURCES
 12 UNDER § 4-1006.1 OF THIS TITLE IN THE WATERS OF THE CHESAPEAKE BAY
 13 DESCRIBED IN SUBSECTION (A)(6) OF THIS SECTION AND TIDAL TRIBUTARIES NORTH
 14 OF A LINE EXTENDING IN A WESTERLY DIRECTION FROM THE SOUTHERN POINT OF
 15 THE MOUTH OF PUNCH ISLAND CREEK IN DORCHESTER COUNTY TO COVE POINT IN
 16 CALVERT COUNTY.

17 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IN THE
 18 AREA OF THE CHESAPEAKE BAY EAST OF A LINE FROM COOKS POINT TO HILLS
 19 POINT, A PERSON MAY USE A SINGLE HAND-PULLED CRAB SCRAPE NOT EXCEEDING
 20 48 INCHES IN WIDTH AND NOT EXCEEDING 45 POUNDS IN WEIGHT.

21 ~~(F) A PERSON MAY NOT USE A CRAB SCRAPE WITHIN 500 FEET OF A TROTLINE~~
 22 ~~IN THE WATERS OF THE CHESAPEAKE BAY DESCRIBED IN SUBSECTION (A)(6) OF THIS~~
 23 ~~SECTION.~~

24 (F) BEGINNING AUGUST 1, 2002, THE DEPARTMENT MAY ESTABLISH A
 25 MINIMUM SIZE LIMIT FOR CATCHING OR POSSESSING HARD CRABS FROM AUGUST 1
 26 THROUGH DECEMBER 31 OF EACH YEAR THAT IS GREATER THAN 5 INCHES
 27 MEASURED FROM TIP TO TIP OF SPIKE.

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

30 **Article - Natural Resources**

31 4-803.

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

- 34 (1) To restrict catching and possessing any blue crab;
- 35 (2) The methods by which crabs are taken;
- 36 (3) To close or open any specified area to catch crabs;
- 37 (4) To prohibit or restrict devices used to catch crabs;

1 (5) To establish seasons to catch crabs; {and}

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

7 ~~(7) To~~ SUBJECT TO SUBSECTION (B)(4) OF THIS SECTION, TO establish
 8 minimum size limits for hard, soft, and peeler crabs. However, this section does not
 9 permit the Department to change existing license fees for catching, picking, canning,
 10 packing, or shipping cooked hard or soft crabs or crab meat; or for selling, or shipping
 11 live hard or soft crabs by barrel or crate. The Department may set license fees on
 12 types of gear or equipment if not otherwise set by law.

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

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

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

19 (3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard
 20 crab pot at any time of the year in order to catch peeler crabs; OR

21 (4) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,
 22 ESTABLISH A MINIMUM SIZE LIMIT FOR CATCHING OR POSSESSING HARD CRABS
 23 OTHER THAN 5 INCHES FROM TIP TO TIP OF SPIKE BETWEEN JANUARY 1 AND JULY 31
 24 OF EACH YEAR.

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

31 (D) (1) ~~A PERSON MAY NOT USE A CRAB SCRAPE IN A SUBMERGED AQUATIC~~
 32 ~~VEGETATION BED AS DELINEATED BY THE DEPARTMENT OF NATURAL RESOURCES~~
 33 ~~UNDER § 4-1006.1 OF THIS TITLE IN THE WATERS OF THE CHESAPEAKE BAY~~
 34 ~~DESCRIBED IN SUBSECTION (A)(6) OF THIS SECTION AND TIDAL TRIBUTARIES NORTH~~
 35 ~~OF A LINE EXTENDING IN A WESTERLY DIRECTION FROM THE SOUTHERN POINT OF~~
 36 ~~THE MOUTH OF PUNCH ISLAND CREEK IN DORCHESTER COUNTY TO COVE POINT IN~~
 37 ~~CALVERT COUNTY.~~

38 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IN THE
 39 AREA OF THE CHESAPEAKE BAY EAST OF A LINE FROM COOKS POINT TO HILLS

1 POINT, A PERSON MAY USE A SINGLE HAND-PULLED CRAB SCRAPE NOT EXCEEDING
2 48 INCHES IN WIDTH AND NOT EXCEEDING 45 POUNDS IN WEIGHT.

3 ~~(E) A PERSON MAY NOT USE A CRAB SCRAPE WITHIN 500 FEET OF A TROTLINE~~
4 ~~IN THE WATERS OF THE CHESAPEAKE BAY DESCRIBED IN SUBSECTION (A)(6) OF THIS~~
5 ~~SECTION.~~

6 (E) BEGINNING AUGUST 1, 2002, THE DEPARTMENT MAY ESTABLISH A
7 MINIMUM SIZE LIMIT FOR CATCHING OR POSSESSING HARD CRABS FROM AUGUST 1
8 THROUGH DECEMBER 31 OF EACH YEAR THAT IS GREATER THAN 5 INCHES
9 MEASURED FROM TIP TO TIP OF SPIKE.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act supersedes §
11 4-215 of the Natural Resources Article with respect to size limits for catching and
12 possessing hard crabs.

13 ~~SECTION 3. 4.~~ AND BE IT FURTHER ENACTED, That Section 2 of this Act
14 shall take effect on the taking effect of the termination provision specified in Section
15 2 of Chapter 294 of the Acts of the General Assembly of 2001. If that termination
16 provision takes effect, Section 1 of this Act shall be abrogated and of no further force
17 and effect. This Act may not be interpreted to have any effect on that termination
18 provision.

19 ~~SECTION 4. 5.~~ AND BE IT FURTHER ENACTED, That, subject to the
20 provisions of Section 3 of this Act, this Act shall take effect October 1, 2002 this Act is
21 an emergency measure, is necessary for the immediate preservation of the public
22 health or safety, has been passed by a ye and nay vote supported by three-fifths of
23 all the members elected to each of the two Houses of the General Assembly and,
24 except as provided in Section 4 of this Act, shall take effect from the date it is enacted.