

Department of Legislative Services  
Maryland General Assembly  
2002 Session

FISCAL NOTE  
Revised

House Bill 747

(Delegate W. Baker, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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Natural Resources - Crabs and Crab Scrapes

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This emergency bill prohibits the Department of Natural Resources (DNR) from adopting regulations to establish a minimum size limit for catching or possessing hard crabs other than five inches from tip to tip of spike. Beginning August 1, 2002, DNR may establish a minimum size limit that is greater than five inches from August 1 through December 31 of each year. The bill also prohibits a person from using a crab scrape in specified areas, except under specified conditions.

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Fiscal Summary

**State Effect:** DNR could handle the bill's requirements with existing budgeted resources.

**Local Effect:** The bill would not directly affect local operations or finances.

**Small Business Effect:** Potential meaningful.

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Analysis

**Current Law:** A person may not catch or possess more than 10 hard crabs per bushel or 25 hard crabs per barrel which measure less than 5 inches across the shell from tip to tip of spike. DNR may adopt rules and regulations to: (1) restrict catching and possessing any blue crab; (2) provide for the methods by which crabs are taken; (3) close or open any specified area to catch crabs; (4) prohibit or restrict devices used to catch crabs; (5) establish seasons to catch crabs; and (6) establish minimum size limits for hard, soft, and

peeler crabs. The regulations may not become effective until DNR first holds public hearings.

Pursuant to current regulations, a person may catch crabs by scrape with the following qualifications:

the width of the bar of a scrape or a dredge may not exceed 60 inches (five feet);

- a scrape or dredge may not have teeth or projections of any kind;
- a scrape or dredge may not have any flat plate attached to the scraping bar, which is the bar that touches the bottom;
- a scrape or dredge may not have any diver, chain, or other device attached to it or the taking line to hold the scrape or dredge to the bottom; and
- a scrape or dredge may not exceed 80 pounds in weight, including the bag.

**Background:** The blue crab generates approximately \$90 million in economic benefit to the State. In the past several years, the blue crab harvest has decreased substantially. In 1999 the Chesapeake Bay Commission's Bi-State Blue Crab Advisory Committee began a two-year study to determine the status of the blue crab fishery in the Chesapeake Bay. In January 2001 the committee published its final report and recommended a three-year, 15% reduction in fishing effort, stating that blue crabs were being fished almost to the point of collapse. Maryland and Virginia agreed to reduce their harvests.

During the 2001 session, the Maryland General Assembly approved a two-year tightening of regulations on recreational crabbers, capping their daily catch at about a bushel per person. Commercial crabbing regulations effective July 23, 2001 reduced the workday from 14 hours to 8 hours, strengthened a mandatory day off provision, and closed the fishery a month early. Virginia and the Potomac River Fisheries Commission (PRFC) implemented new regulations in time for the beginning of the 2001 crabbing season. Pursuant to those regulations, commercial crabbers in Virginia can no longer work Wednesdays in June, July, and August. In addition, the daily landing limit in the crab dredge fishery was decreased from 20 to 17 barrels per day. PRFC also shortened the Potomac crabbing season by one month and reduced the crab pot limits by 10%.

In an effort to meet the 15% reduction goal in Maryland, DNR proposed regulations that, among other things, would have increased the minimum size of male hard crabs, peeler crabs, and soft crabs that may be caught by commercial or recreational means in Maryland or possessed in the State during the crabbing season. Modified from the original proposed regulations as a result of concerns raised during the public hearing process, the final regulations, which were announced by DNR on March 12, 2002, will increase the minimum size of male hard crabs from 5 to 5 ¼ inches, soft crabs from 3 ½

to 4 inches, and peeler crabs from 3 to 3 ½ inches. While the original proposal also would have banned possession of male crabs under 5 ¼ inches, the final regulations will allow the importation from other states of crabs 5 inches and larger for use in wholesale and retail markets. In addition, the Coastal Bays will retain their 5-inch minimum size for male crabs. Among other things, the final regulations will also implement a possession ban on peeler and soft crabs smaller than Maryland's limits (except for those harvested from the Potomac River).

**Small Business Effect:** By prohibiting DNR from establishing a minimum size limit for catching or possessing hard crabs other than five inches from tip to tip of spike except for August 1 through December 31 of each year, the bill prevents DNR from fully implementing the final regulations that are scheduled to take effect for the 2002 crab season. Because an estimate of the costs and benefits of the final regulations is not available, the impact of this bill on the commercial crab industry cannot be reliably estimated at this time. Legislative Services advises, however, that it could be significant.

The bill also could result in a potential minimal decrease in revenues for some commercial harvesters by prohibiting the use of crab scrapes in specified areas. According to DNR, in recent years an average of six commercial crab scrapers have reported harvesting a total of 15,362 pounds of blue crabs (or an average of 2,560 pounds per harvester) per year by crab scrape in the areas affected by the bill. At an average dockside value of \$1.50 per pound, the average crab scraper receives approximately \$3,840 annually from crab scraping in these areas. Because any harvester affected by the bill could presumably use other gear or harvest in areas not affected by the bill, any decrease in revenues is not anticipated to be significant.

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### **Additional Information**

**Prior Introductions:** HB 679 of 2001 would have authorized DNR to adopt rules and regulations relating to the use of crab scrapes in specified areas but did not address minimum size limits for hard crabs. The bill passed the House with amendments. The bill passed the Senate on second reading with amendments but was recommitted to the Senate Economic and Environmental Affairs Committee, and no further action was taken.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2002  
ncs/jr Revised - House Third Reader - March 28, 2002

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