

HOUSE BILL 473

M2

EMERGENCY BILL
ENROLLED BILL

(71r2558)

— *Environmental Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Delegates Elmore, Cane, Eckardt, Haddaway, Mathias, Smigiel, and Walkup**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Soft Crabs – Bycatch**

3 FOR the purpose of requiring certain regulations adopted by the Department of
4 Natural Resources to establish a permissible bycatch for soft crabs to be no more
5 restrictive than the permissible bycatch for hard crabs and peeler crabs; creating
6 a certain exception to the prohibition against possessing a bycatch of undersized
7 soft crabs; requiring the Department of Natural Resources to adopt certain
8 regulations relating to a bycatch for soft crabs; making this Act an emergency
9 measure; and generally relating to catching or possessing soft crabs.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Natural Resources
 3 Section 4–809
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2006 Supplement)

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 4–809.

10 (a) A person may not catch or possess more than 10 hard crabs per bushel or
 11 25 hard crabs per barrel which measure less than 5 inches across the shell from tip to
 12 tip of spike.

13 (b) (1) Except as provided in paragraph (2) of this subsection, a person
 14 may not catch or possess peeler crabs measuring less than 3 inches across the shell
 15 from tip to tip of spike.

16 (2) A person may possess a bycatch of peeler crabs measuring less
 17 than 3 inches across the shell from tip to tip of spike if the bycatch is not greater than:

18 (i) 30 per bushel; or

19 (ii) 60 per float.

20 (3) In determining the number of peelers measuring less than 3 inches
 21 across the shell from tip to tip of the spike, the Department shall select the minimum
 22 number of bushels or floats necessary to be representative of the person's catch.

23 (c) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
 24 **SUBSECTION, A** person may not catch or possess soft crabs measuring less than three
 25 and one-half inches across the shell from tip to tip of the spike.

26 (2) **(I) THIS PARAGRAPH APPLIES UNTIL THE DEPARTMENT**
 27 **ADOPTS REGULATIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

28 **(II) A PERSON MAY POSSESS A BYCATCH OF SOFT CRABS**
 29 **MEASURING LESS THAN THREE AND ONE-HALF INCHES ACROSS THE SHELL**
 30 **FROM TIP TO TIP OF THE SPIKE ~~IF THE BYCATCH IS NOT GREATER THAN ONE~~**

1 ~~UNDERSIZED SOFT CRAB PER DOZEN SOFT CRABS POSSESSED IN ACCORDANCE~~
 2 ~~WITH REGULATIONS ADOPTED BY THE DEPARTMENT IF THE BYCATCH IS NOT~~
 3 ~~GREATER THAN ONE UNDERSIZED SOFT CRAB PER DOZEN SOFT CRABS~~
 4 ~~POSSESSED.~~

5 (3) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS
 6 ESTABLISHING AND GOVERNING A PERMISSIBLE BYCATCH FOR SOFT CRABS
 7 UNDER THIS SUBSECTION.

8 (II) THE REGULATIONS THAT THE DEPARTMENT ADOPTS
 9 UNDER THIS PARAGRAPH MAY NOT BE MORE RESTRICTIVE THAN THE
 10 APPLICABLE RESTRICTIONS ON THE PERMISSIBLE BYCATCH FOR HARD CRABS
 11 AND PEELER CRABS.

12 (d) In the waters of Worcester County, a person may not catch, possess, or
 13 keep in floats any fat crabs, or any crab known as snot crab, green crab, or buckram
 14 crab.

15 (e) The minimum size of crabs does not apply to mature female crabs,
 16 identified by the rounded apron.

17 (f) The provisions of subsection (a) do not apply to crabs imported into
 18 Maryland during the closed season for catching crabs if the person possessing the
 19 imported crabs has a certificate of origin.

20 (g) Once taken, peelers shall be kept separate from other crabs.

21 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
 22 2007, the Department of Natural Resources shall adopt regulations establishing and
 23 governing a permissible bycatch for soft crabs under § 4-809(c) of the Natural
 24 Resources Article as enacted by Section 1 of this Act.

25 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 26 ~~June 1, 2007.~~

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