

SENATE BILL 206

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EMERGENCY BILL

71r1623

By: **Senators Stoltzfus and Colburn**

Introduced and read first time: January 26, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: April 1, 2007

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
5 more restrictive than the permissible bycatch for hard crabs and peeler crabs;
6 creating a certain exception to the prohibition against possessing a bycatch of
7 undersized soft crabs; requiring the Department of Natural Resources to adopt
8 certain regulations relating to a bycatch for soft crabs; making this Act an
9 emergency measure; ~~providing for the termination of this Act;~~ and generally
10 relating to catching or possessing soft crabs.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 4–809
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2006 Supplement)

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

18 **Article – Natural Resources**

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.



1 4-809.

2 (a) A person may not catch or possess more than 10 hard crabs per bushel or
3 25 hard crabs per barrel which measure less than 5 inches across the shell from tip to
4 tip of spike.

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

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

10 (i) 30 per bushel; or

11 (ii) 60 per float.

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

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

18 (2) (I) **THIS PARAGRAPH APPLIES UNTIL THE DEPARTMENT**
19 **ADOPTS REGULATIONS IN ACCORDANCE WITH PARAGRAPH (3) OF THIS**
20 **SUBSECTION.**

21 (II) **A PERSON MAY POSSESS A BYCATCH OF SOFT CRABS**
22 **MEASURING LESS THAN THREE AND ONE-HALF INCHES ACROSS THE SHELL**
23 **FROM TIP TO TIP OF THE SPIKE IF THE BYCATCH IS NOT GREATER THAN ONE**
24 **UNDERSIZED SOFT CRAB PER DOZEN SOFT CRABS POSSESSED.**

25 (3) (I) **THE DEPARTMENT SHALL ADOPT REGULATIONS**
26 **ESTABLISHING AND GOVERNING A PERMISSIBLE BYCATCH FOR SOFT CRABS**
27 **UNDER THIS SUBSECTION.**

28 (II) **THE REGULATIONS THAT THE DEPARTMENT ADOPTS**
29 **UNDER THIS PARAGRAPH MAY NOT BE MORE RESTRICTIVE THAN THE**

1 APPLICABLE RESTRICTIONS ON THE PERMISSIBLE BYCATCH FOR HARD CRABS
 2 AND PEELER CRABS.

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

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

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

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

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

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
 17 measure, is necessary for the immediate preservation of the public health or safety,
 18 has been passed by a yea and nay vote supported by three-fifths of all the members
 19 elected to each of the two Houses of the General Assembly, and shall take effect from
 20 the date it is enacted. It shall remain effective through June 30, 2009 and, at the end
 21 of June 30, 2009, with no further action required by the General Assembly, this Act
 22 shall be abrogated and of no further force and effect.

Approved:

 Governor.

 President of the Senate.

 Speaker of the House of Delegates.