

CHAPTER 607

(House Bill 473)

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

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

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

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

Article – Natural Resources

4–809.

(a) 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.

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

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

(i) 30 per bushel; or

(ii) 60 per float.

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

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

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

(II) A PERSON MAY POSSESS A BYCATCH OF SOFT CRABS MEASURING LESS THAN THREE AND ONE-HALF INCHES ACROSS THE SHELL FROM TIP TO TIP OF THE SPIKE ~~IF THE BYCATCH IS NOT GREATER THAN ONE UNDERSIZED SOFT CRAB PER DOZEN SOFT CRABS POSSESSED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT~~ IF THE BYCATCH IS NOT GREATER THAN ONE UNDERSIZED SOFT CRAB PER DOZEN SOFT CRABS POSSESSED.

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.