

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1561 (Delegate McComas)
Environmental Matters

Natural Resources - Crab Pots - Requirements

This bill requires new crab pots placed in State waters on or after June 1, 2011, for commercial purposes to be biodegradable or outfitted with a biodegradable panel designed to allow crabs and other marine organisms to escape if the crab pot is lost or abandoned.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances. The application of existing criminal penalties to the bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government operations or finances. The application of existing criminal penalties to the bill is not expected to materially affect local finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Current regulations establish structural requirements for crab pots, including that (1) a standard cube type crab pot may not have sides which are more than 24 inches long; (2) a rectangular crab pot may not have dimensions which are greater than 12 inches high, 24 inches wide, and 48 inches long in total; (3) a crab pot must be constructed of wire with specified mesh measurements; (4) specified crab pots set in the Chesapeake Bay or its tidal tributaries must have two cull rings, one of at least 2 and 3/16 inches and one of at least 2 and 5/16 inches inside diameter located in exterior

side panels or the top panel of the crab pot; (5) a live male blue crab used for bait, in a crab pot used for catching peeler crabs, must be contained only in the upper chamber of the crab pot and may not be less than the minimum size; and (6) a crab pot set for recreational purposes must have a turtle reduction device that meets specified requirements.

The Department of Natural Resources (DNR) regulations also require (1) each crab pot individually set to be marked with a buoy that is easily visible on the surface; (2) each string of crab pots to be marked at each end with a buoy that is easily visible on the surface; and (3) each buoy to be clearly marked with the identification number of the licensee in letters at least two inches high, and, if the buoy is attached to a string of crab pots, with the number of pots in the string.

Regulations also authorize DNR to require individual numbered markers to be attached to every crab pot buoy.

Generally, for a first offense, a person who violates Fish and Fisheries provisions of the Natural Resources Article is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$1,000, with costs imposed in the discretion of the court. For a second or subsequent offense, a person is subject to a fine of up to \$2,000 or imprisonment for up to one year, or both, with costs imposed in the discretion of the court.

Background: Fishing gear lost at sea or abandoned by fishers is hurting the marine environment, impacting fish stocks through ghost fishing, and posing a hazard to vessels. Each year crab pots unnecessarily claim the lives of terrapin turtles in the Chesapeake Bay. Terrapins are lured into crab pots by the same baits used to attract blue crabs. However, unlike blue crabs, terrapins must rise periodically to the surface for air. Terrapins trapped in a fully submerged crab pot eventually die from drowning.

Work is underway to explore durable fishing gear that incorporates biodegradable elements. This approach is already used in some areas for fish traps and crab pots, which are constructed with a biodegradable “escape hatch” that disintegrates when left under water too long, rendering the trap harmless.

Small Business Effect: Small commercial fishing businesses are affected to the extent they do not currently use crabbing equipment with biodegradable elements and are required to do so. Any impact cannot be reliably estimated at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mpc/lgc

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