

Chapter 577

(House Bill 111)

AN ACT concerning

Department of Natural Resources – Fishing – Regulatory Authority

FOR the purpose of authorizing the Department Secretary of Natural Resources, ~~subject to certain standards and requirements, to adopt regulations governing the manner, methods, and gear for catching and possessing fish to adopt regulations, in consultation with certain commissions, governing the use of certain types of fishing gear under certain circumstances; requiring the Department to consider certain factors before adopting certain regulations; repealing provisions of law that require a person to possess a valid fishing license before using certain devices to catch or attempt to catch finfish; prohibiting the Department from adopting regulations governing the use of certain crabbing gear for certain purposes; and generally relating to the regulatory authority of the Department of Natural Resources with respect to catching and possessing fish.~~

BY adding to

Article – Natural Resources
Section 4-221
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4-704 and 4-803(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 4-803(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article – Natural Resources

4-221.

~~SUBJECT TO THE PROVISIONS OF THIS TITLE, THE DEPARTMENT MAY ADOPT REGULATIONS GOVERNING THE MANNER, METHODS, AND GEAR FOR CATCHING AND POSSESSING FISH.~~

(A) THE AUTHORITY PROVIDED BY THIS SECTION IS IN ADDITION TO ANY OTHER AUTHORITY OF THE SECRETARY PROVIDED BY LAW.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY, AFTER CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION, MAY ADOPT REGULATIONS TO DEFINE AND GOVERN THE USE OF:

(I) RECREATIONAL FISHING GEAR; AND

(II) THE FOLLOWING TYPES OF COMMERCIAL FISHING GEAR:

1. FISH POTS;

2. BANK TRAPS;

3. FYKE NETS; AND

4. HOOP NETS.

(2) THE DEPARTMENT SHALL CONSIDER RELEVANT BIOLOGICAL, ECOLOGICAL, AND SOCIOECONOMIC FACTORS BEFORE ADOPTING REGULATIONS UNDER THIS SUBSECTION.

4-704.

(a) [A person may not catch or attempt to catch finfish in the tidal waters of the State by the use of any net or other device except hook and line, dip net operated by hand, spear gun, or bow and arrow pursuant to the provisions of this subtitle unless he possesses a valid license to catch finfish issued by the Department.

(b)] An applicant for a license to catch finfish shall furnish information the Department requires.

[c)] (B) The Department may not grant a license to any person, under the provisions of this subtitle, to set a pound net on the location occupied by any other pound net or within 4,500 feet in the Chesapeake Bay or 1,500 feet in a tributary of the Chesapeake Bay measured at right angles to the line of stakes, unless the other

licensee failed to apply for renewal of his license by the expiration date of the year for which it was granted.

4-803.

(a) The Department may adopt rules and regulations to effectuate the following purposes:

- (1) To restrict catching and possessing any blue crab;
- (2) The methods by which crabs are taken;
- (3) To close or open any specified area to catch crabs;
- (4) To prohibit or restrict devices used to catch crabs;
- (5) To establish seasons to catch crabs; and
- (6) To establish minimum size limits for hard, soft, and peeler crabs.

However, this section does not permit the Department to change existing license fees for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set license fees on types of gear or equipment if not otherwise set by law.

(b) The Department may not adopt regulations to:

(1) Restrict a tidal fish licensee who catches crabs using trotline gear to a workday of less than 8 hours per day, excluding time spent setting or taking up gear; OR

(2) Establish time restrictions on a tidal fish licensee using trotline gear for setting and taking up gear]; or

(3) Prohibit a tidal fish licensee from obstructing the cull ring of a hard crab pot at any time of the year in order to catch peeler crabs].

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

Approved by the Governor, May 19, 2011.