

HOUSE BILL 1325

M2

2lr3282

By: **Delegate O'Donnell**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Crabs – Catch Times for Trotline Gear**

3 FOR the purpose of authorizing the Department of Natural Resources to adopt
4 regulations establishing an earlier beginning of the workday for tidal fish
5 licensees who catch crabs using trotline gear; prohibiting the Department from
6 restricting the tidal fish licensees' workday to less than a certain number of
7 hours; prohibiting trotline gear from being set earlier than the catch time
8 established by the Department; and generally relating to catch times for crabs
9 when a tidal fish licensee uses trotline gear.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–803
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2011 Supplement)

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

17 **Article – Natural Resources**

18 4–803.

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

21 (1) To restrict catching and possessing any blue crab;

22 (2) The methods by which crabs are taken;

23 (3) To close or open any specified area to catch crabs;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) To prohibit or restrict devices used to catch crabs;

2 (5) To establish seasons to catch crabs; [and]

3 **(6) TO ESTABLISH THAT THE WORKDAY FOR TIDAL FISH**
 4 **LICENSEES WHO CATCH CRABS USING TROTLINE GEAR MAY BEGIN EARLIER**
 5 **THAN 1 HOUR BEFORE SUNRISE; AND**

6 ~~[(6)]~~ **(7)** To establish minimum size limits for hard, soft, and peeler
 7 crabs. However, this section does not permit the Department to change existing license
 8 fees for catching, picking, canning, packing, or shipping cooked hard or soft crabs or
 9 crab meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The
 10 Department may set license fees on types of gear or equipment if not otherwise set by
 11 law.

12 (b) **(1)** The Department may not adopt regulations to:

13 ~~[(1)]~~ **(I)** Restrict a tidal fish licensee who catches crabs using trotline
 14 gear to a workday of less than 8 hours per day, excluding time spent setting or taking
 15 up gear; or

16 ~~[(2)]~~ **(II)** Establish time restrictions on a tidal fish licensee using
 17 trotline gear for setting and taking up gear.

18 **(2) IF THE DEPARTMENT AUTHORIZES THE WORKDAY TO BEGIN**
 19 **EARLIER THAN 1 HOUR BEFORE SUNRISE, THEN:**

20 **(I) THE DEPARTMENT MAY NOT ADOPT REGULATIONS TO**
 21 **RESTRICT A TIDAL FISH LICENSEE WHO CATCHES CRABS USING TROTLINE GEAR**
 22 **TO A WORKDAY OF LESS THAN 11 HOURS PER DAY, INCLUDING TIME SPENT**
 23 **SETTING OR TAKING UP GEAR; AND**

24 **(II) TROTLINE GEAR MAY NOT BE SET EARLIER THAN THE**
 25 **CATCH TIME ESTABLISHED BY THE DEPARTMENT.**

26 (c) The Department's regulations may not become effective under this
 27 section until the Department first holds public hearings. The Department shall
 28 advertise the time, place, and purpose of the hearings in one newspaper of general
 29 daily circulation in the State, and at least in one newspaper circulated in the affected
 30 region of each county whose waters may be directly affected by the proposed
 31 regulations for 2 successive weeks in advance of the hearings.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2012.