

HOUSE BILL 915

M2

6lr3144
CF SB 837

By: **Delegates Jacobs, Carozza, Cassilly, Hornberger, S. Howard, Malone, Mautz, Otto, ~~and Reilly~~ Reilly, Arentz, Metzgar, and Sample-Hughes**

Introduced and read first time: February 10, 2016

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Crabs Harvest Times Trotlines and Crab Pots~~
3 Tidal Fish License – Catching Crabs Using Trotline Gear – Holidays

4 FOR the purpose of ~~requiring~~ authorizing the Department of Natural Resources to adopt
5 certain regulations that provide the option to a tidal fish licensee authorized to catch
6 crabs using trotlines and crab pots to work certain hours during a certain time
7 period; requiring a licensee who chooses a certain hours of work option to notify the
8 Department of that choice by a certain date; prohibiting a licensee who chooses a
9 certain hours of work option from changing that option until the following license
10 year; requiring a licensee who chooses a certain hours of work option to affix a
11 certain display on the licensee's vessel signifying the choice of that option restricting
12 a tidal fish licensee who catches crabs using trotline gear to a workday of at least a
13 certain duration on certain holidays if the Department authorizes the workday to
14 begin at a certain time; and generally relating to ~~harvest times for crabs using~~
15 ~~trotlines and crab pots~~ tidal fish licenses.

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 4–803
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)

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

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 **Article – Natural Resources**

2 4–803.

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

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

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

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

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

9 (5) To establish seasons to catch crabs;

10 (6) To establish that the workday for tidal fish licensees who catch crabs
11 using trotline gear may begin earlier than 1 hour before sunrise; and

12 (7) To establish minimum size limits for hard, soft, and peeler crabs.
13 However, this section does not permit the Department to change existing license fees for
14 catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab meat; or
15 for selling, or shipping live hard or soft crabs by barrel or crate. The Department may set
16 license fees on types of gear or equipment if not otherwise set by law.

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

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

21 (ii) Establish time restrictions on a tidal fish licensee using trotline
22 gear for setting and taking up gear.

23 (2) ~~IF~~ **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
24 **IF** the Department authorizes the workday to begin earlier than 1 hour before sunrise,
25 then:

26 (i) ~~{The} SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE~~
27 Department may not adopt regulations to restrict a tidal fish licensee who catches crabs
28 using trotline gear to a workday of less than 11 hours per day, including time spent setting
29 or taking up gear; and

30 (ii) Trotline gear may not be set earlier than the catch time
31 established by the Department.

1 **(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE**
 2 **DEPARTMENT AUTHORIZES THE WORKDAY TO BEGIN EARLIER THAN 1 HOUR**
 3 **BEFORE SUNRISE, THEN THE DEPARTMENT MAY ADOPT REGULATIONS TO RESTRICT**
 4 **A TIDAL FISH LICENSEE WHO CATCHES CRABS USING TROTLINE GEAR TO A**
 5 **WORKDAY OF AT LEAST 10 HOURS PER DAY, EXCLUDING TIME SPENT SETTING OR**
 6 **TAKING UP GEAR, ON THE FOLLOWING HOLIDAYS AND THE WEEKEND EITHER**
 7 **BEFORE OR AFTER THE HOLIDAY:**

8 **(I) MEMORIAL DAY;**

9 **(II) INDEPENDENCE DAY; AND**

10 **(III) LABOR DAY.**

11 **(c) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE**
 12 **THE OPTION TO A LICENSEE WHO IS AUTHORIZED TO CATCH CRABS USING**
 13 **TROT LINES OR CRAB POTS TO WORK THE FOLLOWING HOURS FROM JULY 15**
 14 **THROUGH SEPTEMBER 15 OF ANY YEAR, INCLUSIVE:**

15 **(i) FOR A LICENSEE WHO USES TROTLINE GEAR, HOURS THAT**
 16 **BEGIN 2 HOURS BEFORE SUNRISE AND END 8 HOURS AFTER SUNRISE, NOT**
 17 **INCLUDING TIME SPENT SETTING OR TAKING UP GEAR; OR**

18 **(ii) FOR A LICENSEE WHO USES CRAB POTS, HOURS THAT BEGIN**
 19 **1.5 HOURS BEFORE SUNRISE AND END 6.5 HOURS AFTER SUNRISE.**

20 **(2) (i) A LICENSEE WHO CHOOSES THE OPTION OF WORKING THE**
 21 **EARLIER HOURS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOTIFY THE**
 22 **DEPARTMENT OF THAT CHOICE BY JULY 1 OF THE LICENSE YEAR.**

23 **(ii) AFTER A LICENSEE CHOOSES THE EARLY HOURS OPTION**
 24 **FOR THE LICENSE YEAR, THE LICENSEE MAY NOT CHANGE OPTIONS UNTIL THE**
 25 **FOLLOWING LICENSE YEAR.**

26 **(3) A LICENSEE WHO CHOOSES THE EARLY HOURS OPTION SHALL**
 27 **AFFIX A DISPLAY ON THE LICENSEE'S VESSEL IN A FORM AND MANNER DETERMINED**
 28 **BY THE DEPARTMENT TO SIGNIFY THE CHOICE OF THE EARLY HOURS OPTION.**

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.