

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
Third Reader

Senate Bill 837

(Senator Waugh)

Education, Health, and Environmental Affairs

Environment and Transportation

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Crabs - Harvest Times - Trotlines and Crab Pots

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This bill requires the Department of Natural Resources (DNR) to adopt regulations that provide licensees authorized to catch crabs using trotlines or crab pots the option to work specified earlier hours from July 15 through September 15 of any year, inclusive. Specified requirements for those that choose the early-hours option are established.

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Fiscal Summary

**State Effect:** The bill does not directly affect State finances. DNR can implement the bill with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

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Analysis

**Bill Summary:** The early-hours option, for each gear type, is as follows:

- for a licensee who uses trotline gear, hours that begin 2 hours before sunrise and end 8 hours after sunrise, not including time spent setting or taking up gear; and
- for a licensee who uses crab pots, hours that begin 1.5 hours before sunrise and end 6.5 hours after sunrise.

A licensee who chooses the early-hours option must notify DNR of that choice by July 1 of the license year. After a licensee chooses the early-hours option for the license year, the licensee may not change options until the following license year. A licensee who chooses

the early-hours option must affix a display on the licensee's vessel in a form and manner determined by DNR to signify the choice of the early-hours option.

**Current Law:** DNR regulations establish time periods when an individual licensed to catch crabs for sale may remove crabs from commercial gear in the Chesapeake Bay and its tidal tributaries, by gear type. For trotlines, the time periods are (1) between 1 hour before sunrise to 9 hours after sunrise during the period from May through September and (2) between sunrise and 10 hours after sunrise during April, October, November, and December. For crab pots, the time period is 0.5 hours before sunrise to 7.5 hours after sunrise.

Chapter 718 of 2012 authorized DNR to adopt regulations to allow the workday for tidal fish licensees who catch crabs using trotline gear to begin earlier than 1 hour before sunrise. If DNR authorizes the workday to begin earlier than 1 hour before sunrise, however, Chapter 718 prohibits the department from restricting a licensee using trotline gear to a workday of less than 11 hours per day, including time spent setting or taking up gear.

**Small Business Effect:** Small business commercial licensees may be meaningfully impacted. DNR indicates that the early-hours option may provide a small economic benefit for licensees that choose the option, by being able to get to market sooner, while licensees that cannot take advantage of the early-hours option may be disadvantaged.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 915 (Delegate Jacobs, *et al.*) - Environment and Transportation.

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

**Fiscal Note History:** First Reader - February 25, 2016  
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