

# HOUSE BILL 1385

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By: **Delegate Howard**

Introduced and read first time: February 22, 2019

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Crab Harvest – Start Time**

3 FOR the purpose of authorizing the Department of Natural Resources to adopt regulations  
4 that allow a tidal fish licensee who catches crabs regardless of the gear used to begin  
5 the workday at a certain early time under certain circumstances; and generally  
6 relating to workday start times for commercial crab harvesters.

7 BY repealing and reenacting, with amendments,

8 Article – Natural Resources

9 Section 4–803

10 Annotated Code of Maryland

11 (2018 Replacement Volume)

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

14 **Article – Natural Resources**

15 4–803.

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

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

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) To establish seasons to catch crabs;

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

4 (7) **TO ESTABLISH, AFTER PROVIDING PUBLIC NOTICE, THAT THE**  
5 **WORKDAY FOR TIDAL FISH LICENSEES WHO CATCH CRABS REGARDLESS OF THE**  
6 **GEAR USED MAY BEGIN 2 HOURS BEFORE SUNRISE:**

7 (I) **ON ANY DAY DURING WHICH THE PROJECTED**  
8 **TEMPERATURE IS AT LEAST 90 DEGREES FAHRENHEIT; AND**

9 (II) **PROVIDED THAT THE LICENSEE USES THE DEPARTMENT'S**  
10 **HAILING SYSTEM TO HAIL IN AND HAIL OUT OF THE WORKDAY; AND**

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

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

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

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

22 (2) Except as provided in subsection (c) of this section, if the Department  
23 authorizes the workday to begin earlier than 1 hour before sunrise, then:

24 (i) The Department may not adopt regulations to restrict a tidal fish  
25 licensee who catches crabs using trotline gear to a workday of less than 11 hours per day,  
26 including time spent setting or taking up gear; and

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

29 (c) The Department shall adopt regulations that authorize a tidal fish licensee  
30 who is authorized to catch crabs using all legal gear to work 1 additional early hour on  
31 Labor Day, Memorial Day, July 4, and the day before each of these holidays in a license  
32 year.

1 (d) The Department's regulations may not become effective under this section  
2 until the Department first holds public hearings. The Department shall advertise the time,  
3 place, and purpose of the hearings in one newspaper of general daily circulation in the  
4 State, and at least in one newspaper circulated in the affected region of each county whose  
5 waters may be directly affected by the proposed regulations at least once per week for 2  
6 successive weeks in advance of the hearings.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2019.