

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 53 (Senator Bailey)
 Education, Energy, and the Environment

Natural Resources - Commercial Crab Harvest - Start Time

This bill requires the Department of Natural Resources (DNR) to adopt regulations that authorize a tidal fish licensee who is authorized to catch crabs to begin catching crabs at least four hours before sunrise from July 1 through September 30. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: No effect in FY 2025. General fund expenditures increase by at least \$2.2 million in FY 2026. Future years reflect ongoing operating expenses. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2,221,800	1,380,000	1,438,000	1,498,300	1,559,200
Net Effect	(\$2,221,800)	(\$1,380,000)	(\$1,438,000)	(\$1,498,300)	(\$1,559,200)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Tidal Fish Licensees

Apart from commercial licenses to fish for Chesapeake Channa and blue and flathead catfish, DNR uses a single, commercial license, known as a tidal fish license, which

authorizes a licensee to engage in each activity indicated on the license. The department may issue authorizations for activities listed in statute – which include catching blue crabs for sale – for which the indicated fee has been paid.

Statute

Statute authorizes DNR to adopt regulations for specified purposes relating to crab harvesting, including to restrict catching and possessing any blue crab and to establish seasons to catch crabs. Regulations may not become effective until DNR holds public hearings on them.

Statute establishes certain authorizations, requirements, and prohibitions with respect to DNR crab harvesting regulations that govern harvest times:

- DNR may adopt regulations that allow for the workday for tidal fish licensees who catch crabs using trotline gear to begin earlier than 1 hour before sunrise.
- DNR may not adopt regulations to 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 establish time restrictions for those licensees for setting and taking up gear.
- If DNR authorizes the workday to begin earlier than 1 hour before sunrise, (1) the department may not adopt regulations to restrict a tidal fish licensee who catches crabs using trotline gear to a workday of less than 11 hours per day, including the time spent setting or taking up gear, and (2) trotline gear may not be set earlier than the catch time established by the department.
- DNR must adopt regulations that authorize a tidal fish licensee who is authorized to catch crabs using all legal gear to work 1 additional early hour on Labor Day, Memorial Day, July 4, and the day before each of those holidays.

Regulations

DNR regulations (COMAR [08.02.03.11](#)) 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:

- *Trotlines* – For trotlines, the periods are (1) between 1 hour before sunrise to 9 hours after sunrise during the period from May through September, with the exception of Memorial Day, Juneteenth National Independence Day, July 4, Labor Day, and the day immediately preceding each of those holidays, when the time period is between 2 hours before sunrise to 9 hours after sunrise and (2) between 0.5 hour before sunrise and 9.5 hours after sunrise during April, October, November, and December.

- *Crab Scrapes* – The same time periods apply for crab scrapes as for trotlines during the period from May through September, and crab scrapes may be used between sunrise and 10 hours after sunrise during April and October, with the exception that crab scrapes may not be used from October 31 through April 14.
- *Crab Pots, Bank Traps, Channel Pounds, Collapsible Traps, Net Rings, Handlines, Dip Nets, and Pound Nets* – For these gear, the time period is between 0.5 hour before sunrise to 7.5 hours after sunrise, with the exception of Memorial Day, Juneteenth National Independence Day, July 4, Labor Day, and the day immediately preceding each of those holidays, when the time period is between 1.5 hours before sunrise to 7.5 hours after sunrise.

State Expenditures: General fund expenditures increase by at least \$2.2 million in fiscal 2026, which accounts for a 30-day start-up delay. This estimate reflects the cost of hiring a minimum of 10 new Natural Resources Police (NRP) officers within DNR to help NRP manage additional patrols to cover the additional crab harvesting hours during July, August, and September under the bill. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The estimate is based on the following assumptions:

- NRP needs to add three additional morning patrol hours (the difference between the minimum four-hours-before-sunrise crab harvest start time under the bill and the one-hour-before-sunrise crab harvest start time for trotline gear under current regulations) during the months of July, August, and September, in each of the 17 NRP patrol districts in which crabs are harvested;
- each patrol requires 2 officers (for officer safety);
- NRP does not currently have patrols during early morning hours and, if crab harvesting is made legal during those hours under the bill, the patrols are needed to enforce DNR regulations (governing locations, crab sizes, and harvested amounts) during those legal harvesting hours to conserve the fishery; and
- it is logistically possible to (1) use the 10 new officers, along with existing officers, to cover the early morning patrol hours during July, August, and September, in each of the 17 patrol districts and (2) use the remaining work hours of the 10 new officers to cover shifts left open by existing officers who shift their hours to the early morning patrols.

The Department of Legislative Services (DLS) notes that NRP indicates it needs 34 new officers to cover the additional patrols in each of the 17 patrol districts (with 2 officers per patrol), which costs \$7.6 million in fiscal 2026 (accounting for salaries/benefits, vehicles, equipment, and other costs); however, DLS advises that hiring that number of new officers results in NRP gaining significantly more new officer patrol hours over the course of a year

than is required by the bill. DLS’s minimum estimate is intended to reflect a conservative estimate of a number of officers that, as described above, if logistically possible, could allow for the new officers and existing officers to cover the early morning patrol hours, with existing officers’ hours only shifted (covered by the new officers’ remaining hours) and not increased overall over the course of a year.

Positions	10.0
Salaries and Fringe Benefits	\$1,323,811
Vehicles and Equipment	794,900
Operating Expenses	<u>103,050</u>
Total FY 2026 State Expenditures	\$2,221,761

Future year expenditures reflect salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Small Business Effect: The bill may have a meaningful impact on small business crab harvesters to the extent the ability to harvest earlier in the morning (1) reduces crab mortality (due to lower temperatures) and/or (2) increases flexibility for those harvesters regarding what time of day they harvest. However, harvesters that are not able to harvest in the early morning hours may be negatively affected by being beaten to market by early morning harvesters and/or losing access to preferred crabbing locations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

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rh/lgc

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