

SENATE BILL 837

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6lr3557
CF HB 915

By: **Senator Waugh**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 15, 2016

CHAPTER _____

1 AN ACT concerning

2 **Crabs – Harvest Times – Trotlines and Crab Pots**

3 FOR the purpose of requiring the Department of Natural Resources to adopt regulations
4 that provide the option to a tidal fish licensee authorized to catch crabs using
5 trotlines and crab pots to work certain hours during a certain time period; requiring
6 a licensee who chooses a certain hours-of-work option to notify the Department of
7 that choice by a certain date; prohibiting a licensee who chooses a certain
8 hours-of-work option from changing that option until the following license year;
9 requiring a licensee who chooses a certain hours-of-work option to affix a certain
10 display on the licensee's vessel signifying the choice of that option; and generally
11 relating to harvest times for crabs using trotlines and crab pots.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 4–803
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Natural Resources**

20 4–803.

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

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

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

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

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

7 (5) To establish seasons to catch crabs;

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

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

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

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

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

21 (2) If the Department authorizes the workday to begin earlier than 1 hour
22 before sunrise, then:

23 (i) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**
24 **Department may not adopt regulations to restrict a tidal fish licensee who catches crabs**
25 **using trotline gear to a workday of less than 11 hours per day, including time spent setting**
26 **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) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE**
30 **THE OPTION TO A LICENSEE WHO IS AUTHORIZED TO CATCH CRABS USING**
31 **TROT LINES OR CRAB POTS TO WORK THE FOLLOWING HOURS FROM JULY 15**
32 **THROUGH SEPTEMBER 15 OF ANY YEAR, INCLUSIVE:**

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

4 **(II) FOR A LICENSEE WHO USES CRAB POTS, HOURS THAT BEGIN**
5 **1.5 HOURS BEFORE SUNRISE AND END 6.5 HOURS AFTER SUNRISE.**

6 **(2) (I) A LICENSEE WHO CHOOSES THE OPTION OF WORKING THE**
7 **EARLIER HOURS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOTIFY THE**
8 **DEPARTMENT OF THAT CHOICE BY JULY 1 OF THE LICENSE YEAR.**

9 **(II) AFTER A LICENSEE CHOOSES THE EARLY-HOURS OPTION**
10 **FOR THE LICENSE YEAR, THE LICENSEE MAY NOT CHANGE OPTIONS UNTIL THE**
11 **FOLLOWING LICENSE YEAR.**

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

15 **[(c)] (D)** The Department's regulations may not become effective under this
16 section until the Department first holds public hearings. The Department shall advertise
17 the time, place, and purpose of the hearings in one newspaper of general daily circulation
18 in the State, and at least in one newspaper circulated in the affected region of each county
19 whose waters may be directly affected by the proposed regulations for 2 successive weeks
20 in advance of the hearings.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.