

HOUSE BILL 29

M2
HB 1595/16 – HRU

(PRE-FILED)

7lr0912

By: **Delegate S. Howard**

Requested: October 19, 2016

Introduced and read first time: January 11, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Tidal Fish License – Catching Crabs Using Trotline Gear – Holidays**

3 FOR the purpose of authorizing the Department of Natural Resources to adopt certain
4 regulations restricting a tidal fish licensee who catches crabs using trotline gear to
5 a workday of at least a certain duration on certain holidays if the Department
6 authorizes the workday to begin at a certain time; and generally relating to tidal fish
7 licenses.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 4–803
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Natural Resources**

16 4–803.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(5) To establish seasons to catch crabs;

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

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

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

(i) 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

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

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

(i) 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 time spent setting or taking up gear; and

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

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

(I) MEMORIAL DAY;

(II) INDEPENDENCE DAY; AND

(III) LABOR DAY.

1 (c) 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
8 October 1, 2017.