

# HOUSE BILL 1249

M2

8lr1978

---

By: **Delegate Adams**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crab Harvest – Start Time – ~~Code Red~~ Days in July**

3 FOR the purpose of authorizing the Department of Natural Resources to establish, ~~after~~  
4 ~~providing certain notice,~~ by regulation that the workday for tidal fish licensees who  
5 catch crabs using any gear may begin at a certain time on ~~days and in tidal regions~~  
6 ~~for which the U.S. Environmental Protection Agency reports the Air Quality Index~~  
7 ~~to be code red or higher, making certain stylistic changes~~ certain days in July as  
8 determined by the Department; and generally relating to start times for the crab  
9 harvest on ~~code red~~ days in July.

10 BY repealing and reenacting, with amendments,  
11 Article – Natural Resources  
12 Section 4–803  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2017 Supplement)

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

17 **Article – Natural Resources**

18 4–803.

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

---

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 (1) To restrict catching and possessing any blue crab;
- 2 (2) The methods by which crabs are taken;
- 3 (3) To close or open any specified area to catch crabs;
- 4 (4) To prohibit or restrict devices used to catch crabs;
- 5 (5) To establish seasons to catch crabs;
- 6 (6) To establish that the workday for tidal fish licensees who catch crabs  
7 using trotline gear may begin earlier than 1 hour before sunrise; ~~and~~
- 8 (7) ~~TO ESTABLISH, AFTER PROVIDING PUBLIC NOTICE, THAT THE~~  
9 ~~WORKDAY FOR TIDAL FISH LICENSEES WHO CATCH CRABS USING ANY GEAR MAY~~  
10 ~~BEGIN AT 3:00 A.M. ON DAYS AND IN TIDAL REGIONS FOR WHICH THE U.S.~~  
11 ~~ENVIRONMENTAL PROTECTION AGENCY REPORTS THE AIR QUALITY INDEX TO BE~~  
12 ~~CODE RED OR HIGHER; AND~~

13 ~~(8)~~ To establish minimum size limits for hard, soft, and peeler crabs.

14 (B) (1) [However, this] THIS section does not permit the Department to  
15 change existing license fees for catching, picking, canning, packing, or shipping cooked hard  
16 or soft crabs or crab meat; or for selling, or shipping live hard or soft crabs by barrel or  
17 crate.

18 (2) The Department may set license fees on types of gear or equipment if  
19 not otherwise set by law.

20 [(b)] (C) (1) The Department may not adopt regulations to:

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

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

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

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

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

3 [(c)] (D) The Department shall adopt regulations that authorize a tidal fish  
4 licensee who is authorized to catch crabs using all legal gear to work 1 additional early hour  
5 on ~~Labor~~:

6 (1) LABOR Day, Memorial Day, July 4, and the day before each of these  
7 holidays in a license year; AND

8 (2) ANY OTHER DAY IN JULY AS DETERMINED BY THE DEPARTMENT.

9 [(d)] (E) The Department’s regulations may not become effective under this  
10 section until the Department first holds public hearings. The Department shall advertise  
11 the time, place, and purpose of the hearings in one newspaper of general daily circulation  
12 in the State, and at least in one newspaper circulated in the affected region of each county  
13 whose waters may be directly affected by the proposed regulations at least once per week  
14 for 2 successive weeks in advance of the hearings.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
16 1, 2018.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.