SPONSOR: Rep. Carson & Sen. Hoffner
Reps. Bush, Gray, Hilovsky, Phillips, D. Short

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 14
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO TROTLINE LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 1901, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 1901. Definitions.

The following definitions shall apply to Chapters 19 through 28 inclusive of this title:

(25) "Trotline" means an anchored long line with a series of separate but attached short lines with bait for attracting crabs. "Trotline" includes the long line, short lines, anchors, and buoys that are placed on either end of the long line to mark its location.

Section 2. Amend § 1918, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1918. Limited entry and transfer of commercial crabbing licenses.

(a) Notwithstanding the provisions of § 2303 of this title, the Department shall not issue any commercial crab pot or trotline license to any new licensee after March 13, 1990, and shall not issue crab pot or trotline licenses to any new licensee until the total number of commercial crab pot and trotline licenses drops to 82 or below as of October 31 of any year. At that time, a lottery will be held by the Department to allow the number of commercial crab pot and trotline licenses to increase to 100.

(b) Notwithstanding the provisions of § 2307 of this title, the Department shall not issue any crab dredgers licenses to any new licensee after March 13, 1990, and shall not issue crab dredgers licenses to any new licensee until the number of crab dredgers licenses drops to 18 or below as of March 31 of any year. At that time, a lottery will be held by the Department to allow the number of crab dredgers licenses to increase to 21.

(c) A commercial crab pot ~~licensee~~ licensee, crab trotline licensee, or crab dredgers licensee may transfer a license at any time, including posthumously, to a member of the immediate family. A member of the immediate family shall mean

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a parent, child, sibling or spouse. A commercial crab pot licensee also may transfer a license, including posthumously, to a designee provided the designee has been listed as same on the license for at least 2 consecutive years. The transfer of the appropriate license shall be in writing.

(d) Notwithstanding subsection (c) of this section, no license shall be transferred to any person under 16 years of age.

(e) An active commercial fisher with a commercial crab dredger's license may transfer his or her license to a commercial fishing apprentice who has completed no less than 150 days of commercial fishing activities over no less than a 1-year period.

Section 3. Amend Chapter 23, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2303. Commercial crab pot or trotline license.

(a) It shall be unlawful for any person to catch or land crabs for commercial purposes in this State unless said person has applied for and secured from the Department and has in his or her possession a valid commercial crab pot or trotline license. A person cannot possess a commercial crab pot license and a trotline license at the same time. The fee for a resident commercial crab pot license shall be $28.75 for up to 50 pots; $57.50 for up to 100 pots; $86.25 for up to 150 pots; and $115 for up to 200 pots. The fee for nonresident commercial crab pot licenses shall be $287.50 for up to 50 pots; $575 for up to 100 pots; $862.50 for up to 150 pots; and $1,150 for up to 200 pots. The fee for a resident commercial trotline license shall be $57.50. The fee for a nonresident commercial trotline license shall be $575. Said license shall be valid only for commercial taking of crabs from 1 vessel owned and operated by the applicant or designees approved in the license. Designees for a holder of a resident commercial crab pot license must be residents of the State.

(b) The license issued pursuant to this section shall automatically expire on December 31 of each calendar year.

(c) In the event that a licensee is unable to tend his or her crab pots from the vessel specified in his or her license application, said licensee shall apply to the Department within 48 hours after the boat or vessel has been disabled for a written permit to be carried on his or her person to tend that licensee's pots from another specified vessel for a period to be specified by the Department.

(d) A commercial crab pot license may designate no more than 2 persons on said licensee's commercial crab pot license as designees. A commercial crab pot licensee's designees are authorized, whether in the presence of the licensee or not, to place, use, set or tend said licensee's crab pots while operating the vessel owned by the licensee that is listed on said licensee's commercial crab pot license. Designees shall be prohibited on a commercial crab trotline license.

(e) Notwithstanding subsection (a) of this section, the number of commercial crab pot licensees that may list the same vessel on their commercial crab pot license shall not exceed 3 and the total number of crab pots that 3 licensees may be licensed to place, use, set or tend from the same vessel shall not exceed 500 pots.

§ 2305. Seasons; limits.

(a) No person shall catch and take or attempt to catch and take crabs in any of the waters under the jurisdiction of this State with any commercial crab pot or trotline between December 1 of each year and the last day of February immediately following.

(b) The Department may restrict the number of crab pots which may be set by any 1 licensee when, in its discretion, the Department determines from biological evidence that emergency restrictions are necessary to protect crabs or other shellfish resources of the State; they may do so with such advance notice as it deems necessary.

(c) No person shall catch and take or attempt to catch and take crabs by dredge in any of the waters under the jurisdiction of this State between March 31 of each year and December 15 thence next ensuing of any year.

(d) Commercial trotlines are limited to a maximum of 3 anchored long lines totaling no more than 3,600 feet.

(e) It shall be unlawful for any person who places, uses, or sets a crab trotline to harvest crabs from the trotline by any means other than hand dip netting.

§ 2306. Marking of commercial crab ~~pots~~ pots, trotlines, and vessels; penalties.

(a) The buoys of all crab pots and trotlines placed for commercial purposes shall be colored a specific color combination as assigned to each commercial crab pot and trotline licensee. The crabbing vessel specified on the license shall display the same color code assigned to the licensee on a panel measuring at least 2 feet by 2 feet. Said panel must be fully visible from either side of the vessel.

(b) It shall be unlawful for any person to lift any commercial crab pot or trotline from a vessel other than the 1 corresponding with the color code on that crab pot or trotline buoy. Any commercial crab pot or trotline which is not marked as specified in this section may be confiscated by the Department. Any person guilty of taking crabs from a commercial crab pot or trotline from a vessel other than the 1 corresponding with the color code of that pot or trotline buoy shall be guilty of a class C environmental violation.

§ 2311. Crab pot and trotline attendance; abandonment; confiscation; forfeiture.

(a) (1) It shall be unlawful for any person who places, uses or sets a crab pot in the tidal waters of this State to fail to tend and remove crabs from said crab pot at least once every 72 hours.

(2) It shall be unlawful for any person to place, use, or set a crab trotline in the tidal waters of this State between the hours of one hour after sunset and one hour before sunrise.

(b) (1) Failure to tend and remove crabs from a crab pot in the tidal waters of this State at least 72 hours after said pot is tagged by the Department shall constitute abandonment of said crab pot.

(2) Failure to tend and remove crabs from a trotline in the tidal waters of this State at least 24 hours after such trotline is tagged by the Department shall constitute abandonment of said trotline.

(c) Any employee of the Department authorized to enforce this chapter shall be authorized to seize and confiscate any crab pot or trotline which has been determined to have been abandoned pursuant to subsection (b) of this section.

(d) Upon a determination that a crab pot or trotline has been abandoned and seized by the Department, ownership in said crab pot or trotline shall be forfeit to the Department.

(e) Notwithstanding the provisions set forth in subsections (a), (b) and (c) of this section, any employee of the Department authorized to enforce this chapter shall be authorized to seize any crab pot or trotline which fails to be placed, used or set in compliance with the provisions of this chapter.

(f) Title to a crab pot or trotline seized by the Department and not claimed by the lawful owner after proper notification from the Department within 90 days of said notification shall be forfeit to the Department.

Section 4. This Act takes effect on January 1 following its enactment into law.