

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1214

(Delegate O'Donnell)

Environmental Matters

Education, Health, and Environmental
Affairs

Natural Resources - Finfish - Bait

This bill exempts a person who catches and sells finfish as bait from the requirement to obtain a commercial tidal fish license from the Department of Natural Resources (DNR). DNR must adopt regulations defining which species of finfish may be caught and sold as bait under that exemption.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: The bill would not directly affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: In general, a person may not buy, sell, ship, transport, or otherwise deal in finfish unless the person is licensed by DNR. The following persons are not required to obtain a commercial tidal fish license: (1) a person licensed by DNR to catch finfish for sale; (2) a retail market, restaurant, or other establishment where finfish are sold or served to ultimate customers, and not for resale; and (3) a person who buys finfish for personal use or consumption.

Background: Maryland operates under a limited entry system for the commercial tidal fishery. The original limited entry law exempted certain entities from the licensing requirement; according to DNR, bait harvesters were overlooked from the original

exemption provisions. Chapter 661 of 2001 exempted a person who catches or sells specified finfish for use as live bait from the requirement to obtain a commercial tidal fish license. When Chapter 661 was enacted, DNR indicated that because it did not know that these bait harvesters existed, the licensing requirement had never been enforced.

In addition to the exemption, Chapter 661 required DNR to conduct a study of bait fish harvested and sold in the State to determine the impact of harvesting bait fish on the Chesapeake Bay. DNR was directed to submit a report of its findings to the General Assembly. In its report, DNR concluded that the harvest of bait fish does not have a significant effect on the abundance, availability, or reproductive potential of the fish.

Pursuant to a sunset provision, Chapter 661 terminated on September 30, 2003.

Additional Information

Prior Introductions: Similar legislation was introduced as HB 445 of 2001; the bill was enrolled as Chapter 661. Chapter 661 contained a sunset provision of September 30, 2003.

Cross File: None, although SB 674 (Senator Colburn) – Education, Health, and Environmental Affairs, is identical.

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

Fiscal Note History: First Reader - March 5, 2004
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