

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 111

(Chair, Environmental Matters Committee)(By Request -
Departmental - Natural Resources)

Environmental Matters

Education, Health, and Environmental Affairs

Department of Natural Resources - Fishing - Regulatory Authority

This departmental bill authorizes the Secretary of Natural Resources, after consulting with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations to define and govern the use of recreational fishing gear and specified types of commercial fishing gear. The Department of Natural Resources (DNR) must consider relevant biological, ecological, and socioeconomic factors prior to adopting the regulations. The bill deletes provisions prohibiting (1) the use of specified fishing gear to catch finfish in State tidal waters without a specified license; and (2) the adoption of regulations that prohibit a tidal fish licensee from obstructing the cull ring of a hard crab pot at any time in order to catch peeler crabs.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. Any impact would be the result of future regulations and not this bill. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: The Secretary of Natural Resources is responsible for conservation management of the fish, fisheries, fish resources, and aquatic life within the State.

DNR is required to prepare fishery management plans for a number of specified species, including oyster, striped bass, white perch, and summer flounder. A “fisheries management plan” is a document or report that contains a systematic description of a given fishery and the objectives and conservation and management measures for the fishery. Conservation and management measures adopted under a fisheries management plan seek to prevent overfishing, while attempting to achieve the best and most efficient utilization of the State’s fishery resources; are based on the best information available; may not discriminate unfairly among groups of fishermen or have economic allocation as their sole purpose; must account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; and must avoid duplication of regulatory efforts and unnecessary costs to the State and to any other person.

The Secretary of Natural Resources adopts fisheries management plans and associated conservation and management measures by regulation. The State’s fisheries resources must be harvested in accordance with the conservation and management measures in a fishery management plan and any regulations implementing or amending the plan.

Various statutory provisions govern the manner, methods, and gear for catching and possessing fish. Statute specifically limits (1) individuals from catching or attempting to catch finfish in the tidal waters of the State by the use of any net or other device except hook and line, dip net operated by hand, spear gun, or bow and arrow without a specified DNR license; and (2) DNR from adopting regulations to prohibit tidal fish license from obstructing the cull ring of a hard crab pot at any time to catch peeler crabs. Other provisions govern the use of spear guns, pound or fyke nets, and place other prohibitions and restrictions on other fishing methods.

Background: DNR’s Fisheries Service is responsible for managing commercial and recreational fishing in the State. The Fisheries Service seeks to develop a management framework for the conservation and equitable use of fishery resources; manage fisheries in balance with the ecosystem for present and future generations; monitor and assess the status and trends of fishery resources; and provide high quality, diverse, and accessible fishing opportunities.

While DNR has authority to regulate certain types of gear under individual fishery management plans, it lacks the authority to address broad fishing gear issues. DNR advises that its limited ability to regulate fishing gear has led to enforcement challenges, user conflicts, and an increased threat to Maryland’s fisheries resources.

Additional Information

Prior Introductions: None

Cross File: None.

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

Fiscal Note History: First Reader - January 31, 2011
mm/lgc Revised - House Third Reader - March 24, 2011

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Natural Resources – Fishing – Regulatory Authority

BILL NUMBER: HB 111

PREPARED BY: Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.