

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 708

(Delegate McIntosh, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Nuisance Organisms - Penalties

This bill establishes a separate criminal offense for each nuisance organism imported or possessed in violation of nonnative aquatic organism provisions in the Natural Resources Article and limits fines for violations to a total of \$25,000 for offenses arising out of the same enforcement action. Nuisance organism violations are expanded to include violation of regulations.

The bill takes effect June 1, 2013.

Fiscal Summary

State Effect: Potential minimal increase in general/special fund revenues and general fund expenditures due to the penalty provisions applicable to this offense.

Local Effect: Potential minimal increase in local expenditures due to the incarceration penalties applicable to this offense.

Small Business Effect: None.

Analysis

Current Law: A “nuisance organism” is a nonnative aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms.

A person who violates nonnative aquatic organism provisions of the Natural Resources Article is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$2,500 and/or imprisonment for up to 30 days.

Generally, for a first offense, a person who violates fish and fisheries provisions of the Natural Resources Article and related regulations is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$1,000, with costs imposed in the discretion of the court. For a second or subsequent offense, a person is subject to a fine of up to \$2,000 and/or imprisonment for up to one year, with costs imposed in the discretion of the court. For cases heard in the District Court, fine revenue is paid into the general fund. For cases heard in the circuit courts, fine revenue is generally paid into the Fisheries Research and Development Fund in the Department of Natural Resources (DNR).

Background: Nonnative species are plants, animals, or microbes that have been transported from one geographic region to an area where they did not live previously. The introduction may be intentional, as with beef cattle brought to the United States from Europe, or unintentional, as with Asian mussels carried across oceans in ships' ballast water. In either case, a nonnative species' full effect on its new environment is often unpredictable.

According to Maryland Sea Grant, the Chesapeake Bay watershed has become home to many nonnative species – some innocuous, some beneficial, but others destructive beyond expectation. Examples of nonnative aquatic species negatively impacting the Chesapeake Bay watershed include the zebra mussel, northern snakehead fish, and water chestnut plant. Other nonnative species negatively impacting the watershed include nutria and mute swans.

DNR advises that while several warnings have been issued, it is aware of only one nonnative aquatic organism violation in recent years.

Additional Information

Prior Introductions: None.

Cross File: SB 547 (Senators Middleton and Frosh) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Judiciary (Administrative Office of the Courts), Maryland Sea Grant, Department of Legislative Services

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