

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 302 (Chair, Education, Energy, and the Environment
Committee)(By Request - Departmental - Natural
Resources)

Education, Energy, and the Environment

Environment and Transportation

Commercial Northern Snakehead License - Gear

This departmental bill (1) repeals certain buffer zones (100 yards from another person or vessel, a public or private swimming area, a diver down flag, or an occupied offshore stationary blind) within which a commercial northern snakehead licensee may not fish with a bow and arrow and (2) instead requires a commercial northern snakehead licensee who fishes for northern snakehead to comply with all Department of Natural Resources (DNR) regulations governing the use of gear. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: A commercial northern snakehead license is established in State law that authorizes the holder to catch for sale northern snakeheads in the tidal waters of the State using (1) a bow and arrow attached to a retrieval line or (2) hook and line. An applicant for a license does not need to hold a tidal fish license (DNR's traditional, limited entry commercial fishing license) to be eligible for the license.

A commercial northern snakehead licensee may not fish with a bow and arrow under the license within 100 yards of (1) another person or vessel; (2) a public or private swimming area; (3) a diver down flag; or (4) an occupied offshore stationary blind.

The commercial northern snakehead license was first established under Chapters 708 and 709 of 2016 as the commercial northern snakehead bowfishing license. (The name of the license was changed to its current name under Chapter 528 of 2020, when licensees were authorized to also use hook and line to catch northern snakeheads under the license.) Chapters 708 and 709 also authorize DNR to adopt regulations to define and govern the use of bowfishing gear in commercial fishing.

DNR gear regulations adopted in 2018 that govern the commercial use of archery equipment (defined as a vertical bow or a crossbow) prohibit a person from shooting archery equipment within 100 yards of any (1) human being; (2) private or public swimming area; (3) international diving flag; (4) occupied duck blind; or (5) vessel other than the vessel occupied by the individual using archery equipment. The distance restrictions, however, do not apply if the person using the archery equipment receives permission from all affected parties within that area prior to engaging in fishing activities.

Background: DNR indicates that bowfishing under the commercial northern snakehead license has expanded since the license was first established in 2016 and the bill allows the department to make changes to bow and arrow gear regulations to address user conflicts. DNR indicates that, without the bill, changes it makes to the gear regulations may be inconsistent with the buffer zones applicable to commercial northern snakehead licensees in statute.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 237 (Chair, Environment and Transportation Committee)(By Request - Departmental - Natural Resources) - Environment and Transportation.

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

Fiscal Note History: First Reader - January 17, 2024
km/lgc Third Reader - February 7, 2024

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Commercial Northern Snakehead License - Gear

BILL NUMBER: SB0302

PREPARED BY: Sarah Widman

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X 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

This legislation requires bowfish licensees to follow the agency's regulations. This does not result in any meaningful economic impacts to small businesses at this time.