

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 673 (Delegate Weir. *et al.*)

Environmental Matters

Fishing - Interference with Fishing Activities

This bill prohibits a person on private or public land, or Maryland waters, from intentionally: (1) interfering with the lawful taking of fish or other marine life by another person; (2) harassing, driving, or disturbing any fish for the purpose of disrupting a lawful fishing activity; (3) blocking, impeding, or disturbing a person engaged in a lawful fishing activity; (4) denying passage by creating or erecting barriers on public property or private property without the landowner's prior permission to areas where lawful fishing activity is permitted; or (5) hindering a lawful fishing activity by placing obstacles or objects in the waters of the State. The bill authorizes a Department of Natural Resources (DNR) police officer or other police officer to order the person in violation to desist or leave the areas or arrest the person who refuses to desist or to leave the area.

Unlawful conduct under the provisions of the bill does not include any incidental interference arising from lawful activity by private land users or users of land managed by DNR, including farmers, miners, or persons engaged in recreation.

The bill takes effect June 1, 1998.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the applicable penalty provision. Enforcement could be handled with DNR's existing resources.

Local Effect: Potential minimal increase in revenues and expenditures due to the applicable penalty provision.

Small Business Effect: None.

Fiscal Analysis

State Revenues: Violators of the provisions of the bill are guilty of a misdemeanor and subject to a fine of up to \$300 and/or imprisonment of up to three years. As a result of these provisions, general fund revenues could increase under the applicable monetary penalty provision for those cases heard in the District Court, depending upon the number of convictions and fines imposed.

State Expenditures: General fund expenditures could increase as a result of the applicable incarceration penalty due to more people being committed to a Division of Correction (DOC) facility up to three years and increased payments to counties for reimbursement of inmate costs, depending upon the number of convictions and sentences imposed.

Persons serving a sentence longer than one year are incarcerated in a DOC facility. In fiscal 1999 the average monthly cost per inmate is estimated at \$1,500.

Persons serving a sentence of one year or less are sentenced to a local detention facility. The State reimburses counties for part of their per diem rate after a person has served 90 days. State per diem reimbursements for fiscal 1999 are estimated to range from \$12 to \$42 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility, with an average monthly cost estimated at \$1,500 for fiscal 1999. [The Baltimore City Detention Center (BCDC), a State operated facility, is used primarily for pretrial detentions. The per diem cost for BCDC in fiscal 1999 is estimated at \$43 per inmate.]

Local Revenues: Revenues could increase under the applicable monetary penalty provision for those cases heard in the circuit courts, depending upon the number of convictions and fines imposed.

Local Expenditures: Expenditures could increase as a result of the applicable incarceration penalty depending upon the number of convictions and sentences imposed. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$23 to \$84 per inmate in fiscal 1999.

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

Fiscal Note History: First Reader - March 9, 1998
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