

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 520

(Delegate Haddaway, *et al.*)

Environmental Matters

Educational or Scientific Certificates - Collection of Mollusks - Restrictions

This bill specifies that a person granted a certificate by the Secretary of Natural Resources to collect fish, fish eggs, crustaceans, or mollusks for scientific or educational purposes may not collect mollusks in an area where a commercial license holder or the general public is prohibited from doing so by law or regulation. Also, a certificate is void on proof that the holder has, after collecting mollusks, deposited them in a different area from which they were collected. Regulations governing these collection certificates must be adopted by the Department of Natural Resources (DNR) in accordance with these requirements.

Fiscal Summary

State Effect: None. The bill would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: The Secretary of Natural Resources may grant certificates to any properly accredited person of known scientific attainment that allows the person to collect fish, fish eggs, crustaceans, or mollusks for scientific or educational purposes only. A person must submit proof of necessity for the certificate and pay a \$25 fee. The fee is deposited in the State Fisheries Management and Protection Fund. A certificate expires December 31 of the year it is issued. A certificate is void on proof that the holder

has captured or killed any fish, fish eggs, crustaceans, or mollusks for other than scientific or educational purposes.

The Secretary is authorized to adopt regulations governing the issuance, revocation, terms, and conditions of the certificate.

Background: Chapter 119 of 2006 specifically authorized the Secretary to grant certificates for the collection of fish, fish eggs, crustaceans, and mollusks for educational and scientific purposes only. Chapter 119 codified the practice of DNR at the time. The Secretary had been authorized to grant collection certificates for scientific or educational purposes to collect wildlife; however, the authority to grant collection certificates for fisheries-related items was more restrictive and did not specifically include educational purposes. DNR advised that it had been receiving 80 to 100 requests each year for certificates to collect fish, fish eggs, crustaceans, or mollusks, approximately 35 to 40 of which were made by educational institutions and other entities for educational and outreach purposes. DNR was issuing scientific collection certificates to such individuals even though statute did not explicitly allow for it.

In 2006, DNR issued roughly 20 scientific or education certificates for the harvest of mollusks.

Small Business Effect: To the extent current certificate holders are small businesses or small nonprofit organizations, the bill's changes could interfere with a business or nonprofit's scientific or educational efforts. The bill is expected to substantially limit access to areas in which educational or scientific programs are or have been conducted under the certificates issued by DNR. This could conceivably have a fiscal effect on the businesses or nonprofits if existing studies and/or programs have to be altered or discontinued.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510