

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 630

(Chair, Environmental Matters Committee)

(By Request – Departmental – Natural Resources)

Environmental Matters

Education, Health, and Environmental Affairs

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**Department of Natural Resources - Nonnative Nuisance Organisms - Regulatory  
Management Authority**

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This departmental bill authorizes the Secretary of Natural Resources to manage the sale, transport, purchase, importation, possession, harvest, season, size limits, open area, catch devices, and introduction of nuisance organisms. The bill also amends the definition of “naturalized” and exempts a person that has a valid nursery inspection certificate or plant dealer license issued by the Maryland Department of Agriculture from specified authority of the Department of Natural Resources relating to nuisance organisms.

The bill takes effect July 1, 2008.

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**Fiscal Summary**

**State Effect:** The bill would 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). Legislative Services generally concurs with this assessment but notes that regulations adopted pursuant to the bill could have an impact on small businesses. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Current Law:** The Secretary of Natural Resources may adopt regulations to prohibit the importation, possession, or introduction into State waters of a nonnative aquatic organism to prevent an adverse impact on an aquatic ecosystem or the productivity of State waters.

In addition, DNR has authority to generally • enter and inspect a property to determine whether a foreseeable harmful condition caused by a nuisance organism exists; • seize nuisance organisms that have created or will create a foreseeable harmful condition; and • require those responsible for foreseeable harmful conditions to take abatement action. Under specified circumstances, if a person responsible for the conditions cannot be found, DNR may also require owners or occupants of property where the conditions exist, or that must be entered to access the conditions, to take abatement action. DNR may also enter a property under specified circumstances to take abatement action, generally where a responsible person or property owner or occupant fails to take action or consents to DNR doing work to abate the conditions.

Permitted aquaculture operations are not subject to the above provisions and regulations adopted by the Secretary.

**Background:** Chapter 373 of 2003 established DNR's authority to adopt regulations relating to nonnative aquatic organisms and take actions to abate foreseeable harmful conditions caused by nuisance organisms. A discovery in the summer of 2002 of several hundred northern snakeheads in a Crofton pond that had spawned from two fish dumped there more than two years earlier brought attention to the weaknesses in existing law regarding the management of nonnative fish species. At the time, State law generally did not prohibit the release of nonnative species into State waters, though a prohibition with regard to nontidal waters existed in DNR regulations.

DNR reports that several nuisance organisms (including the northern snakehead, rusty crayfish, Chinese mitten crab, flathead catfish, and blue catfish) have been discovered in the State and some have become established to the point where eradication is no longer a possibility. The department indicates that it is limited in its authority to manage nuisance organisms, due in part to the fact that its current regulatory authority relates only to prohibiting the importation, possession, or introduction of a nonnative aquatic organism. In addition, existing laws relating to size limits or allowable fishing gear applicable to certain types of fish can limit the department's ability to allow nuisance organisms to be fished and managed. This bill is intended to provide DNR with greater authority to manage nuisance species.

## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** mam/lgc  
First Reader - March 4, 2008  
Revised - House Third Reader - March 21, 2008  
Revised - Correction - March 24, 2008  
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