

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 226

(Chair, Environmental Matters Committee)

(By Request – Departmental – Natural Resources)

Environmental Matters

Education, Health, and Environmental
Affairs

Department of Natural Resources - Regulation of Bait

This departmental bill requires the Department of Natural Resources to adopt regulations defining which species may be harvested, imported, transported, sold, or used as bait in the State. The bill also repeals provisions requiring a specified live bait dealer's license in order to sell live bait in Montgomery, Frederick, and Washington counties.

Fiscal Summary

State Effect: The bill would not materially affect State finances. Only a handful of live bait dealer's licenses are sold each year.

Local Effect: None.

Small Business Effect: DNR has determined that the 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.

Analysis

Current Law: In general, a person may not buy, sell, ship, transport, or otherwise deal in finfish or shellfish without a DNR tidal fish license, with specified exceptions, which include a person who catches and sells as bait finfish or shellfish species defined as bait under DNR regulations.

A separate provision, however, provides that any person desiring to sell live bait in Montgomery, Frederick, or Washington counties must apply for a live bait dealer's license allowing the person to sell specified types of bait procured from the waters of the Potomac River, subject to certain limits.

Through regulation, DNR has established a limit (not applicable to licensed live bait dealers in Montgomery, Frederick, and Washington counties) on the number of bait fish, not commercially propagated or reared, that may be taken or possessed from nontidal waters in a day.

Background: According to DNR, the use and release of live bait has resulted in a significant number of nonnative introductions of invasive species throughout the United States and also has the potential of introducing disease and parasites. DNR indicates that the authority provided under the bill would help the department be proactive and ensure that the use of live bait does not have an adverse impact on the native or naturalized fish species of the State.

DNR advises that the repealed provisions regarding live bait dealer's licenses in Montgomery, Frederick, and Washington counties are unnecessary, misleading, and inconsistent with other State laws limiting commercial fishing to the tidal waters of the State. DNR advises, however, that repealing these provisions will not prevent dealers in those counties from continuing to sell bait. DNR indicates that only two to three bait dealer's licenses (requiring payment of a \$10.50 fee) are typically sold each year.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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