

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 169

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Natural
Resources)

Education, Health, and Environmental Affairs

Environmental Matters

Department of Natural Resources - Antiquated Fish and Fisheries Laws - Repeal

This departmental bill repeals and modifies provisions of State fish and fisheries laws primarily relating to the allowable manner, places, and times for catching, and size limits applicable to, certain species of fish (including crabs, oysters, and clams) that are inconsistent with State regulations, unnecessary, or obsolete.

The bill takes effect July 1, 2009.

Fiscal Summary

State Effect: The bill does not substantively change State activities or operations.

Local Effect: None.

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

Analysis

Bill Summary: The bill's changes include:

- the repeal of a provision that restricts the hours during which a person may fish in stocked trout areas that is inconsistent with hours specified in regulation;

- the repeal of certain county-specific rules relating to fishing in nontidal waters that DNR staff believes are no longer applicable to the management of freshwater fisheries;
- the repeal of obsolete provisions referring to a lease regarding Deep Creek Lake;
- the repeal of a statewide prohibition against setting an anchored gill net within 1,200 feet of a pound or stake net (regulations prohibit anchored gill nets in the Chesapeake Bay and its tidal tributaries and the prohibited scenario is not applicable to the ocean or coastal bays);
- the repeal of size limits applicable to various species of fish that are otherwise managed under fishery management plans (*see* Current Law/Background), in coordination with the Atlantic States Marine Fisheries Commission (ASMFC), or under other statutory authority and regulations;
- the repeal of provisions specifying allowable times of the year for catching shad and herring in tidal waters (the provisions are inconsistent with regulations that prohibit, with specified exceptions, catching, offering for sale, purchasing, or possessing American and hickory shad caught in Maryland waters; there is not a scientific basis for the herring season specified in statute and herring is managed under an ASMFC fishery management plan);
- the repeal of various provisions relating to the catch and possession of crabs that are inconsistent with management measures in regulation;
- the repeal of provisions relating to the allowable times for catching oysters that are inconsistent with management measures in regulation; and
- the repeal and modification of provisions relating to a minimum size limit for hard-shell clams caught in Maryland waters that are inconsistent with a minimum size limit in regulation.

Current Law/Background: The bill implements a recommendation of the Task Force on Fishery Management, which was created under Chapter 217 of 2007. The task force is charged with overseeing a full review of current fishery management processes and developing legislative and other recommendations for methods to improve, modernize, and streamline fishery management.

As part of its review, the task force reviewed the State's fisheries laws and regulations, focusing on areas in which the laws and regulations could be clarified, modernized, and streamlined. The task force found, among other things, that the relationship between regulations and law has provided management difficulties for DNR and recommended, in its December 1, 2008 report, removing language in conflicting laws as well as other laws that are no longer applicable or have obsolete references.

State law requiring DNR to prepare fishery management plans for various species states that, notwithstanding other State fish and fisheries laws, once a fishery management plan has been adopted by regulation, the State's fishery resources must be harvested in accordance with the conservation and management measures in the plan and any regulations implementing or amending the plan. Fishery management measures developed by DNR in regulation (for those species managed under a fishery management plan) have resulted in inconsistencies in some cases between the regulations and statutory provisions. The bill repeals such statutory provisions along with statutory provisions that are otherwise inconsistent with regulations, unnecessary, or obsolete.

ASMFC, made up of representatives of each of the 15 Atlantic coast states, coordinates conservation and management of the states' shared near shore fishery resources.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 13, 2009
ncs/ljm

Analysis by: Scott D. Kennedy

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Natural Resources – Antiquated Fish and Fisheries Laws -
Repeal

BILL NUMBER: SB 169

PREPARED BY: Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

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

The proposed legislation will have no impact on small business in Maryland.