

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1252

(Delegate McMillan)

Environmental Matters

Education, Health, and Environmental Affairs

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Natural Resources - Large-Scale Striped Bass Poaching - Penalties

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This bill establishes a new misdemeanor charge for (1) using unlawful gear, harvesting during closed seasons, harvesting from a closed area, violating specified established limits, or violating tagging and reporting requirements; and (2) capturing over \$20,000 worth of striped bass (rockfish) as determined by the proceeds of the unlawful capture. In addition to other applicable penalties, violators are guilty of a misdemeanor and, upon conviction, subject to imprisonment for up to two years.

The bill takes effect June 1, 2011.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances, since it is assumed that the bill will apply in a limited number of cases.

**Local Effect:** The bill is not expected to materially affect local finances, since it is assumed that the bill will apply in a limited number of cases.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** According to the Natural Resources Fine Schedule of the District Court, effective October 1, 2010, there are several prepayable fines associated with striped bass violations, including a \$250 prepayable fine for catching striped bass without a permit. If a prepayable fine is not available, or the individual chooses to appear in court, the fines that appear in the Natural Resources Article are applied by the court upon conviction.

Generally, for a first offense, a person who violates Fish and Fisheries provisions of the Natural Resources Article is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$1,000, with costs imposed in the discretion of the court. For a second or subsequent offense, a person is subject to a fine of up to \$2,000 or imprisonment for up to one year, or both, with costs imposed in the discretion of the court.

In addition to other penalties, an individual who violates statute or regulation concerning the taking of, or creel limits for, striped bass is subject to a fine of up to \$1,500 per fish. For a second offense within a two-year period, a person is subject to a fine of up to \$2,500 per fish and revocation of the fishing license for between one and two years. For a third offense within a four-year period, a person is subject to a fine of up to \$2,500 per fish and revocation of the fishing license for between two and five years.

**Background:** Recently, there have been several significant commercial fishing incidents involving the use of illegal gill nets in the Chesapeake Bay to catch striped bass. On January 31, 2011, Department of Natural Resources (DNR) Natural Resources Police (NRP) officers confiscated more than 10 tons of illegally caught striped bass from four illegally anchored gill nets near Bloody Point Light, south of Kent Island, in the Chesapeake Bay. This event forced DNR to temporarily shut down the striped bass gill net season. On February 7, 2011, NRP confiscated more than 1,100 pounds of illegally caught striped bass from 1,200 yards of illegally anchored gillnet at the mouth of Eastern Bay, a mile south of the previously located Bloody Point gill nets. On February 11, 2011, two 900-yard strings of illegal, anchored gill nets were located in Eastern Bay that contained a total of 3,879 pounds of striped bass. These incidents have heightened public concern about illegal fishing in Maryland waters.

DNR advises there were no convictions in 2010 that involved over \$20,000 of striped bass being confiscated by NRP.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 16, 2011  
ncs/lgc Revised - House Third Reader - March 29, 2011

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