

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 860 (Delegate Stein, *et al.*)

Environment and Transportation Education, Health, and Environmental Affairs

Aquatic Invasive Species - Decontamination of Vessels (State Lakes Invasive Species Act of 2015)

This bill, after April 1, 2017, prohibits an owner of a vessel from placing the vessel or having the vessel placed in a lake owned or managed by the State, at a public launch ramp or public dock, unless the owner has cleaned the vessel and removed all visible organic material. An owner of a vessel who violates the prohibition is subject to specified civil penalties. The bill also requires the Department of Natural Resources (DNR) to convene a workgroup to evaluate actions that reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State.

Fiscal Summary

State Effect: The bill's penalty provisions are not anticipated to materially affect State finances. DNR can convene the workgroup with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: An owner of a vessel who violates the bill's prohibition is subject to a civil penalty of up to (1) \$100 for a first violation; (2) \$250 for a second violation; and (3) \$500 for a third or subsequent violation.

The workgroup convened by DNR must make recommendations on the most appropriate actions to reduce the spread of aquatic invasive species from vessels placed in lakes that

are owned or managed by the State, including recommended budget items, recommended funding sources, and prioritized activities and resources. The workgroup must report its recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee by December 31, 2015. The report must include a plan to implement the recommendations of the workgroup by July 1, 2016.

Current Law: The Secretary of Natural Resources is authorized to adopt regulations establishing prohibitions regarding nonnative aquatic organisms as well as management measures regarding nuisance organisms. A “nuisance organism” is a nonnative aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms. The provisions also establish the Secretary of Natural Resources’ authority and responsibilities with respect to abatement of a “state of nuisance,” in which a nuisance organism will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms. Interference with abatement efforts or refusal of entry on property for abatement purposes under the provisions is prohibited. DNR regulations include a prohibition against a person placing or attempting to place upon or into State waters a watercraft or associated equipment with attached or contained aquatic plants, zebra mussels, or other prohibited species of nonnative organisms.

In addition to any other penalty provided under law, a person who violates the nonnative aquatic organism provisions of the Natural Resources Article or a regulation adopted under those provisions is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$2,500 and/or imprisonment for up to 30 days for each offense, but not exceeding a total of \$25,000 for offenses arising out of the same enforcement action. Each nuisance organism imported or possessed in violation of the nuisance organism provisions or a regulation adopted under those provisions constitutes a separate offense.

Background: Nonnative species are plants, animals, or microbes that have been transported from one geographic region to an area where they did not live previously. The introduction may be intentional, as with beef cattle brought to the United States from Europe, or unintentional, as with Asian mussels carried across oceans in ships’ ballast water. In either case, a nonnative species’ full effect on its new environment is often unpredictable.

According to Maryland Sea Grant, the Chesapeake Bay watershed has become home to many nonnative species – some innocuous, some beneficial, but others destructive beyond expectation. Examples of nonnative aquatic species negatively impacting the Chesapeake Bay watershed include the zebra mussel, northern snakehead fish, and water chestnut plant. In 2013, DNR biologists discovered hydrilla, an invasive weed known to

impede recreational uses of waterways, in the southern portion of Deep Creek Lake. Hydrilla has so far not been found in the majority of the lake.

DNR indicates that it is in the process of evaluating aquatic invasive species interception inspection program models and a draft report is expected by the summer of 2015. DNR manages 4 lakes pursuant to regulation; 10 others that have boat ramp access are managed by the Maryland Park Service within DNR.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 5, 2015
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