

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 766

(Chair, Environment and Transportation Committee)(By
Request - Departmental - Natural Resources)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Fish and Fisheries

This departmental bill makes various changes to State fisheries laws regarding the use of the Fisheries Research and Development Fund, complimentary Chesapeake Bay and coastal sport fishing licenses, fishing gear, scientific collection permits, the authority of the Secretary of Health and Mental Hygiene, specified location and time descriptions, a specified duplicative prohibition, measures established in regulation, and crabbing from a “for hire” boat.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: The bill helps to ensure ongoing federal funding, but otherwise is not expected to materially affect State finances.

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). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary:

Fisheries Research and Development Fund

The bill requires that the Fisheries Research and Development Fund, subject to specified uses of certain revenues, be used *only* for the existing stated uses of the fund: (1) replenishing fisheries resources and related research; (2) matching federal funds available for research and development of fisheries resources; and (3) specified administrative costs.

Complimentary Sport Fishing Licenses

DNR is authorized to issue annually a complimentary Chesapeake Bay and coastal sport fishing license to the President of the United States, the Governor of any state, and any official of the game and fish department of any other state. Not more than 20 complimentary licenses for each state other than Maryland must be outstanding at any time.

Fishing Gear

Specified restrictions on the use of recreational fishing gear, and a prohibition against a nonresident fishing in nontidal waters with nets of any description, are repealed. Use of a gig or gig iron, to catch finfish only for recreational purposes in tidal waters, is authorized.

A requirement that a Natural Resources Police (NRP) officer inspect and affix a seal and number to a haul seine to certify it before it is used in the waters of the Chesapeake Bay or its tributaries is repealed.

A requirement that a person may fish only with hook and line, eel pot, or gill net with at least a three-inch mesh in specified portions of Cabin Creek and Warwick River is repealed.

Scientific Collection Permits and Authority of the Secretary of Health and Mental Hygiene

Provisions authorizing the Secretary of Natural Resources to allow a person to collect fisheries resources for scientific or educational purposes are reworded and modified, including by authorizing the Secretary to issue a permit, rather than a certificate, and authorizing DNR to establish a reasonable fee by regulation, in place of the existing \$25 fee for a certificate.

A provision specifying that nothing contained under specified State fisheries laws governing the organization and authority of DNR pertaining to fish and fisheries preempts, restricts, or supersedes the authority of the Secretary of Health and Mental Hygiene, as provided by law, is repealed.

Location and Time Descriptions

Specified location descriptions relating to the placement of nets are modified to refer more generally to the location and not a specific landmark. A specified time and date restriction on use of a haul seine is clarified.

Repeal of Duplicative Prohibition

A duplicative prohibition against hauling a seine of any description to catch fish in the Choptank River and its tributaries in Caroline County from May 21 to July 31 is repealed, leaving a similar prohibition in place.

Measures Established in Regulation

The Secretary is authorized to establish by regulation vessel marking requirements with which all licensed fishing guides must comply. In addition, DNR must adopt regulations to establish fishing areas where a trout stamp is required.

Requirements for public notice of hearings on specified proposed DNR regulations addressing sturgeon and crabs are clarified to require newspaper advertisement *at least once per week* for two successive weeks in advance of the hearings. In the case of proposed sturgeon regulations, after adoption of the regulations, a requirement specifying that the regulations be published *for one week* in newspapers that published the notice of the hearing is repealed, leaving only the requirement that the regulations be published after the hearing in newspapers that published notice of the hearing, without specifying the duration.

Crabbing from a "For Hire" Boat

A provision stating that any person crabbing from a "for hire" boat is not required to obtain a license if the boat is operated by the owner, and the owner is licensed to catch crabs for commercial purposes, is repealed.

Current Law/Background: DNR indicates that the bill:

- brings State law into compliance with requirements of the federal Sport Fish Restoration Program, from which the department receives significant federal funding each year, by explicitly limiting use of State licensing fees (in the Fisheries

Research and Development Fund) to existing specified uses (the Governor's proposed fiscal 2017 budget for DNR's Fisheries Service includes \$2.6 million in federal funds under the Sport Fish Restoration Program);

- authorizes issuance of complimentary Chesapeake Bay and coastal sport fishing licenses to the President of the United States, the Governor of any state, and any official of the game and fish department of any other state in a manner similar to an existing authorization for complimentary angler's licenses;
- authorizes recreational use of a gig or gig iron;
- eliminates the requirement that NRP officers inspect and certify each haul seine (which currently is the only remaining type of commercial gear the department certifies);
- repeals certain provisions governing fisheries management issues that are addressed in DNR regulations (*e.g.*, recreational gear restrictions and crabbing charters), or authorizes or requires DNR to address specified issues in regulations; and
- makes other changes to outdated, duplicative, or confusing provisions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2016
kb/lgc Revised - House Third Reader - March 18, 2016

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Department of Natural Resources – Fisheries**

BILL NUMBER: HB 766

PREPARED BY: The 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 a slight positive impact on small businesses in Maryland.

Individuals who hold a commercial fishing license, who are generally considered small businesses, will no longer have to get their haul seines certified and sealed by the Department before use. This will result in the savings of a few hours' time for a small number of commercial licensees that use haul seines.