

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1339

(Delegate Jacobs, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Natural Resources - Gill Nets - Stretched Mesh Size

This bill increases an existing statutory maximum limit for the stretched mesh size of a gill net set or fished in the Chesapeake Bay and its tributaries, from six inches to seven inches.

Fiscal Summary

State Effect: The bill does not materially affect State finances; it makes the maximum limit consistent with the limit in current regulations relating to the commercial striped bass fishery.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Pursuant to a statutory provision under State fisheries law, in the Chesapeake Bay and its tributaries, a person may not set or fish any gill net whose size of stretched mesh is more than six inches. Department of Natural Resources (DNR) regulations for the striped bass commercial fishery, however, allow for commercial licensees participating in a striped bass gill net season, in the tidal waters of the Chesapeake Bay and its tributaries, to use attended drift gill nets with a stretched mesh size of not less than five inches or greater than seven inches. The regulations are adopted pursuant to the fishery management plan for striped bass and are considered to take precedence over the six-inch stretched mesh maximum size limit in statute. Under State fisheries law governing fishery management plans, regardless of other provisions in the law, 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 fishery management plan and any regulations implementing or amending that plan.

DNR regulations define “gill net” as a net which (1) is maintained in a vertical position in the water with sinkers, floats, or stakes, or a combination of sinkers, floats, and stakes and (2) captures fish by means of a mesh too small to permit passage of the body of the fish or withdrawal of the head once the posterior margin of the gill covers has passed through the mesh. Gill nets are not an authorized gear type for recreational fishing.

The maximum stretched mesh size in statute is primarily relevant to the commercial striped bass fishery. Gill nets are predominantly used in the striped bass fishery and, if they are being used in other fisheries, DNR indicates that a stretched mesh size smaller than six or seven inches is being used.

Additional Information

Prior Introductions: None.

Cross File: SB 554 (Senator Hershey, *et al.*) - Education, Health, and Environmental Affairs.

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

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