

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 857

(Delegate D. Jones)

Environment and Transportation

Education, Energy, and the Environment

Shellfish Aquaculture - Harvest Hours

This bill modifies a provision that prohibits an aquaculture leaseholder from harvesting shellfish between the hours of sunset and sunrise so that the provision instead prohibits a leaseholder from harvesting shellfish outside the hours established by the Department of Natural Resources (DNR) in regulation. The bill correspondingly requires DNR, in consultation with the Aquaculture Coordinating Council, to establish by regulation the hours for harvesting shellfish within leased areas. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: None. The bill does not directly affect State finances. DNR can adopt the required regulations using existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Aquaculture Harvest Hours

An aquaculture leaseholder may not harvest shellfish between the hours of sunset and sunrise.

Aquaculture Leases

A person who wishes to obtain an aquaculture lease must pay an application fee and complete and submit an application to DNR. Statute establishes general provisions that a leaseholder must follow, including the requirement that a leaseholder actively use the lease and comply with any standards for planting, harvesting, and use of the leased area established by DNR. Leaseholders must also mark the lease area and comply with any other DNR marking requirements, pay rent, and comply with Maryland Department of Health regulations carrying out the National Shellfish Sanitation Program. All leaseholders must also obtain and possess a shellfish aquaculture harvesting permit prior to engaging in any aquaculture activities on their lease.

Aquaculture Coordinating Council

The Aquaculture Coordinating Council was created by the General Assembly in 2005 and has various statutory responsibilities, including formulating and making proposals for advancing Maryland aquaculture and undertaking various efforts to support, study, and advance the aquaculture industry.

Small Business Effect: Small business aquaculture leaseholders may be meaningfully affected to the extent DNR establishes different harvest hours than the harvest hours currently in statute.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 879 (Senator Klausmeier, *et al.*) - Education, Energy, and the Environment.

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

Fiscal Note History: First Reader - February 21, 2024
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