

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

Senate Bill 1032 (Senator Klausmeier)  
Education, Health, and Environmental Affairs

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**Natural Resources - Fish and Fisheries - Gill Nets**

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This bill prohibits the use of gill nets for catching finfish in the tidal waters of the State. The Department of Natural Resources (DNR) is authorized to use gill nets for biological purposes, however.

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**Fiscal Summary**

**State Effect:** DNR special fund revenues decrease, potentially significantly, in FY 2013 and future years to the extent fewer commercial fishing licenses are sold; however, any such decrease cannot be reliably estimated. Expenditures are not materially affected. The application of existing penalty provisions to the bill's prohibition is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local operations or finances. The application of existing penalty provisions to the bill's prohibition is not expected to materially affect local finances.

**Small Business Effect:** Meaningful.

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**Analysis**

**Current Law:** A person may not catch finfish for any purpose in the tidal waters of the State by use of any gig, gig iron, purse net, beam trawl, otter trawl, trammel net, troll net, or drag net. Generally, violators are guilty of a misdemeanor and upon conviction are subject to a maximum fine of \$1,000 or up to a year of imprisonment, or both.

Chapters 505 and 506 of 2011 require DNR to revoke a commercial fishing authorization to catch striped bass if a specified offense, including using illegal gear, is committed. Chapter 619 of 2011 establishes a new misdemeanor charge for, among other things, using unlawful gear to capture over \$20,000 worth of striped bass. In addition to other applicable penalties, violators are guilty of a misdemeanor and, upon conviction, subject to imprisonment for up to two years.

Gill nets with stretched mesh of more than six inches may not be set in the Chesapeake Bay and its tributaries. Generally, monofilament gill net webbing may not be used to catch fish. Gill nets may not be used at specified times, in several specified locations, and in conjunction with certain circumstances.

**Background:** The Secretary of Natural Resources is responsible for conservation management of the fish, fisheries, fish resources, and aquatic life within the State. DNR's Fisheries Service is responsible for managing commercial and recreational fishing in the State. The Fisheries Service seeks to develop a management framework for the conservation and equitable use of fishery resources; manage fisheries in balance with the ecosystem for present and future generations; monitor and assess the status and trends of fishery resources; and provide high-quality, diverse, and accessible fishing opportunities.

DNR's Natural Resources Police (NRP) serves as a public safety agency with statewide authority to enforce all natural resources and conservation laws and regulations relating to seafood harvesting and sport fishing, boating, wildlife conservation, and enforcement activities in State parks, forests, and other public lands. Each NRP officer has full law enforcement powers statewide.

Gill nets are a common fishing tool used by commercial watermen throughout the world. Gill nets are vertical panels of netting normally set in a straight line. Fish are caught by gill nets in three ways: (1) wedged, held by the mesh around the body; (2) gilled, held by mesh slipping behind the opercula (a hard bony flap covering fish gills); or (3) tangled, held by teeth, spines, or other protrusions without the body penetrating the mesh. Because gill nets are an effective tool, their use is closely monitored and regulated.

Last year, there were several egregious commercial fishing violations in the Chesapeake Bay that involved gill nets. On January 31, 2011, 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 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 gill net 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 illegally anchored gill nets were located in Eastern Bay that contained a total of 3,879 pounds of

striped bass. In May 2011, NRP found 1,400 yards of illegally anchored gill net containing more than three tons of dead rockfish near Tilghman Island. These incidents heightened public concern about illegal fishing in Maryland waters.

DNR advises that an average of 3.6 million pounds of fish, with a dockside value of \$3.7 million, has been harvested annually with gill nets over the past five years.

**State Revenues:** A tidal fishing license is the single commercial license issued by DNR with respect to fishing and fisheries in tidal waters. The annual fee for an unlimited authorization is \$300 and a finfish (all gear) authorization is \$100. The license year for each tidal fish license is from September 1 through August 31 of the following year.

Currently, there are 1,995 unlimited tidal fish licensees and 226 finfish harvesters authorized to use gill nets in State waters. DNR special fund revenues decrease, potentially significantly, in fiscal 2013 and future years to the extent the bill prompts a reduction in the sale of commercial fishing licenses; however, any such decrease cannot be reliably estimated.

**Small Business Effect:** Small fishing business revenues may decline to the extent the bill requires that less effective fishing equipment be utilized or prompts watermen to stop fishing. The bill may also impact small seafood dealers, restaurants, and fishing equipment manufactures/retailers that rely on the harvest from gill nets or the purchase of fishing gear.

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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 15, 2012  
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