

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 554 (Senator Hershey, *et al.*)  
Education, Health, and Environmental Affairs

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Natural Resources - Gill Nets - Mesh Size

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This bill prohibits a person from setting or fishing any gill net in the Chesapeake Bay or its tributaries that has a mesh size of more than 7 inches or a stretched mesh size of more than 7.5 inches, replacing an existing maximum limit for stretched mesh size of 6 inches.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** Minimal or none.

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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 6 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 5 inches or greater than 7 inches. The regulations are adopted pursuant to the fishery management plan for striped bass and are considered to take precedence over the 6-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 bill primarily affects the commercial striped bass fishery. Gill nets are predominantly used in the striped bass fishery and if they are being used for other fisheries, DNR indicates that a smaller stretched mesh size than 7.5 inches is being used. The additional 0.5 inches of stretched mesh size under the bill (in comparison to the 7 inches allowed under the striped bass commercial fishery regulations) is not expected to noticeably affect striped bass harvest. The Department of Legislative Services also notes, however, that it is unclear whether the bill’s change affects the allowable stretched mesh size for gill nets used in the striped bass commercial fishery, assuming the regulations adopted pursuant to the fishery management plan for striped bass may continue to be considered to take precedence over statutory provisions.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1339 (Delegate Jacobs, *et al.*) - Environment and Transportation.

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

**Fiscal Note History:** First Reader - February 16, 2017  
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