

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 393

(Chair, Joint Committee on Federal Relations)

Education, Health, and Environmental Affairs

Environment and Transportation

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**Atlantic States Marine Fisheries Compact - Amendment I - Adoption**

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This bill repeals contingency language in Chapter 123 of 1978, which enacts Amendment I to the Atlantic States Marine Fisheries Compact. The bill allows Amendment I, which permits two or more states that participate in the compact to designate the Atlantic States Marine Fisheries Commission (ASMFC) as a joint regulatory agency to regulate specific fisheries in which the states have a common interest, to take effect with respect to the states that have adopted the amendment. The bill also restricts withdrawal from the amendment.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The State of Maryland enters into Amendment I of the Atlantic States Marine Fisheries Compact with any one or more of the states of Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Rhode Island, Virginia, and other states that may become party to the compact for the purpose of authorizing the states that ratify the amendment to establish joint regulations of specific fisheries common to participating states through ASMFC.

Notice of the intention to withdraw from the amendment must be (1) executed and transmitted by the Governor; (2) in accordance with Article XII of the Atlantic States Marine Fisheries Compact; and (3) effective as to Maryland with those states that similarly ratify the amendment.

**Current Law/Background:** Each interim, Department of Legislative Services (DLS) staff review changes to State law that were made contingent on some other action(s) occurring before the changes take effect, to determine whether those action(s) have occurred. Chapter 123 is one of a small number of contingent changes to interstate compacts in the Maryland Code that were identified by DLS in 2017 as having gone a long period of time without their contingent language being fulfilled and that appeared likely to persist in the code indefinitely without taking effect. Given the Joint Committee on Federal Relations' traditional role of reviewing interstate compacts, DLS approached the chairs of the joint committee about potentially introducing legislation to repeal the laws (if obsolete), or repeal or modify the contingent language in the laws, if appropriate, to allow the laws to take effect. In the case of Chapter 123, replacing the contingent language with language enacted by a number of other compact states which adopted Amendment I, allowing it to take effect in the states which have adopted it, appeared most appropriate.

The Atlantic States Marine Fisheries Compact is an interstate agreement that establishes ASMFC for the purpose of coordinating the conservation and management of the near-shore migratory fishery resources of the Atlantic coastal states. ASMFC prepares, adopts, and modifies coastal fishery management plans for 26 species and species groups. States are responsible for implementing and enforcing – consistent with state management regimes – the measures contained in ASMFC coastal fishery management plans.

Chapter 123 was made contingent on a similar act being passed by the states participating in the compact. Of the 15 member states, Delaware, Florida, Georgia, and South Carolina have not enacted the amendment and, as a result, Chapter 123 has not taken effect. DNR handles the Atlantic States Marine Fisheries Compact and has indicated that the State does not currently have a need to utilize the authority provided under Amendment I, but that it could possibly have a need at some point in the future.

ASMFC information indicates that there are two “sections” that have been created pursuant to Amendment I: (1) the Northern Shrimp Section (formed in 1974, and comprised of Maine, New Hampshire, and Massachusetts); and (2) the Atlantic Herring Section (formed in 1993, and appearing to also consist of Northeast states).

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 416 (Chair, Joint Committee on Federal Relations) - Environment and Transportation.

**Information Source(s):** Atlantic States Marine Fisheries Commission; Department of Natural Resources; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2019  
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