

HB 442-FN - VERSION ADOPTED BY BOTH BODIES

22Mar2023... 0709h  
05/18/2023 1885s  
29Jun2023... 2228CofC

2023 SESSION

23-0741  
04/10

HOUSE BILL                    ***442-FN***

AN ACT                    relative to the removal of derelict fishing gear.

SPONSORS:            Rep. Hill, Merr. 2; Rep. Ankarberg, Straf. 7; Rep. Weyler, Rock. 14; Rep. Spillane, Rock. 2; Rep. Janvrin, Rock. 40; Rep. Lewicke, Hills. 36; Sen. Pearl, Dist 17

COMMITTEE:          Fish and Game and Marine Resources

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AMENDED ANALYSIS

This bill requires the executive director of the department of fish and game to schedule events for the collection, retrieval, and disposal of derelict fishing gear in coastal waters and making an appropriation therefor.

This bill also requires the executive director of the department of fish and game to make a report to the house and senate standing committees with jurisdiction over derelict fishing gear.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT relative to the removal of derelict fishing gear.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Findings. The general court finds that:

2 I. Derelict fishing gear in the coastal waters of New Hampshire presents a hazard to the  
3 marine ecosystem and proper removal and disposal of the abandoned or derelict fishing gear is a  
4 worthwhile project.

5 II. New Hampshire needs a rapid response to the call for a significant clean-up effort of all  
6 derelict fishing gear in our coastal waters.

7 III. A useful component to the clean-up effort is in the addition of stakeholders to assist in  
8 removal of the derelict fishing gear.

9 2 Department of Fish and Game; Derelict Fishing Gear.

10 I. The executive director of the department of fish and game shall schedule events and  
11 coordinate with volunteers to locate, remove, and dispose of derelict fishing gear off the coast of New  
12 Hampshire. Such events shall only be funded from the additional funding provided in section 3 of  
13 this act to derelict fishing gear and coastal clean up fund under RSA 211:77. The executive director  
14 shall schedule at least 3 such events in 2024 and 3 such events in 2025 unless funding is insufficient  
15 to execute such events.

16 II. Before disposal, the executive director shall attempt to notify the owner of retrieved  
17 derelict gear by information contained in department records and any contact information shown on  
18 trap tags indicating the owner. In the event that there is no identifying marker, the owner fails to  
19 claim the derelict gear within 30 days of being notified by the department, or the owner verbally  
20 dismisses their claim on the derelict gear to the executive director after notification, then the  
21 executive director may dispose of the derelict fishing gear or authorize the disposal in any suitable  
22 fashion at his or her discretion.

23 III. In this section, "derelict fishing gear" means:

24 (a) Any lobster pot, trap, warp, or live car found in New Hampshire waters that does not  
25 have a surface buoy connected directly or indirectly to the equipment.

26 (b) Fishing gear absent a valid trap tag indicating the owner's name and contact  
27 information.

28 (c) Fishing gear that is plainly visible to law enforcement to be abandoned, lost, or  
29 derelict.

1           IV. The executive director shall submit a report to the chairpersons of the house and senate  
2 standing committees with jurisdiction over the derelict fishing gear clean up by September 30, 2023.  
3 The report shall include, but not be limited to, a strategic plan for implementing the derelict fishing  
4 gear clean up program, including timing of events, projected costs, and additional funding sources.

5           3 Department of Fish and Game; Appropriation. The sum of \$100,000 for the fiscal year ending  
6 June 30, 2024 and the sum of \$100,000 for the fiscal year ending June 30, 2025, is hereby  
7 appropriated to the derelict fishing gear and coastal cleanup fund established in RSA 211:77 and  
8 administered by the department of fish and game to provide funding for the removal of derelict  
9 fishing gear. Such funds shall be expended by December 31 of the corresponding calendar year.  
10 Said appropriation shall be in addition to any other sums appropriated for this purpose, shall not be  
11 transferred or expended for any other purpose. Any unexpended funds shall lapse to the general  
12 fund. The governor is authorized to draw a warrant for said sums out of any money in the treasury  
13 not otherwise appropriated.

14           4 Effective Date. This act shall take effect July 1, 2023.

**HB 442-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2023-1885s)

AN ACT                      relative to the removal of derelict fishing gear.

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$100,000	\$100,000	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable Increase (\$100,000+)	Indeterminable Increase (\$100,000+)	\$0
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Derelict Fishing Gear and Coastal Cleanup Fund / Fish and Game Fund			

**METHODOLOGY:**

This bill requires the Fish and Game Department to hold no less than three (3) derelict fishing gear clean-up "events" (subject to sufficient funding), and provides \$100,000 in general funds in each FY 2024 and FY 2025 to the Derelict Fishing Gear and Coastal Cleanup Fund for these efforts, with any unexpended funds lapsing back to the general fund at the end of each fiscal year (this bill stipulates amounts appropriated shall be expended by December 31 of each year). Also, the Department currently allows two weeks from the time of notification for the owner to claim any retrieved derelict gear, and this bill allows 30 days for the owner to claim such gear. Due to this change, the Department states there maybe indeterminable additional costs associated with storage of gear for that additional time. The Department states any costs incurred above the \$100,000 allocation per year would be charged to the Fish and Game Fund.

**AGENCIES CONTACTED:**

Fish and Game Department