SENATE BILL 162

M2 0lr0620
CF HB 95

By: **Senators Elfreth, Beidle, Reilly, and Rosapepe**
Introduced and read first time: January 13, 2020
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Anne Arundel County – Natural Resources – Fishing With a Haul Seine

FOR the purpose of repealing certain provisions of law that restrict the length of a haul seine that a person may use in certain waters of Anne Arundel County; authorizing a person to use a haul seine to fish in the waters of Anne Arundel County except under certain circumstances; making technical, stylistic, and clarifying changes; and generally relating to fishing with a haul seine in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–713
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–714
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Natural Resources

4–713.

(a) A person who fishes with haul seine equipment shall possess a tidal fish license to catch finfish.

(b) Haul seines shall be limited to a depth or width of 15 feet graduating to a

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

width of 22 feet at the bunt or back. A haul seine may not have a length of its bunt or back greater than 100 feet, which is a "hung" measure.

(c) A person may not use a seine exceeding 50 feet in length and 5 feet in width to catch minnows in the tidal waters of the State.

(d) If the haul seine is used in the Chesapeake Bay, the length of brail line used on either end of the haul seine may not exceed 1500 feet. If the haul seine is used in the rivers and tributaries of the Chesapeake Bay, the maximum length of brail line may not exceed 750 feet.

(e) A person may not drag or haul any seine with two or more vessels or boats propelled by power, or use any haul seine more than 1800 feet in length. A power winch anchored in a vessel or boat, not propelled by power, may be used if the winch boat is anchored in 4 feet depth of water or less.

(f) A person may not empty a seine on the shore or beach, or in any water less than 12 inches deep so as to leave the small fish to perish. A person always shall empty the seine in waters of sufficient depth to enable the small fish to return to the waters for growth.

(g) A person may not haul any seine in waters covering leased oyster ground unless the permission of the lessee is obtained.

(h) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not fish with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday in the tidal waters of the State.

(2) (i) In Baltimore County and Harford County, on prior notification to the Department a person may catch carp during the period from 12:01 a.m. Saturday until sunrise on Monday, except in areas where it is prohibited by the Department.

(ii) Except in areas where it is prohibited by the Department, a person may set a haul seine at a distance greater than one–third the distance across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County only to catch carp and catfish, notwithstanding any other provision of this subtitle regarding the distance across which a haul seine may be set. A person may not set the haul seine to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any haul seine shall return them immediately to the water unharmed. A person always shall attend a haul seine for catching carp or catfish. Any person whose haul seine is found more than one–third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection.

(iii) The Department, by regulation:

1. Shall establish procedures for the prior notification required under subparagraph (i) of this paragraph; and

2. May prohibit fishing for carp and catfish in certain areas as provided in subparagraph (ii) of this paragraph.

(3) (i) In Kent County, on prior notification to the Department, a person may catch gizzard shad, also known as mud shad, carp, or catfish, with a haul seine during the period from 12:01 a.m. Saturday until sunrise on Monday.

(ii) The Department, by regulation, shall establish procedures for the prior notification required under subparagraph (i) of this paragraph.

4–714.

(a) A person may only fish with a rod**[**,**]** or hook**[**,**]** and line in the waters of **[**Coxes'**]** **COX** Creek, Furnace Branch Creek, or Marley Creek above the B. and O. Bridge.

(b) (1) A person may not catch fish by any means in the headwaters of the Magothy River beginning at the base of Lake Waterford Dam and extending for a distance of 3300 feet downstream during February, March, and April.

(2) A person may fish only with **A** rod**[**,**]** or hook**[**,**]** and line**[**,**]** in the waters of the Little Magothy River and its tributaries and in the Magothy River and its tributaries lying westerly of the mouth of the Magothy River and inside a line drawn 214 degrees true from extreme end of Mountain Point to Persimmon Point, referring to the last edition of the Coast and Geodetic Survey Chart No. 566.

(3) A person may fish only with **A** rod**[**,**]** or hook and line**[**,**]** in the waters of Bodkin Creek and tributaries lying westerly and inside of a line drawn 340 degrees true from extreme end of Cedar Point to Old Landen Point, referring to the latest edition of the Coast and Geodetic Survey Chart No. 549.

(4) In the waters of the Magothy **RIVER**, Little Magothy **[**Rivers**]** **RIVER**, and Bodkin Creek and their tributaries, a person may use an eel pot or minnow trap which does not exceed 30 inches in length, 11 inches in width and 11 inches in height. **[**During February, March, and April, a person may use a "D" bow frame net with handle attached which does not exceed 36 inches in width or 36 inches in height in the waters of the Magothy and Little Magothy Rivers and Bodkin Creek. However, a**]**

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A person may not use a "D" bow frame net as a stationary or set net in the bodies of water named in this subsection.

(II) DURING FEBRUARY, MARCH, AND APRIL, A PERSON MAY USE A "D" BOW FRAME NET WITH A HANDLE ATTACHED THAT DOES NOT EXCEED 36 INCHES IN WIDTH OR 36 INCHES IN HEIGHT IN THE WATERS OF THE MAGOTHY RIVER, LITTLE MAGOTHY RIVER, AND BODKIN CREEK.

(c) (1) **IN THIS TITLE, A LINE DRAWN FROM THE EXTREME PROJECTION OF GREENBERRY POINT INTO THE CHESAPEAKE BAY TO THE EXTREME POINT OF HORN POINT MARKS THE MOUTH OF THE SEVERN RIVER.**

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERSON MAY FISH ONLY WITH A ROD OR HOOK AND LINE IN THE WATERS OF THE SEVERN RIVER OR ANY CREEK, COVE, TRIBUTARY, OR INLET OF THE SEVERN RIVER.

(3) During February, March, and April, a person may not catch fish by any means in the waters of the Severn River or Severn Run from the dividing line between tidal and nontidal waters to a point 2400 feet downstream.

[(2) A person may fish only with rod, or hook and line in the waters of the Severn River or any creek, cove, tributary, or inlet of the Severn River. A line drawn from the extreme projection of Greenberry Point into the Chesapeake Bay to the extreme point of Horn Point, marks the mouth of the Severn River for the purpose of the title.**]**

(d) (1) A person may not set a pound net or other similar device at any time in the waters of South River, or any creek, cove, or inlet of the South River above Saunders Point on the south side and Marsh Point on the north.

(2) A person may not set any net at any time except a gill net or a haul seine in any creek, cove, tributary, or inlet of the South River.

(3) A person may not set any net or equipment during February, March, and April in the headwaters of South River from a line drawn from Howards Point on the west side of the river to Brier Bottom on the east side, and in the headwaters of Beards Creek and in the headwaters of any of the creeks of South River for a distance of 1200 feet from its headwaters.

[(e) (1) A person may not set a haul seine exceeding 50 feet in length in the following waters:

(i) Herring Bay from a line drawn from the extreme projection of Parker's Island Point into the Chesapeake Bay to the extreme point of Holland Point;

(ii) South River, Rhode River, and West River;

(iii) From a line drawn from the extreme projection from Thomas Point into the Chesapeake Bay to the extreme point of Curtis Point;

(iv) Within the headlands of Whitehall Creek; and

(v) Within the headlands of Meredith Creek and Lake Ogleton.

(2) Any person who violates this subsection is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding $2,500 with costs imposed in the discretion of the court.**]**

(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SUBJECT TO § 4–713 OF THIS SUBTITLE, A PERSON MAY USE A HAUL SEINE TO FISH IN THE WATERS OF ANNE ARUNDEL COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.