

## Chapter 259

**(House Bill 318)**

AN ACT concerning

**Kent County – Fisheries – Use of Haul Seines**

FOR the purpose of authorizing in Kent County a person to catch certain fish with a haul seine during the period from Friday midnight until sunrise on Monday under certain circumstances; requiring the Department of Natural Resources to adopt certain regulations; and generally relating to the use of haul seines in Kent County.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 4–713  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 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 carry a tidal fish license to catch finfish.

(b) A Natural Resources police officer shall inspect every haul seine prior to its use in any portion of the waters of the Chesapeake Bay or its tributaries. If the Natural Resources police officer determines that the seine complies with the provisions of this section, he shall affix a seal and number certifying that the haul seine is inspected and in compliance with provisions of this section. Any haul seine without a State seal or with a broken seal is an illegal one, and a person may not operate it.

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

(d) 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.

(e) 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.

(f) 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.

(g) 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.

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

(i) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection, a person may not fish with a haul seine during the period from Friday midnight 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 Friday midnight 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 licensed 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 licensed 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 licensed haul seine shall return them immediately to the water unharmed. A person always shall attend a licensed haul seine for catching carp or catfish. Any person whose licensed 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 (2)(i) of this subsection; and

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

**(3) (1) 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 FRIDAY MIDNIGHT UNTIL SUNRISE ON MONDAY.**

**(ii) THE DEPARTMENT, BY REGULATION, SHALL ESTABLISH PROCEDURES FOR THE PRIOR NOTIFICATION REQUIRED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

**Approved by the Governor, April 26, 2016.**