

SENATE BILL 162

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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

1 AN ACT concerning

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

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

8 BY repealing and reenacting, without amendments,

9 Article – Natural Resources

10 Section 4–713

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Natural Resources

15 Section 4–714

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 4–713.

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

24 (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.



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

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

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

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

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

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

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

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

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

35 (iii) The Department, by regulation:

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

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

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

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

8 4-714.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (iv) Within the headlands of Whitehall Creek; and

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

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

4 **(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SUBJECT TO §**
5 **4-713 OF THIS SUBTITLE, A PERSON MAY USE A HAUL SEINE TO FISH IN THE WATERS**
6 **OF ANNE ARUNDEL COUNTY.**

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