
By: Delegate Weir

Requested: November 14, 1995

Introduced and read first time: January 10, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Gill Nets - Multi-Ply Monofilament - Prohibition**

3 FOR the purpose of prohibiting, with a certain exception for the catching of baitfish, the
4 use of multi-ply monofilament gill nets to fish in certain waters of the State;
5 defining a certain term; and generally relating to the use of a multi-ply
6 monofilament gill net in certain waters of the State.

7 BY repealing and reenacting, without amendments,
8 Article - Natural Resources
9 Section 4-710(d) and 4-1201
10 Annotated Code of Maryland
11 (1989 Replacement Volume and 1995 Supplement)

12 BY adding to
13 Article - Natural Resources
14 Section 4-710(d-1)
15 Annotated Code of Maryland
16 (1989 Replacement Volume and 1995 Supplement)

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

19 **Article - Natural Resources**

20 4-710.

21 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person
22 may not install, set, operate, or maintain in any tidal water of the Chesapeake Bay or its
23 tributaries any monofilament gill net webbing of any description to catch fish.

24 (2) A person may use a monofilament cast net or a monofilament throw net
25 to catch baitfish in any tidal water of the Chesapeake Bay or its tributaries.

26 (3) In casting a monofilament net as provided under paragraph (2) of this
27 subsection, a person:

28 (i) May not use a cast net that has a radius greater than 10 feet; and

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1 (ii) May cast a cast net only by hand.

2 (D-1) (1) IN THIS SUBSECTION, "MULTI-PLY MONOFILAMENT GILL NET"
3 MEANS A NET THE WEBBING OF WHICH CONSISTS OF:

4 (I) MULTIPLE STRANDS OF MULTI-PLY MONOFILAMENT LINE; OR

5 (II) A COMBINATION OF MONOFILAMENT AND MULTI-PLY
6 MONOFILAMENT LINES.

7 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS
8 SUBSECTION, A PERSON MAY NOT INSTALL, SET, OPERATE, OR MAINTAIN IN ANY
9 TIDAL WATER OF THE CHESAPEAKE BAY OR ITS TRIBUTARIES ANY MULTI-PLY
10 MONOFILAMENT GILL NET TO CATCH FISH.

11 (3) A PERSON MAY USE A MULTI-PLY MONOFILAMENT CAST NET OR A
12 MULTI-PLY MONOFILAMENT THROW NET TO CATCH BAITFISH IN ANY TIDAL WATER
13 OF THE CHESAPEAKE BAY OR ITS TRIBUTARIES.

14 (4) IN CASTING A MULTI-PLY MONOFILAMENT NET AS PROVIDED
15 UNDER PARAGRAPH (3) OF THIS SUBSECTION, A PERSON:

16 (I) MAY NOT USE A CAST NET THAT HAS A RADIUS GREATER
17 THAN 10 FEET; AND

18 (II) MAY CAST A CAST NET ONLY BY HAND.

19 4-1201.

20 (a) Except as otherwise specifically provided in this title, a person who violates
21 any provision of this title is guilty of a misdemeanor and, upon conviction, is subject to a
22 fine not exceeding \$500, with costs imposed in the discretion of the court.

23 (b) Unless another penalty is specifically provided elsewhere in this title, any
24 person found guilty of a second or subsequent violation of any provision of this title is
25 subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both,
26 with costs imposed in the discretion of the court. For the purpose of this subsection, a
27 second or subsequent violation is one which has occurred within two years of any prior
28 violation of this title.

29 (c) In addition to any administrative penalty provided in this title, violation of any
30 rule or regulation adopted by any unit within the Department pursuant to the provisions
31 of this title is a misdemeanor and is punishable as provided in subsections (a) and (b).

32 (d) In addition to any other applicable penalty set forth in subsections (a) and (b)
33 of this section, a person who violates any provision of this title or any regulations adopted
34 by the Secretary under the authority of this title concerning the taking of or creel limits
35 for striped bass, commonly known as rockfish, shall be subject to the following penalties:

36 (1) For a first violation, a fine not exceeding \$1,500 per fish;

37 (2) For a second violation, within a 2-year period, a fine not exceeding
38 \$2,500 per fish and revocation of the fishing license for a period not less than 1 year but
39 not more than 2 years; and

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1 (3) For a third violation within a 4-year period, a fine not exceeding \$2,500
2 per fish and revocation of the fishing license for a period not less than 2 years but not
3 more than 5 years.

4 (e) A common carrier transporting fish who is not the buyer, seller, or catcher of
5 the fish or is not controlled by the buyer, seller, or catcher of the fish is not subject to any
6 penalty under this section for transporting fish which is either unlawfully caught or of
7 unlawful size provided that the operator of the common carrier has in his possession a
8 valid bill of lading, stating the origin, shipper, destination and receiver of the fish and the
9 common carrier does not know or have reason to know that the fish were unlawfully
10 caught or of unlawful size.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1996.