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By: **Delegate Weir**  
Introduced and read first time: February 13, 1998  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 27, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Fishing - ~~Pound or Stake Nets~~ Nets and Pound Net Stakes**

3 ~~FOR the purpose of requiring owners of certain pound or stake net poles to remove~~  
4 ~~them during certain dates, except under certain circumstances; requiring~~  
5 ~~owners of certain lights to keep them in good condition; altering the provisions~~  
6 ~~concerning penalties to provide for a revocation of eligibility to obtain a striped~~  
7 ~~bass allocation under certain circumstances; and generally relating to fishing~~  
8 ~~and pound or stake nets.~~

9 FOR the purpose of prohibiting certain licensees from allowing any pound net to  
10 remain in the water longer than a certain period of time following  
11 discontinuance of fishing; prohibiting a licensee from allowing a pound net or  
12 stake to remain in the water between certain dates, except under certain  
13 circumstances; clarifying language relating to pound nets and pound net stakes;  
14 altering the circumstances under which a licensee who fails to comply with  
15 certain provisions relating to pound nets and pound net stakes is guilty of a  
16 misdemeanor and subject to certain penalties; repealing a requirement that the  
17 Department of Natural Resources provide certain notice to a licensee under  
18 certain circumstances; authorizing the Department to suspend a licensee's  
19 striped bass authorization under certain circumstances; making stylistic  
20 changes; and generally relating to fishing and pound nets and pound net stakes.

21 BY repealing and reenacting, with amendments,  
22 Article - Natural Resources  
23 Section 4-711(h)  
24 Annotated Code of Maryland  
25 (1997 Replacement Volume and 1997 Supplement)

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

3 **Article - Natural Resources**

4 4-711.

5 ~~(h) Every licensee shall maintain his stakes AND LIGHTS in good condition and~~  
6 ~~promptly remove and renew any stake that may be unsound, broken, or liable to go~~  
7 ~~adrift. A licensee may not permit or allow to remain in the water any pound or net~~  
8 ~~stake for a period greater than 30 days following the removal of the net from each~~  
9 ~~stake, or the discontinuance of fishing of the net AND MAY NOT PERMIT OR ALLOW~~  
10 ~~ANY POUND OR STAKE NET POLES TO REMAIN IN THE WATER BETWEEN JANUARY 1~~  
11 ~~AND JANUARY 31, UNLESS THE OWNER OF THE POUND NET NOTIFIES THE~~  
12 ~~DEPARTMENT THAT THE NET IS BEING ACTIVELY FISHED. [If the licensee does not~~  
13 ~~comply with the provision of this subsection, the Department immediately shall notify~~  
14 ~~him by certified mail, return receipt requested, bearing a postmark from the United~~  
15 ~~States Postal Service, to remove the stakes within 30 days after receipt of the notice.~~  
16 ~~If the] A licensee WHO fails to comply with [this notice he] THE PROVISIONS OF THIS~~  
17 ~~SUBSECTION is guilty of a misdemeanor and upon conviction is subject to a fine of at~~  
18 ~~least \$200 and not exceeding \$1,000, with costs imposed in the discretion of the court,~~  
19 ~~AND MAY NOT BE ELIGIBLE TO OBTAIN A STRIPED BASS ALLOCATION IN THE~~  
20 ~~FOLLOWING YEAR.~~

21 (h) (1) Every licensee shall:

22 (I) [maintain his] MAINTAIN THE LICENSEE'S stakes in good  
23 condition; and

24 (II) [promptly] PROMPTLY remove and renew any stake that may  
25 be unsound, broken, or liable to go adrift.

26 (2) A licensee may not permit or allow to remain in the water:

27 (I) [any] ANY pound [or] net stake for a period greater than 30  
28 days following the removal of the net from each stake[, or the discontinuance of  
29 fishing of the net];

30 (II) ANY POUND NET OR STAKE FOR A PERIOD GREATER THAN 30  
31 DAYS FOLLOWING THE DISCONTINUANCE OF FISHING OF THE NET; OR

32 (III) ANY POUND NET OR STAKE BETWEEN JANUARY 1 AND  
33 JANUARY 31 OF ANY YEAR UNLESS THE OWNER OF THE POUND NET OR STAKE  
34 NOTIFIES THE DEPARTMENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,  
35 THAT THE NET IS BEING ACTIVELY FISHED.

36 (4) [If the licensee does not comply with the provision of this subsection,  
37 the Department immediately shall notify him by certified mail, return receipt  
38 requested, bearing a postmark from the United States Postal Service, to remove the  
39 stakes within 30 days after receipt of the notice. If the] A licensee WHO fails to comply

1 with [this notice he] THE PROVISIONS OF THIS SUBSECTION is guilty of a  
2 misdemeanor and upon conviction is subject to a fine of at least \$200 and not  
3 exceeding \$1,000 with costs imposed in the discretion of the court.

4 (5) FOR A LICENSEE WHO IS CONVICTED TWICE WITHIN 2 YEARS OF  
5 VIOLATING PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY SUSPEND  
6 THE LICENSEE'S STRIPED BASS AUTHORIZATION IN THE FOLLOWING YEAR.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1998.