
By: **Delegates Redmer, Boteler, Boutin, Frank, Impallaria, McConkey, Stull,
and Weir**

Introduced and read first time: March 3, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Freedom to Fish Act**

3 FOR the purpose of prohibiting the Department of Natural Resources from closing
4 the tidal waters of the State to hook and line fishing except under certain
5 circumstances; and generally relating to fishing in the tidal waters of the State.

6 BY adding to
7 Article - Natural Resources
8 Section 4-215.1
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2002 Supplement)

11 **Preamble**

12 WHEREAS, The Chesapeake Bay and State waters of the Atlantic Ocean are
13 perhaps Maryland's most important natural resources; and

14 WHEREAS, Effective planning, assessment, and management in the
15 conservation of the resources of the Chesapeake Bay and State waters of the Atlantic
16 Ocean are important tools to protect the marine environment; and

17 WHEREAS, Recreational fishing is one of the most popular outdoor sporting
18 activities in the State and produced a total economic output of \$640 million from
19 369,826 anglers in 2001; and

20 WHEREAS, The General Assembly finds and declares that fishing in
21 Maryland's Chesapeake Bay and coastal waters is critical to the State's economy and
22 way of life; and

23 WHEREAS, Fishermen have long demonstrated a conservation ethic through
24 their abidance with fisheries management laws and regulations, including minimum
25 size requirements, bag limits, seasonal closures, and the use of nonlethal fishing gear;
26 and

1 WHEREAS, The General Assembly finds that the marine environment can be
2 adequately protected without unnecessarily closing off areas of the State's ocean,
3 bays, or estuaries to hook and line fishermen; now, therefore,

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

6 **Article - Natural Resources**

7 4-215.1.

8 (A) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN
9 SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT MAY NOT CLOSE TIDAL
10 WATERS IN THE STATE TO HOOK AND LINE FISHING.

11 (B) THE DEPARTMENT MAY CLOSE TIDAL WATERS IN THE STATE TO HOOK
12 AND LINE FISHING IF:

13 (1) THERE IS A CLEAR INDICATION THAT HOOK AND LINE FISHING IS
14 THE CAUSE OF A SPECIFIC CONSERVATION PROBLEM AND LESS SEVERE
15 CONSERVATION MEASURES WILL NOT ADEQUATELY PROVIDE FOR THE
16 CONSERVATION AND MANAGEMENT OF THE AFFECTED STOCKS OF FISH;

17 (2) THE CLOSED AREA REGULATION INCLUDES SPECIFIC MEASURABLE
18 CRITERIA TO DETERMINE THE CONSERVATION BENEFIT OF CLOSING THE AREA ON
19 THE AFFECTED STOCKS OF FISH AND PROVIDES A TIMETABLE FOR REVIEW AT LEAST
20 ONCE EVERY 3 YEARS OF THE CONTINUED NEED FOR THE CLOSED AREA;

21 (3) THE CLOSED AREA IS NO LARGER THAN THAT WHICH IS NECESSARY,
22 AS DETERMINED BY THE BEST AVAILABLE SCIENTIFIC INFORMATION; AND

23 (4) A PLAN IS DEVELOPED AND IMPLEMENTED TO REOPEN THE CLOSED
24 AREA TO RECREATIONAL FISHING WHENEVER THE CONDITION THAT WAS THE BASIS
25 FOR THE CLOSURE NO LONGER EXISTS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2003.