

---

By: **Delegates Haddaway and Eckardt**

Introduced and read first time: January 19, 2006

Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Pound Nets and Haul Seines**

3 FOR the purpose of repealing certain provisions of law requiring certain persons to  
4 give a certain notice in a certain manner to the owner, tenant, or lessee of  
5 certain riparian rights before setting certain fishing nets in front of the riparian  
6 owner's property; repealing a certain requirement that certain persons obtain  
7 the permission of the shore owner to set certain fishing nets; and generally  
8 relating to the location of certain fishing nets in certain counties.

9 BY repealing and reenacting, with amendments,  
10 Article - Natural Resources  
11 Section 4-712  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2005 Supplement)

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

16 **Article - Natural Resources**

17 4-712.

18 (a) The owner, tenant, or lessee of any property bordering on tidal waters of  
19 the tributaries of the Chesapeake Bay, except the waters of the Great Choptank River,  
20 lying in the State, by virtue of his ownership or occupancy, may make first choice of  
21 the set or position to place nets or establish a haul seine fishery to catch fish for  
22 commercial use in front of the property for which he possesses riparian rights. The  
23 section does not permit any riparian owner or anyone acquiring the right of a riparian  
24 owner to fish with nets or seine in any manner prohibited by this subtitle.

25 [(b) In any year, any other person may set any net or haul seine in front of the  
26 property of a riparian property owner if the owner, tenant, or lessee of the riparian  
27 rights does not exercise the privilege of locating the position where he desires to set  
28 his nets or haul seine within 20 days after receiving notice from the other person who  
29 desires to locate his nets or fishery in front of the riparian owner's property.

1 (c) The notice required by this section shall be mailed to the owner, tenant, or  
2 lessee of the shore property. If the name and address are unknown, then notice shall  
3 be posted for 20 days on a board fastened to a stake driven in the water directly in  
4 front of the property and within 300 feet of the shore.]

5 [(d)] (B) This section does not grant [by reason of the notice] any right to any  
6 fisherman to fish without the permission of the shore owner in water within 1500 feet  
7 of any shore used as a resort so as to interfere with bathing or boating.

8 [(e)] (C) [(1) The notice provisions of this section do not apply in the waters  
9 of Baltimore, Caroline, Charles, Dorchester, Prince George's, St. Mary's, and Talbot  
10 counties where the permission of the shore owner always shall be necessary.

11 [(2)] The provisions of this section do not apply to Anne Arundel, Calvert,  
12 Queen Anne's, Kent, and Somerset counties.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2006.