

# HOUSE BILL 1305

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 15, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 27, 2012

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Natural Resources – Authority to Establish Free Fishing**  
3 **Areas**

4 FOR the purpose of authorizing the Department of Natural Resources to adopt  
5 regulations to create free fishing areas in tidal and nontidal waters of the State  
6 where a person may catch finfish for recreational purposes without certain  
7 licenses or authorizations; creating a certain exemption to the requirement that  
8 a person obtain an angler's license before fishing in the nontidal waters of the  
9 State; and generally relating to the establishment of free fishing areas in the  
10 waters of the State.

11 BY repealing and reenacting, with amendments,  
12 Article – Natural Resources  
13 Section 4–214, 4–604(c), and 4–745(d)(3)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2011 Supplement)

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

18 **Article – Natural Resources**

19 4–214.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(A)** By regulation, the Secretary may establish up to 3 free fishing days each  
2 calendar year when a person may catch finfish in the tidal and nontidal waters of the  
3 State for recreational purposes without an angler's license or Chesapeake Bay and  
4 coastal sport fishing license.

5           **(B) BY REGULATION, THE SECRETARY MAY ESTABLISH FREE FISHING**  
6 **AREAS WHERE A PERSON MAY CATCH FINFISH FOR RECREATIONAL PURPOSES**  
7 **IN:**

8                   **(1) TIDAL WATERS OF THE STATE WITHOUT A CHESAPEAKE BAY**  
9 **AND COASTAL SPORT FISHING LICENSE, PROVIDED THE PERSON IS REGISTERED**  
10 **WITH THE DEPARTMENT UNDER § 4-745 OF THIS TITLE; AND**

11                   **(2) NONTIDAL WATERS OF THE STATE WITHOUT AN ANGLER'S**  
12 **LICENSE OR A TROUT STAMP.**

13 4-604.

14           **(c)** An angler's license is not required of the following:

15                   (1) The owner or tenant of land bordering on nontidal water, his  
16 spouse and children, or the spouse of any child who resides on the land with the owner  
17 or tenant when he fishes in nontidal water adjoining his land;

18                   (2) Any resident serving in the armed forces of the United States,  
19 while on leave in the State, during his leave period, if, while angling, he possesses a  
20 copy of his official leave orders;

21                   (3) A person who fishes in nontidal waters of the State on free fishing  
22 days designated by the Secretary;

23                   (4) A person holding a current resident consolidated senior sport  
24 fishing license issued under § 4-216 of this title; [or]

25                   **(5) A PERSON FISHING IN A FREE FISHING AREA ESTABLISHED**  
26 **UNDER § 4-214(B)(2) OF THIS TITLE; OR**

27                   **[(5)] (6)** A person authorized by a disability exemption issued under  
28 § 4-217 of this title.

29 4-745.

30           **(d) (3) (i)** An individual shall register with the Department before  
31 fishing in any of the following areas that do not require a Chesapeake Bay and coastal  
32 sport fishing license:

1                           1.    A free fishing area **ESTABLISHED UNDER §**  
2 **4-214(B)(1) OF THIS TITLE** with hook and line;

3                           2.    On private real property bordering on tidal water as  
4 an owner or tenant of the property, or a spouse or an immediate family member who  
5 resides on the property with the owner or tenant; and

6                           3.    On a boat licensed under paragraph (2) of this  
7 subsection.

8                           (ii)   There is no fee for registration under this paragraph.

9                           (iii)   An individual required to register under this paragraph  
10 shall provide all the information requested by the Department on forms issued by the  
11 Department.

12                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.