

SENATE BILL 1032

M2

2lr3198

By: **Senator Klausmeier**

Introduced and read first time: February 23, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Fish and Fisheries – Gill Nets**

3 FOR the purpose of prohibiting the use of gill nets for catching finfish within the
4 State; authorizing the Department of Natural Resources to use gill nets for
5 biological purposes; making conforming changes; and generally relating to
6 prohibiting the use of gill nets.

7 BY adding to

8 Article – Natural Resources

9 Section 4–709

10 Annotated Code of Maryland

11 (2005 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Natural Resources

14 Section 4–710, 4–714(d)(2), 4–718(b), 4–719(c) and (e), 4–723(b), 4–725, and
15 4–730

16 Annotated Code of Maryland

17 (2005 Replacement Volume and 2011 Supplement)

18 BY repealing

19 Article – Natural Resources

20 Section 4–721(e) and 4–728(c)

21 Annotated Code of Maryland

22 (2005 Replacement Volume and 2011 Supplement)

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

25 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **4-709.**

2 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE**
3 **DEPARTMENT MAY USE GILL NETS FOR BIOLOGICAL PURPOSES.**

4 4-710.

5 (a) A person may not catch finfish for any purpose in the tidal waters of the
6 State by use of any gig, gig iron, purse net, **GILL NET**, beam trawl, otter trawl,
7 trammel net, troll net, or drag net. Any person who violates this section by catching
8 fish with any of the equipment or devices referred to in this subsection, with the
9 exception of a gig or gig iron, is guilty of a misdemeanor and upon conviction is subject
10 to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with
11 costs imposed in the discretion of the court. Any person who illegally catches fish with
12 a gig or gig iron is subject to the penalties provided by this title.

13 (b) An appropriately licensed person may fish in the waters of the Atlantic
14 Ocean with an otter trawl or beam trawl, subject to Department rules and regulations,
15 if the person is at least one mile from the shoreline. The Department rules and
16 regulations shall include:

17 (1) Setting seasons when otter trawl or beam trawl fishing is
18 permitted; and

19 (2) Enumerating the species of fish which may be taken.

20 (c) (1) A person may not fish with any net whose size of stretched mesh,
21 allowing a reasonable tolerance for shrinkage, is less than the following: pound net, 1
22 1/2 inches; haul seine, 1 1/2 inches; [gill net, 2 1/2 inches;] fyke or hoop net, 1 1/2
23 inches.

24 (2) Any hedging or lead attached to a fish trap, fyke net, or pound net
25 shall be constructed of materials which have meshes having a twine size of #12 or
26 larger.

27 (3) [In the Chesapeake Bay and its tributaries, a person may not set
28 or fish any gill net whose size of stretched mesh is more than 6 inches.

29 (4)] This subsection does not apply to catching eels with a net.

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

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

3 [(3) (2) In casting a monofilament net as provided under paragraph
4 [(2) (1) of this subsection, a person:

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

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

8 (e) A person may not set any [anchored gill net or] fyke or hoop net or any
9 line of these nets which has a length more than one third the distance across the
10 waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it
11 impedes or obstructs navigation on or blocks in any way the main channel of the bay,
12 sound, river, creek, cove, or inlet. The outer end of the submerged gear of any nets
13 referred to in this subsection shall be marked by means of a paddle, a board, or a buoy
14 or other floating device which shows the name and license number of the net owner.

15 (f) A person may not haul any seine or net more than one third of the
16 distance across the body of water, bay, sound, river, creek, cove, or inlet.

17 (g) A person may take or shoot carp, garfish, skate, bullfish, shark, oyster
18 toads, swelling toads, sting rays, or any other ray fish with bow and arrow, except a
19 crossbow, and snag these fish by means of hooks in the tidal waters of the State under
20 the supervision, regulation, and control of the Department. This subsection only
21 applies to the fish referred to in it.

22 (h) A person may not catch or attempt to catch finfish by the use of any
23 stationary fishing gear, or set an anchor or mooring buoy, or in any way obstruct the
24 normal taking of finfish by drift net from December 1 through April 1.

25 This subsection applies only to waters more than 50 feet in depth in the
26 Chesapeake Bay south of the William Preston Lane, Jr., Memorial Bridge and is not
27 applicable to any Chesapeake Bay tributaries. This provision does not apply to any
28 designated anchorage in existence on July 1, 1975. The Department has the authority
29 to permit exceptions to this section by regulations when it can be shown that the
30 obstruction will not interfere with a useable fishing reach.

31 (i) (1) Except in State waters in the Atlantic Ocean, a person may not use
32 more than 2 hooks or 2 sets of hooks for each rod or line.

33 (2) For the purposes of this subsection, artificial lures or plugs with
34 multiple or gang hooks are considered 1 set of hooks.

35 4-714.

1 (d) (2) A person may not set any net at any time except [a gill net or] a
2 haul seine in any creek, cove, tributary, or inlet of the South River.

3 4-718.

4 (b) A person may set a licensed haul seine [and gill net] at a distance greater
5 than one third the distance across a river, creek, cove, or inlet in any of the tributary
6 waters of Charles County only to catch carp and catfish, notwithstanding any other
7 section of this subtitle. A person may not set the net to impede or obstruct navigation
8 or block in any way the main channel of the river, creek, cove, or inlet. Any person who
9 catches fish of a variety other than carp or catfish in any net shall return them
10 immediately to the water unharmed. A person always shall attend a net for catching
11 carp or catfish. Any person whose net is found more than one third the distance across
12 the waters where it is set without a person in attendance is guilty of violating this
13 subsection. The provisions of this subsection do not apply from March 1 through April
14 30 and September 1 through November 30 in each year.

15 4-719.

16 (c) A person may not set [a gill net in the waters of Fishing Bay or
17 Transquaking River north of a line drawn from Blackwater Point to Irish Creek, up
18 the Transquaking River to Destroys Creek, or set] any net whose farther end extends
19 more than 1200 feet from shore or more than one third the breadth of the water at the
20 place where the net is fished, or closer than 600 feet of another net in the
21 Transquaking or Chicamacomico River. A person may not set any net whose farther
22 end extends more than one half the breadth of the water at the place where the net is
23 fished or closer than 600 feet of another net in the waters of the Transquaking River
24 above Decourcey Bridge or placed in or across the channels of these rivers. In the
25 waters of Fishing Bay south of a line drawn from Blackwater Point to Irish Creek and
26 north of a line drawn from Roasting Ear Point to the northwesterly most point of the
27 entrance to Duck Island Cove, a person may not set any weir more than 1200 feet from
28 shore[, or set any gill net or weir closer to each other than 1200 feet, or set any row of
29 gill nets more than 1200 feet in length]. A person may not set any weir beyond a depth
30 of 18 feet in the waters of Fishing Bay south of the line from Roasting Ear Point to the
31 northwesterly most point of the entrance to Duck Island Cove.

32 (e) A person may fish only with hook and line[,] **OR** eel pot[, or gill net with
33 at least a three-inch mesh] in the following waters:

34 (1) Cabin Creek above a line drawn from the residence of Joseph Era
35 in a northeasterly direction to the residence on the opposite side on what is known as
36 the Travers Farm;

37 (2) Warwick River above a line drawn from the east end of a sand bar
38 extending from the Hughlett Farm in a northerly direction across the river to the
39 nearest point of marsh on Warwick Manor; and

1 (3) Goose Creek and Indian Creek.

2 4-721.

3 [(e) (1) A person may not set or maintain a commercial drift gill net, stake
4 gill net, or anchor gill net so that any portion of the net is closer than 500 feet from
5 any portion of any other commercial drift gill net, stake gill net, or anchor gill net in
6 the designated striped bass spawning area of the Susquehanna River north of Concord
7 Point and Stump Point.

8 (2) South of the line outlined, in paragraph (1) of this subsection, to
9 Bears Point and Turkey Point, a person may set a commercial drift gill net only as
10 provided in paragraph (1) of this subsection and may set and maintain a stake gill net
11 or anchor gill net only as provided in paragraph (1) of this subsection.]

12 4-723.

13 (b) A person may not set a fish trap, net, or haul seine in the waters of St.
14 Catherine's Sound in St. Mary's County. [However, a gill net not exceeding a length of
15 90 yards is permitted.]

16 4-725.

17 In the waters of Talbot County, a person may set only the following types of nets
18 in the areas and during the times prescribed:

19 (1) Any net, **EXCEPT A GILL NET**, at any time in the waters of the
20 Chesapeake Bay bordering Talbot County;

21 (2) Any net, **EXCEPT A GILL NET**, at any time in the waters of the
22 Choptank River southeast of a straight line drawn from Benoni's Point to Chlora's
23 Point;

24 (3) [Gill nets and fyke] **FYKE** nets at any time in any of the waters of
25 Talbot County; and

26 (4) Haul seines in Harris Creek southerly and downstream from a
27 straight line drawn between Station Hawk on the west side and Indian Point on the
28 east side if the mesh in all seines is in bar not less than one and one-half inches.

29 4-728.

30 [(c) (1) A person may not set an anchored gill net in the area of
31 Chesapeake Bay bounded on the north by a line drawn from Turkey Point on the
32 eastern shore to Sandy Point in Harford County, and on the south by a line drawn

1 from Abbey Point to channel buoy Number 29, following the channel northward to
2 buoy Number 1, off Grove Point, thence to Grove Point. This paragraph does not apply
3 to the commercial fishing area within the Aberdeen Proving Grounds as specified by
4 the Proving Ground.

5 (2) A person may not set or fish with any gill net within 1,200 feet of
6 any pier that supports either span of the William Preston Lane, Jr. Memorial Bridge
7 between May 1 and October 31, inclusive.

8 (3) A person may not set or fish with any gill net in the Chesapeake
9 Bay, excluding its tributaries, south of a line drawn from Howell Point to Taylor
10 Island Point in the upper bay to a line drawn from Kent Point to Curtis Point in the
11 mouth of West River between June 1 and October 31, inclusive.]

12 4-730.

13 (a) A person may not set, nor construct any kind or description of net in the
14 Patuxent River from Queen Anne Bridge to the mouth of the river, within 1,500 feet in
15 every direction from any other net, without the permission of the owner of the other
16 net. In addition, a person may not set, nor construct, any net more than 425 feet in
17 length, including the net's leaders, hedges, or wings, below a straight line from
18 Holland's Cliffs across the river to a point on the shore directly opposite Holland's
19 Cliffs, or more than 150 feet in length including the net's leaders, hedges, or wings,
20 above the straight line from Holland's Cliffs. The provisions of this subsection do not
21 apply to [floating gill nets or]seines.

22 (b) A person may not set or haul any seine [or gill net] in any creek, cove or
23 tributary of the Patuxent River if the mouth of the creek or tributary is less than 200
24 feet wide.

25 [(c) A person may not set or haul any drifting gill net in the Patuxent River
26 south of the Patuxent River Bridge or in any creek, cove, or tributary of the river south
27 of the Patuxent River Bridge at any time.]

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.