

HOUSE BILL 1812

M2

8lr4057

By: **Delegate S. Howard**

Rules suspended

Introduced and read first time: March 7, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Haul Seines – Anne Arundel County**

3 FOR the purpose of authorizing a person to fish with a haul seine on certain days and
4 during certain times in Anne Arundel County; repealing certain provisions of law
5 governing the use of haul seines in certain waters located in Anne Arundel County;
6 repealing a certain penalty for a violation of certain provisions of law governing the
7 use of haul seines in certain waters located in Anne Arundel County; authorizing a
8 person to set a haul seine in certain waters of Anne Arundel County; authorizing a
9 person to use a haul seine in Anne Arundel County to catch certain finfish;
10 prohibiting a person from using a haul seine greater than certain lengths in certain
11 waters located in Anne Arundel County; and generally relating to the use of haul
12 seines in Anne Arundel County.

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 4–713(h)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2017 Supplement)

18 BY repealing
19 Article – Natural Resources
20 Section 4–714(e)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2017 Supplement)

23 BY adding to
24 Article – Natural Resources
25 Section 4–714(e)
26 Annotated Code of Maryland
27 (2012 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Natural Resources**

4 4–713.

5 (h) (1) Except as provided in paragraphs (2) [and], (3), AND (4) of this
6 subsection, a person may not fish with a haul seine during the period from 12:01 a.m.
7 Saturday until sunrise on Monday in the tidal waters of the State.

8 (2) (i) In Baltimore County and Harford County, on prior notification
9 to the Department a person may catch carp during the period from 12:01 a.m. Saturday
10 until sunrise on Monday, except in areas where it is prohibited by the Department.

11 (ii) Except in areas where it is prohibited by the Department, a
12 person may set a haul seine at a distance greater than one-third the distance across a river,
13 creek, cove, or inlet in any of the tributary waters of Baltimore County or Harford County
14 only to catch carp and catfish, notwithstanding any other provision of this subtitle
15 regarding the distance across which a haul seine may be set. A person may not set the haul
16 seine to impede or obstruct navigation or block in any way the main channel of the river,
17 creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in
18 any haul seine shall return them immediately to the water unharmed. A person always
19 shall attend a haul seine for catching carp or catfish. Any person whose haul seine is found
20 more than one-third the distance across the waters where it is set without a person in
21 attendance is guilty of violating this subsection.

22 (iii) The Department, by regulation:

23 1. Shall establish procedures for the prior notification
24 required under subparagraph (i) of this paragraph; and

25 2. May prohibit fishing for carp and catfish in certain areas
26 as provided in subparagraph (ii) of this paragraph.

27 (3) (i) In Kent County, on prior notification to the Department, a person
28 may catch gizzard shad, also known as mud shad, carp, or catfish, with a haul seine during
29 the period from 12:01 a.m. Saturday until sunrise on Monday.

30 (ii) The Department, by regulation, shall establish procedures for
31 the prior notification required under subparagraph (i) of this paragraph.

32 **(4) IN ANNE ARUNDEL COUNTY, A PERSON MAY FISH WITH A HAUL**
33 **SEINE FROM 12:01 A.M. MONDAY THROUGH 12:01 P.M. SATURDAY.**

34 4–714.

1 [(e) (1) A person may not set a haul seine exceeding 50 feet in length in the
2 following waters:

3 (i) Herring Bay from a line drawn from the extreme projection of
4 Parker's Island Point into the Chesapeake Bay to the extreme point of Holland Point;

5 (ii) South River, Rhode River, and West River;

6 (iii) From a line drawn from the extreme projection from Thomas
7 Point into the Chesapeake Bay to the extreme point of Curtis Point;

8 (iv) Within the headlands of Whitehall Creek; and

9 (v) Within the headlands of Meridith Creek and Lake Ogleton.

10 (2) Any person who violates this subsection is guilty of a misdemeanor and
11 upon conviction is subject to a fine not exceeding \$2,500 with costs imposed in the discretion
12 of the court.]

13 **(E) (1) (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
14 **PERSON MAY SET A HAUL SEINE IN THE WATERS OF ANNE ARUNDEL COUNTY WHERE**
15 **IT IS LEGAL TO FISH WITH A GILL NET.**

16 **(II) A PERSON MAY USE A HAUL SEINE IN ANNE ARUNDEL**
17 **COUNTY TO CATCH ANY FINFISH LEGAL TO CATCH WITH A GILL NET, INCLUDING:**

18 **1. GIZZARD SHAD, ALSO KNOWN AS MUD SHAD, CARP, OR**
19 **CATFISH; AND**

20 **2. MENHADEN.**

21 **(2) (I) A PERSON MAY NOT USE A HAUL SEINE GREATER THAN 960**
22 **FEET IN LENGTH IN TRIBUTARIES OF THE CHESAPEAKE BAY LOCATED IN ANNE**
23 **ARUNDEL COUNTY.**

24 **(II) A PERSON MAY NOT USE A HAUL SEINE GREATER THAN**
25 **1,800 FEET IN LENGTH IN THE PORTION OF THE CHESAPEAKE BAY LOCATED IN**
26 **ANNE ARUNDEL COUNTY.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2018.