

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 900

(Cecil County Senators)

Education, Health, and Environmental Affairs

Environment and Transportation

Cecil County - Fishing - Revisions

This bill establishes that provisions that give a riparian property owner or occupant first choice to set or position a net or haul seine to catch fish for commercial use in front of the property do not apply to Cecil County. The bill modifies a prohibition against setting a pound net or stake net in the waters of the Susquehanna River in Cecil County so that it prohibits placing pound nets to catch fish for commercial use in those waters. The bill also repeals specified fishing restrictions in Cecil County (those specified under Current Law below other than the Susquehanna River prohibition). **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Riparian Property Owner or Occupant's First Choice to Set/Position a Net or Haul Seine

In certain counties, the owner, tenant, or lessee of any property bordering on tidal waters of the tributaries of the Chesapeake Bay, except the waters of the Great Choptank River, lying in the State, by virtue of the person's ownership or occupancy, may make first choice of the set or position to place nets or establish a haul seine fishery to catch fish for

commercial use in front of the property for which the person possesses riparian rights. However, any other person may set any net or haul seine in front of the property of a riparian property owner (subject to a specified limitation applicable to resort property) if the owner, tenant, or lessee of the riparian rights does not exercise that privilege within 20 days after receiving specified notice from the other person.

The notice provisions do not apply in the waters of Baltimore, Caroline, Charles, Dorchester, Prince George's, St. Mary's, and Talbot counties where the permission of the shore owner is always necessary.

These provisions, as a whole, do not apply to Anne Arundel, Calvert, Kent, Queen Anne's, and Somerset counties.

Fishing Restrictions in Cecil County

In Cecil County, State law prohibits a person from:

- setting a pound net or stake net in the waters of the Susquehanna River in the county;
- on the waters of the Elk, Bohemian, or Sassafras rivers and their tributaries, and on the water of the North East River from Turkey Point to the River's Head, or any part of it within the limits of the county (1) setting any pound net opposite the shore of any landowner unless the written consent of the owner is obtained first or (2) setting a pound net so that it obstructs the hauling of any seine on an established fishing shore, unless the person is the owner of the fishing shore;
- catching fish by means of hook and line in the tidal waters of Mill Creek, Furnace Bay, North East River, Elk River, or Bohemia River two days prior to and extending until the closing day of the regular ducking season (with specified exceptions for ice fishing, fishing from shore, docks, or wharves, and fishing on Sundays); and
- setting any net within 200 yards of the beach on the Turkey Point section of Elk Neck State Park.

Small Business Effect: Commercial licensees may meaningfully benefit from the additional flexibility provided by the bill's removal of fishing limitations and restrictions in Cecil County.

Additional Information

Prior Introductions: SB 799 of 2021 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 693, passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Designated Cross File: HB 644 (Cecil County Delegation) - Environment and Transportation..

Information Source(s): Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2022

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