

HOUSE BILL 1174

M2

5lr2972

By: **Delegates Jacobs, Arentz, and Ghrist**

Introduced and read first time: February 23, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County – Fisheries – Use of Haul Seines**

3 FOR the purpose of authorizing in Kent County a person to catch certain fish with a haul
4 seine during the period from Friday midnight until sunrise on Monday under certain
5 circumstances; requiring the Department of Natural Resources to adopt certain
6 regulations; and generally relating to the use of haul seines in Kent County.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 4–713
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2014 Supplement)

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

14 **Article – Natural Resources**

15 4–713.

16 (a) A person who fishes with haul seine equipment shall carry a tidal fish license
17 to catch finfish.

18 (b) A Natural Resources police officer shall inspect every haul seine prior to its
19 use in any portion of the waters of the Chesapeake Bay or its tributaries. If the Natural
20 Resources police officer determines that the seine complies with the provisions of this
21 section, he shall affix a seal and number certifying that the haul seine is inspected and in
22 compliance with provisions of this section. Any haul seine without a State seal or with a
23 broken seal is an illegal one, and a person may not operate it.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) Haul seines shall be limited to a depth or width of 15 feet graduating to a
2 width of 22 feet at the bunt or back. A haul seine may not have a length of its bunt or back
3 greater than 100 feet, which is a “hung” measure.

4 (d) A person may not use a seine exceeding 50 feet in length and 5 feet in width
5 to catch minnows in the tidal waters of the State.

6 (e) If the haul seine is used in the Chesapeake Bay, the length of brail line used
7 on either end of the haul seine may not exceed 1500 feet. If the haul seine is used in the
8 rivers and tributaries of the Chesapeake Bay, the maximum length of brail line may not
9 exceed 750 feet.

10 (f) A person may not drag or haul any seine with two or more vessels or boats
11 propelled by power, or use any haul seine more than 1800 feet in length. A power winch
12 anchored in a vessel or boat, not propelled by power, may be used if the winch boat is
13 anchored in 4 feet depth of water or less.

14 (g) A person may not empty a seine on the shore or beach, or in any water less
15 than 12 inches deep so as to leave the small fish to perish. A person always shall empty the
16 seine in waters of sufficient depth to enable the small fish to return to the waters for growth.

17 (h) A person may not haul any seine in waters covering leased oyster ground
18 unless the permission of the lessee is obtained.

19 (i) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of
20 this subsection, a person may not fish with a haul seine during the period from Friday
21 midnight until sunrise on Monday in the tidal waters of the State.

22 (2) (i) In Baltimore County and Harford County, on prior notification
23 to the Department a person may catch carp during the period from Friday midnight until
24 sunrise on Monday, except in areas where it is prohibited by the Department.

25 (ii) Except in areas where it is prohibited by the Department, a
26 person may set a licensed haul seine at a distance greater than one-third the distance
27 across a river, creek, cove, or inlet in any of the tributary waters of Baltimore County or
28 Harford County only to catch carp and catfish, notwithstanding any other provision of this
29 subtitle regarding the distance across which a haul seine may be set. A person may not set
30 the licensed haul seine to impede or obstruct navigation or block in any way the main
31 channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other
32 than carp or catfish in any licensed haul seine shall return them immediately to the water
33 unharmed. A person always shall attend a licensed haul seine for catching carp or catfish.
34 Any person whose licensed haul seine is found more than one-third the distance across the
35 waters where it is set without a person in attendance is guilty of violating this subsection.

36 (iii) The Department, by regulation:

1 1. Shall establish procedures for the prior notification
2 required under subparagraph (2)(i) of this subsection; and

3 2. May prohibit fishing for carp and catfish in certain areas
4 as provided in subparagraph (2)(ii) of this subsection.

5 **(3) (I) IN KENT COUNTY, ON PRIOR NOTIFICATION TO THE**
6 **DEPARTMENT, A PERSON MAY CATCH GIZZARD SHAD, ALSO KNOWN AS MUD SHAD,**
7 **WITH A HAUL SEINE DURING THE PERIOD FROM FRIDAY MIDNIGHT UNTIL SUNRISE**
8 **ON MONDAY.**

9 **(II) THE DEPARTMENT, BY REGULATION, SHALL ESTABLISH**
10 **PROCEDURES FOR THE PRIOR NOTIFICATION REQUIRED UNDER SUBPARAGRAPH (I)**
11 **OF THIS PARAGRAPH.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.