

HOUSE BILL 693

M2

11r2469
CF SB 799

By: **Cecil County Delegation**

Introduced and read first time: January 26, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **Cecil County – Fishing – Restrictions**

3 FOR the purpose of establishing that a certain riparian right of first refusal to set
4 commercial fishing nets in certain waters of the Chesapeake Bay and a certain
5 process through which another person may set commercial fishing nets in front of
6 the property of the riparian property owner do not apply in Cecil County; prohibiting
7 a person from placing nets or establishing a certain fishery for a certain purpose in
8 certain waters; repealing certain fishing restrictions that apply in Cecil County; and
9 generally relating to fishing in Cecil County.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4-712 and 4-717
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2020 Supplement)

15 ~~BY repealing~~
16 ~~Article – Natural Resources~~
17 ~~Section 4-717~~
18 ~~Annotated Code of Maryland~~
19 ~~(2018 Replacement Volume and 2020 Supplement)~~

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

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 **Article – Natural Resources**

2 4-712.

3 (a) The owner, tenant, or lessee of any property bordering on tidal waters of the
4 tributaries of the Chesapeake Bay, except the waters of the Great Choptank River, lying in
5 the State, by virtue of his ownership or occupancy, may make first choice of the set or
6 position to place nets or establish a haul seine fishery to catch fish for commercial use in
7 front of the property for which he possesses riparian rights. The section does not permit
8 any riparian owner or anyone acquiring the right of a riparian owner to fish with nets or
9 seine in any manner prohibited by this subtitle.

10 (b) In any year, any other person may set any net or haul seine in front of the
11 property of a riparian property owner if the owner, tenant, or lessee of the riparian rights
12 does not exercise the privilege of locating the position where he desires to set his nets or
13 haul seine within 20 days after receiving notice from the other person who desires to locate
14 his nets or fishery in front of the riparian owner's property.

15 (c) The notice required by this section shall be mailed to the owner, tenant, or
16 lessee of the shore property. If the name and address are unknown, then notice shall be
17 posted for 20 days on a board fastened to a stake driven in the water directly in front of the
18 property and within 300 feet of the shore.

19 (d) This section does not grant by reason of the notice any right to any fisherman
20 to fish without the permission of the shore owner in water within 1500 feet of any shore
21 used as a resort so as to interfere with bathing or boating.

22 (e) (1) The notice provisions of this section do not apply in the waters of
23 Baltimore, Caroline, Charles, Dorchester, Prince George's, St. Mary's, and Talbot counties
24 where the permission of the shore owner always shall be necessary.

25 (2) The provisions of this section do not apply to Anne Arundel, Calvert,
26 CECIL, Queen Anne's, Kent, and Somerset counties.

27 ~~4-717.~~

28 ~~(a) A person may not set a pound net or stake net~~ **PLACE NETS OR ESTABLISH**
29 **A HAUL SEINE FISHERY TO CATCH FISH FOR COMMERCIAL USE** in the waters of the
30 Susquehanna River in Cecil County.

31 ~~(b) Unless the written consent of the owner is first obtained, a person may not set~~
32 ~~any pound net opposite the shore of any owner of land bordering on the waters of the Elk,~~
33 ~~Bohemia or Sassafras rivers and their tributaries, and on the water of the North East River~~
34 ~~from Turkey Point to the River's Head, or any part of it within the limits of Cecil County.~~
35 ~~A person, unless he is the owner of the fishing shore, may not set a pound net so that it~~
36 ~~obstructs the hauling of any seine on an established fishing shore on these waters.~~

1 ~~(e) A person may not catch fish by means of hook and line in the tidal waters of~~
2 ~~the following tributaries of the Chesapeake Bay in Cecil County, Mill Creek, Furnace Bay,~~
3 ~~North East River, Elk River, or Bohemia River two days prior to and extending until the~~
4 ~~closing day of the regular ducking season as promulgated by the Department of Interior of~~
5 ~~the United States. This subsection does not prohibit ice fishing at any time nor catching~~
6 ~~fish by means of hook and line from the shore line, docks, or wharves, or fishing by any~~
7 ~~means on Sundays during the regular ducking season.~~

8 ~~(d) A person may not set any net within 200 yards of the beach on the Turkey~~
9 ~~Point section of Elk Neck State Park. The area that is restricted by this subsection shall be~~
10 ~~set off with buoys by the Department.]~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.