

SENATE BILL 799

M2

1lr2470
CF HB 693

By: **Senator Gallion**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; repealing
7 certain fishing restrictions that apply in Cecil County; and generally relating to
8 fishing in Cecil County.

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

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

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

21 **Article – Natural Resources**

22 4–712.

23 (a) The owner, tenant, or lessee of any property bordering on tidal waters of the
24 tributaries of the Chesapeake Bay, except the waters of the Great Choptank River, lying in
25 the State, by virtue of his ownership or occupancy, may make first choice of the set or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 position to place nets or establish a haul seine fishery to catch fish for commercial use in
2 front of the property for which he possesses riparian rights. The section does not permit
3 any riparian owner or anyone acquiring the right of a riparian owner to fish with nets or
4 seine in any manner prohibited by this subtitle.

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

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

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

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

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

22 [4-717.

23 (a) A person may not set a pound net or stake net in the waters of the
24 Susquehanna River in Cecil County.

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2021.