

HOUSE BILL 1399

M2

0lr1095
CF SB 510

By: **Delegate Jacobs**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2020

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Commercial Fishing – Use of Haul Seines**

3 FOR the purpose of establishing an exception to the prohibition against fishing with a haul
4 seine during certain time periods by authorizing a person to empty a haul seine
5 under certain circumstances during certain time periods; and generally relating to
6 the use of haul seines.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 4–713(h)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 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 (h) (1) Except as provided in paragraphs (2) [and (3)] **THROUGH (4)** of this
17 subsection, a person may not fish with a haul seine during the period from 12:01 a.m.
18 Saturday until sunrise on Monday in the tidal waters of the State.

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.



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

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

(iii) The Department, by regulation:

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

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

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

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

(4) IF A HAUL SEINE IS SET ON A FRIDAY, A PERSON MAY EMPTY THAT HAUL SEINE DURING THE PERIOD FROM 12:01 A.M. ON THE FOLLOWING SATURDAY UNTIL SUNRISE ON THE FOLLOWING MONDAY IF THE PERSON PROVIDES THE NATURAL RESOURCES POLICE WITH:

(I) A NOTIFICATION BEFORE 11:59 P.M. ON FRIDAY THAT THE PERSON WILL BE EMPTYING THE HAUL SEINE BETWEEN 12:01 A.M. ON THE FOLLOWING SATURDAY AND SUNRISE THE FOLLOWING MONDAY;

(II) THE LOCATION OF THE HAUL SEINE THAT WILL BE EMPTIED; AND

(III) CONTACT INFORMATION FOR THE TIDAL FISH LICENSEE WHO IS RESPONSIBLE FOR THE HAUL SEINE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.