



FISH POT LAWS

COMAR

08.02.05.08 – Eels.

C. Structural Requirements.

(1) Except as provided for in §C(2) this regulation, an eel pot shall be constructed of wire having a mesh size not less than 1/2 inch when the wire mesh is unstretched.

(2) An eel pot constructed with mesh smaller than 1/2 inch by 1/2 inch shall have an escape panel installed in an exterior wall of the retention chamber made of 1/2 inch by 1/2 inch mesh measuring at least 16 square inches.

D. A person may not set buoyed eel pots in those channels designated as buoy-free channels under COMAR 08.02.03.07H.

E. In addition to those defined in COMAR 08.02.03.07H, a person may not set buoyed eel pots in the following channels:

(1) Severn River: 50 yards channelward of a line from Whitehall Creek Fl. 4 sec. "2" to R "4", and 50 yards southwest of a line from Whitehall Creek Fl. 4 sec. "2" to Mill Creek R "2";

(2) South River: 100 yards channelward of a line marked by Fl. R 2.5 sec. "4", Fl. R 4 sec. "6", and Fl. R 4 sec. "8";

(3) Rhode River: 50 yards westerly of a line marked by Fl. R 4 sec. "2", R "4", and a point 50 yards east of Fl. G 4 sec. "7";

(4) Sassafras River: 50 yards channelward and following a marked channel line easterly from R "2" Fl. R 4 sec. to above Rt. 213 bridge to the channel markers at the entrance of Swantown Creek;

(5) Bohemia River: 50 yards channelward and following a marked channel line from R "2" Fl. R 4 sec. southeasterly to the Rt. 213 bridge;

(6) Northeast River: Within the marked channel following a line northeasterly from R "6" to Fl. G 4 sec. 15 ft. 5M "17";

(7) Swan Creek: Within the marked channel following a line along the southern shoreline from Plum Point to High Point.

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F. A person may not set or fish an eel pot without an appropriate license issued by the Department.

08.02.05.20 – Tautog.

B. Gear Restrictions. A pot and trap used to catch tautog shall have hinges or fasteners on one panel or door made of one of the following degradable materials:

- (1) Untreated hemp or jute string of 3/16 inch in diameter or smaller;
- (2) Magnesium alloy fasteners; or
- (3) Ungalvanized or uncoated iron wire of 0.094-inch diameter or smaller.

08.02.05.21 – Black Sea Bass.

B. Commercial.

(4) Pots and Traps. A pot or trap used to catch black sea bass shall have:

- (a) An unobstructed escape vent of at least a:
 - (i) 2-1/2 inch diameter circular opening;
 - (ii) 2 inch by 2 inch square opening; or
 - (iii) 1-3/8 inch by 5-3/4 inch rectangular opening; and
- (b) Hinges and fasteners on a panel or door made of one of the following degradable materials:
 - (i) Untreated hemp or jute string of 3/16 inch in diameter or less;
 - (ii) Magnesium alloy fasteners; or
 - (iii) Ungalvanized, uncoated iron wire of 0.094 inch diameter or smaller.

08.02.05.22 – Scup.

B. Commercial Gear Restrictions.

(2) Pots and Traps. A pot or trap used to catch scup shall have:

- (a) An escape vent of at least a:
 - (i) 3.1 inch diameter round opening, or
 - (ii) 2.25 inch square opening; and
- (b) Hinges or fasteners on one panel or door made of one of the following degradable materials:
 - (i) Untreated hemp or jute string of 3/16 inch in diameter or smaller,
 - (ii) Magnesium alloy fasteners, or
 - (iii) Ungalvanized or uncoated iron wire of 0.062 inch in diameter or smaller.

08.02.06.01 – Snapping Turtles.

C. Methods of Taking Snapping Turtles.

(2) Nontidal Waters. In addition to the gear prohibited in §C(1) of this regulation, a person may not catch a snapping turtle from nontidal waters of the State by the use of a net, seine, fish pot, trap, or other fishing rig.

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MARYLAND CODE

§4-617. Restrictions on fishing in nontidal waters

(f) White shad, hickory shad, and herring.- White shad, hickory shad, and herring may be caught or taken only by angling, unless otherwise provided.

(g) Black bass.- A person may catch large or small mouth black bass from nontidal waters of the State only by angling. An artificial lure is legal.

§ 4-619. Use of certain equipment - Prohibited. (NONTIDAL)

Except as provided in § 4-620 of this subtitle, a person may not use or attempt to use a gig, gig iron, net, seine, fish pot, or other fishing rig. If any person is found in possession of the devices prohibited by this section while catching fish, it is prima facie evidence of a violation of this section.

§ 4-704. License to catch finfish.

(a) Required.- A person may not catch or attempt to catch finfish in the tidal waters of the State by the use of any net or other device except hook and line, dip net operated by hand, spear gun, or bow and arrow pursuant to the provisions of this subtitle unless he possesses a valid license to catch finfish issued by the Department.

§ 4-705. License renewal or expiration during armed forces service or war emergency.

A license does not lapse if the licensee fails to renew or make bona fide use of his license because of induction or enlistment into the armed forces or employment in essential war industries, and the licensee applies to the Department for the renewal of his license within one year of the termination of hostilities or from the date of his release from the armed forces. If a licensee cannot fish every net for which he was licensed at any time during a war emergency because of some condition arising out of a war, he may not be deprived of his right to a license for these nets thereafter.

§ 4-708. Operation when license suspended or revoked.

A person may not set any net during the time his commercial net fishing license is suspended or revoked.

§4-710. Prohibitions and restrictions on methods of fishing generally.

(h) Restrictions on use of stationary fishing gear, setting anchor or mooring buoy, etc.- A person may not catch or attempt to catch finfish by the use of any stationary fishing gear, or set an anchor or mooring buoy, or in any way obstruct the normal taking of finfish by drift net from December 1 through April 1.

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This subsection applies only to waters more than 50 feet in depth in the Chesapeake Bay south of the William Preston Lane, Jr., Memorial Bridge and is not applicable to any Chesapeake Bay tributaries. This provision does not apply to any designated anchorage in existence on July 1, 1975. The Department has the authority to permit exceptions to this section by regulations when it can be shown that the obstruction will not interfere with a useable fishing reach.

§4-714. Fishing Restrictions – Anne Arundel County.

(a) Coxes' Creek, Furnace Branch Creek and Marley Creek.- A person may only fish with a rod, or hook, and line in the waters of Coxes' Creek, Furnace Branch Creek, or Marley Creek above the B. and O. Bridge.

(b) Magothy and Little Magothy Rivers; Bodkin Creek.-

(1) A person may not catch fish by any means in the headwaters of the Magothy River beginning at the base of Lake Waterford Dam and extending for a distance of 3300 feet downstream during February, March, and April.

(2) A person may fish only with rod, or hook, and line, in the waters of the Little Magothy River and its tributaries and in the Magothy River and its tributaries lying westerly of the mouth of the Magothy River and inside a line drawn 214 degrees true from extreme end of Mountain Point to Persimmon Point, referring to the last edition of the Coast and Geodetic Survey Chart No. 566.

(3) A person may fish only with rod, or hook and line, in the waters of Bodkin Creek and tributaries lying westerly and inside of a line drawn 340 degrees true from extreme end of Cedar Point to Old Landen Point, referring to the latest edition of the Coast and Geodetic Survey Chart No. 549.

(4) In the waters of the Magothy, Little Magothy Rivers, and Bodkin Creek and their tributaries, a person may use an eel pot or minnow trap which does not exceed 30 inches in length, 11 inches in width and 11 inches in height. During February, March, and April, a person may use a "D" bow frame net with handle attached which does not exceed 36 inches in width or 36 inches in height in the waters of the Magothy and Little Magothy Rivers and Bodkin Creek. However, a person may not use a "D" bow frame net as a stationary or set net in the bodies of water named in this subsection.

(c) Severn River and Severn Run.-

(1) During February, March, and April, a person may not catch fish by any means in the waters of the Severn River or Severn Run from the dividing line between tidal and nontidal waters to a point 2400 feet downstream.

(2) A person may fish only with rod, or hook and line in the waters of the Severn River or any creek, cove, tributary, or inlet of the Severn River. A line drawn from the extreme projection of Greenberry Point into the Chesapeake Bay to the extreme point of Horn Point, marks the mouth of the Severn River for the purpose of the title.

(d) South River.-

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- (1) A person may not set a pound net or other similar device at any time in the waters of South River, or any creek, cove, or inlet of the South River above Saunders Point on the south side and Marsh Point on the north.
- (2) A person may not set any net at any time except a gill net or a haul seine in any creek, cove, tributary, or inlet of the South River.
- (3) A person may not set any net or equipment during February, March, and April in the headwaters of South River from a line drawn from Howards Point on the west side of the river to Brier Bottom on the east side, and in the headwaters of Beards Creek and in the headwaters of any of the creeks of South River for a distance of 1200 feet from its headwaters.

§4-715. Fishing Restrictions – Baltimore County.

(a) Fishing during duck season.- A person may not fish with rod or hook and line from any kind of boat or float, or fish with nets of any kind within 1500 feet of any occupied duck blind for the period beginning two days prior to the open season, as promulgated by the Department of Interior of the United States for hunting wild waterfowl, and ending the day following the closing of the season in the following waters:

- (1) Back River, except in the portion lying west of a line drawn from Stansbury's Point on the south shore to Walnut Point on the north shore;
- (2) Bird River and its tributaries lying within Baltimore County;
- (3) Dark Head Creek, except in the portion lying north of a line drawn from Clark Point on the west shore directly across the creek to Sharp Point on Bull Neck Shore;
- (4) Frog Mortar Creek, except in the portion lying northerly of a line drawn from Strawberry Point on the west shore to Weiskettle's Landing on the east shore;
- (5) Gunpowder River and its tributaries lying within Baltimore County;
- (6) Hogpen Creek, except in the portion lying southwest of natural headlands marking entrance into the creek;
- (7) Middle River, except in the portion lying west of a line drawn from Clark Point, also known as Maryland Yacht Club Point, on the north shore to the point of shore directly south of Clark Point;
- (8) Norman Creek, except in the portion lying west of a line drawn from Cape May Beach on the south shore to Barren Point on the north shore;
- (9) Seneca Creek, except in the portion lying northwest of a line drawn from Gun Point on the north shore directly south to Blackberry or Flying Point on the south shore;
- (10) Seneca River; Saltpeter Creek; Dundee Creek and in the waters of their tributaries;
- (11) Stansbury's Creek, except in the portion lying northwest of a line drawn from Wilson Point on south shore to Strawberry Point on north shore; and
- (12) Sue Creek, except in the portion lying west of a line drawn from the northeasternmost point of Sue's Island to extremity of Rockaway Beach Road at the southern tip of Turkey Point.

(b) Back River.- A person may not set a pound net or any similar device in the waters of Back River and its tributaries.

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(c) Bird River.- A person may not fish with rod, hook and line or a net in the waters of Bird River between November 1 and January 31, both dates inclusive. A person shall remove every net or stake used for taking fish before midnight on October 31.

(d) Dundee Creek.- A person may not fish with a net of any kind in the waters of Dundee Creek west of a line drawn from Levering's Point on the north to Marshy Point on the south.

(e) Gunpowder River.-

(1) Except as provided in paragraph (2) of this subsection, a person may not fish in the waters of Gunpowder River lying in Baltimore County, with nets, from May 15 to September 15, both dates inclusive.

(2) (i) Except in areas where it is prohibited by the Department, in the waters of the Gunpowder River lying in Baltimore County or Harford County, on prior notification to the Department a person may catch carp 6 weeks before and during Passover in each year and 4 weeks before and during Rosh Hashanah through Yom Kippur in each year. If a person catches any fish variety other than carp under this paragraph, the person shall return them immediately to the water unharmed.

(ii) The Department, by regulation:

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

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

(f) Middle River.- A person may not fish with nets or seines of any kind in the waters of Middle River and its tributaries, defined as those waters northeast of a line drawn from Bowley Point southwesterly to the navigation light at the western end of Sue Island, between March 1 and June 1, both dates inclusive.

(g) Sue's Creek.- A person may not fish with seines or nets of any kind in the waters of Sue's Creek west of a line drawn from the northeasternmost point of Sue's Island to extremity of Rockaway Beach Road at the southern tip of Turkey Point.

§4-717. Fishing restrictions – Cecil County.

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

§4-718. Fishing Restrictions – Charles County.

(c) Nets prohibited above Woodland Point House.- A person may not set a net of any description to catch fish in the Wicomico River proper above Woodland Point House in Charles County.

§ 4-723. Fishing restrictions - St. Mary's County.

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(b) St. Catherine's Sound.- A person may not set a fish trap, net, or haul seine in the waters of St. Catherine's Sound in St. Mary's County. However, a gill net not exceeding a length of 90 yards is permitted

§ 4-727. Fishing restrictions - Worcester County.

(c) Herring Creek.- A person may only fish with a rod, or hook and line in the waters of Herring Creek which lie south of the State Road Bridge.

(d) Sinepuxent Bay.- A person may not fish in the waters of Sinepuxent Bay or its tributaries within the limits of Worcester County with any seine or net of any description having meshes less than one and one-half inches square. However, during the months of July, August, September, and October, a person may fish for fat backs and croakers with any seine or net of this description.

§ 4-728. Fishing restrictions - Chesapeake Bay.

(a) Use of nets generally.-

(1) In this subsection, "connected line of nets" means a series of connected nets set in single file.

(2) Except as otherwise provided in this title, a person may not set:

(i) A fish pot, fyke net, or connected line of fyke nets within 500 feet in any direction of any other net or connected line of nets;

(ii) A fyke net or connected line of fyke nets that exceeds 1,500 feet in length, including the net's leaders, hedges, or wings; or

(iii) A fish pot, fyke net, or connected line of fyke nets at a distance greater than one-fourth the distance across the bay, measured from the low water mark.

(3) In the waters in the part of the Chesapeake Bay which lies between a straight line drawn from Drum Point Lighthouse in Calvert County to Hog Point in St. Mary's County, and a straight line drawn from Cove Point Lighthouse in Calvert County to Cedar Point Lighthouse in St. Mary's County, a person may not set any kind of net:

(i) Nearer than 500 yards in every direction from any other net;

(ii) Of a total length of more than 550 yards including the net's leaders, hedges, or wings; or

(iii) At a greater distance than one-fourth the distance across these waters measured from the low water mark on either side.

§ 4-730. Fishing restrictions - Patuxent River.

(a) Nets in general.- A person may not set, nor construct any kind or description of net in the Patuxent River from Queen Anne Bridge to the mouth of the river, within 1,500 feet in every direction from any other net, without the permission of the owner of the other net. In addition, a person may not set, nor construct, any net more than 425 feet in length, including the net's leaders, hedges, or wings, below a straight line from Holland's Cliffs

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across the river to a point on the shore directly opposite Holland's Cliffs, or more than 150 feet in length including the net's leaders, hedges, or wings, above the straight line from Holland's Cliffs. The provisions of this subsection do not apply to floating gill nets or seines.

§4-735. Fishing restrictions – Black bass and chain pickerel.

(c) Chain pickerel - Manner of catching; use of seines.- A person may not catch chain pickerel in any manner in the tidal waters of the State except with rod, or hook and line using natural or artificial baits. A person shall return uninjured immediately to the water any chain pickerel caught in any net, seine, or other device legally engaged in other fishing. However, a person may retain no more than one day's legal creel limit of ten chain pickerel for his own private use during the open season.

§ 4-740. Fishing restrictions - Walleyed pike.

(a) Method of catching; season.- A person may catch walleyed pike, commonly known as Susquehanna salmon, only by rod, or hook and line at any time in the tidal waters of the State. The open season for catching walleyed pike for commercial purposes is from March 15 to November 30.