



## HOOP NET LAWS

### MARYLAND CODE

#### **§ 4-508. Vessel intentionally passing through nets prohibited; penalty.**

A skipper, captain or other person commanding a vessel, float, or boat may not pass knowingly, wantonly, maliciously, or as a result of gross negligence, through any net lawfully placed and marked. Any person who violates this section is guilty of a misdemeanor and upon conviction is subject to a fine equal to the damages suffered by the owner or occupier of the fishery, and court costs.

#### **§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.

Last Updated 6/23/2011. Please see Fisheries Service website for additional fishing rules and/or changes to these rules.

#### **§ 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.**

(c) Size of mesh.-

(1) A person may not fish with any net whose size of stretched mesh, allowing a reasonable tolerance for shrinkage, is less than the following: pound net, 11/2 inches; haul seine, 11/2 inches; gill net, 21/2 inches; fyke or hoop net, 11/2 inches.

(2) Any hedging or lead attached to a fish trap, fyke net, or pound net shall be constructed of materials which have meshes having a twine size of #12 or larger.

(3) In the Chesapeake Bay and its tributaries, a person may not set or fish any gill net whose size of stretched mesh is more than 6 inches.

(4) This subsection does not apply to catching eels with a net.

(d) Use of monofilament gill net webbing, cast nets or throw nets.-

(1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not install, set, operate, or maintain in any tidal water of the Chesapeake Bay or its tributaries any monofilament gill net webbing of any description to catch fish.

(e) Use of anchored gill nets and fyke or hoop nets.- A person may not set any anchored gill net or fyke or hoop net or any line of these nets which has a length more than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove, or inlet. The outer end of the submerged gear of any nets referred to in this subsection shall be marked by means of a paddle, a board, or a buoy or other floating device which shows the name and license number of the net owner.

(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.

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.

#### **§4-711. Regulation of pound or fyke nets.**

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(g) Projecting stakes.- A person may not drive, maintain, or permit any stake to remain, in any line of stakes or otherwise, unless it projects above the surface of the water at least 3 feet at high tide.

(h) Duty to maintain stakes in good condition; allowing stakes to remain in water; noncompliance with subsection.-

(1) Every licensee shall:

(i) Maintain the licensee's stakes in good condition; and

(ii) Promptly remove and renew any stake that may be unsound, broken, or liable to go adrift.

(2) A licensee may not permit or allow to remain in the water:

(i) Any pound net stake for a period greater than 30 days following the removal of the net from each stake;

(ii) Any pound net or stake for a period greater than 30 days following the discontinuance of fishing of the net; or

(iii) Any pound net or stake between January 1 and January 31 of any year unless the owner of the pound net or stake notifies the Department by certified mail, return receipt requested, that the net is being actively fished.

(3) A licensee who fails to comply with the provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$200 and not exceeding \$1,000 with costs imposed in the discretion of the court.

(4) For a licensee who is convicted twice within 2 years of violating paragraph (1) of this subsection, the Department may suspend the licensee's striped bass authorization in the following year.

#### **§ 4-712. Rights of riparian owners relating to nets or haul seines.**

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

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

(c) Notice requirements.- The notice required by this section shall be mailed to the owner, tenant, or lessee of the shore property. If the name and address are unknown, then

notice shall be posted for 20 days on a board fastened to a stake driven in the water directly in front of the property and within 300 feet of the shore.

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

(e) Exceptions.-

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

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

#### **§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.

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(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.-

(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.

(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.

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**§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.

**§4-719. Fishing Restrictions – Dorchester County.**

(c) Gill nets; distances nets may extend from shore in certain waters.- A person may not set a gill net in the waters of Fishing Bay or Transquaking River north of a line drawn from Blackwater Point to Irish Creek, up the Transquaking River to Destroys Creek, or set any net whose farther end extends more than 1200 feet from shore or more than one third the breadth of the water at the place where the net is fished, or closer than 600 feet of another net in the Transquaking or Chicamacomico River. A person may not set any net whose farther end extends more than one half the breadth of the water at the place where the net is fished or closer than 600 feet of another net in the waters of the Transquaking River above Decourcey Bridge or placed in or across the channels of these rivers. In the waters of Fishing Bay south of a line drawn from Blackwater Point to Irish Creek and north of a line drawn from Roasting Ear Point to the northwesterlymost point of the entrance to Duck Island Cove, a person may not set any weir more than 1200 feet from shore, or set any gill net or weir closer to each other than 1200 feet, or set any row of gill nets more than 1200 feet in length. A person may not set any weir beyond a depth of 18 feet in the waters of Fishing Bay south of the line from Roasting Ear Point to the northwesterlymost point of the entrance to Duck Island Cove.

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

(a) Chaptico Bay and Wicomico River.- A person may not fish with any kind of seine or net in the waters of Chaptico Bay and the Wicomico River within the limits of St. Mary's County, within 1500 feet of any established duck blind during the open season for shooting ducks or other wild fowl.

(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.**

(a) Stationary nets.- A person may not fish with a stationary net extended completely across the middle third of the waters measured in a straight line from the east to west shoreline of Sinepuxent Bay north of South Point, Isle of Wight Bay, Assawoman Bay and St. Martin's River.

(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.-

(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.

(b) Use of any pound net or stake net in headwaters.- A person may not set any pound net or stake net in the headwaters of the Chesapeake Bay, except those areas within 2,400 feet from the natural shoreline in Cecil County, the bay shore of Kent County up to Howell Point, and those areas within 2,400 feet from the shore on the west side of the bay from Pooles Island north to one-half mile north of Spesutie Island. For the purpose of this subsection the headwaters of the Chesapeake Bay are defined as the waters embraced in the area marked by the following line:

Beginning at Concord Point and running in a northeasterly direction, crossing Susquehanna River to Stump Point, then to Carpenter's Point, then to Turkey Point, then to Grove Point, all in Cecil County, then to Howell Point, Kent County, continuing in a straight line from Howell Point in a southwesterly direction across the bay to Abbey Point, the northernmost point at the entrance of Bush River, then northerly by a line following the bay shore of Harford County to Mulberry Point, then to Bear Point, Sandy Point, and to Locust Point on Spesutie Island, then to the southernmost point at the entrance of Swan Creek, and then crossing Swan Creek and continuing in a northerly direction following the bay shore to Concord Point, the place of beginning.

#### **§ 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 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

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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.

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**.02 Definitions and General Fishing Prohibitions.**

A. Definitions. In this subtitle, the following terms have the meanings indicated:

(1) "Anchor gill net" means a net that is stationary in the water and secured to the bottom by conventional anchors or heavy weights.

(2) "Attended gill net" means the licensee remains in the boat within 2 miles of the net while it is in waters of the Chesapeake Bay, or within 1 mile when the net is in waters of the Atlantic Ocean, its coastal bays and their tributaries, or a tributary of the Chesapeake Bay.

(3) "Circle hook" means a non-offset hook with the point turned perpendicularly back to the shank.

(4) "Compensation" means any form of reimbursement for services including but not limited to the payment of money.

(5) "Dip net" means a mesh bag of netting or wire which is suspended from a circular, oval, or a rectangular frame attached to a handle.

(6) "Drift gill net" means a net not secured to or anchored to the bottom, including a net rigged with up to 20 pounds of weight at each end, in addition to that weight required to achieve negative buoyancy.

(7) "Eel pot" means an enclosure constructed of wire having:

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- (a) A mesh size not less than 1/2 inch when the wire mesh is unstretched; or
  - (b) If the mesh is smaller than 1/2 inch by 1/2 inch, 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.
- (8) "Finfish trotline" means a single line from which hang, at intervals, multiple short lines which terminate with single baited hooks, and which:
- (a) Do not exceed 300 feet;
  - (b) Do not have more than 75 hooks;
  - (c) Are not made of metal; or
  - (d) Are not baited with scaled bait.
- (9) "Fish pot" means a single, finfish entrapment net device, without associated wings or leads, consisting of:
- (a) An enclosure of various shapes covered with wire, fabric, or nylon mesh webbing of not less than 1-1/2 inch stretched mesh size;
  - (b) One or more conical entrance funnels;
  - (c) One or more unobstructed escape vents, in the holding chamber, of at least 2-1/2 inches in diameter, if circular, or 2 1/2 inches stretched mesh size if square.
- (10) "Fyke net" means a fixed finfish entrapment net device, without a pound or crib, consisting of:
- (a) A series of hoops covered by mesh webbing of #12, or larger, twine of not less than 1-1/2 inch stretched mesh size;
  - (b) At least one set of wings;
  - (c) A leader or hedging not longer than 250 feet consisting of #12, or larger, twine and with a minimum stretched mesh size of 3 inches;
  - (d) In nets with a mesh size less than 2-1/2 inches, a cull panel at least 1 foot by 1 foot with unobstructed escape meshes with a minimum stretched mesh size of 2-1/2 inches;
  - (e) A single entrance funnel; and
  - (f) One or more internal funnel shaped throats.
- (11) "Gill net" means a net which:
- (a) Is maintained in a vertical position in the water with sinkers or floats, or a combination of sinkers and floats; and
  - (b) Captures fish by means of a mesh too small to permit passage of the body of the fish or withdrawal of the head once the posterior margin of the gill covers has passed through the mesh.

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(12) "Haul seine" means an encircling type of net with wings, brail lines and poles, and a bunt or pocket, and with the following characteristics:

- (a) Made of at least #12 twine;
- (b) Wings not greater than 15 feet in width at the attachment with the brail poles or brail line;
- (c) A width or depth not exceeding 22 feet at the bunt or back; and
- (d) A length of the bunt or back not greater than 100 feet.

(13) "Hook and line" means a line attached to a pole or rod or held in hand and attended in a manner that the fish is caught by the hook.

(14) "**Hoop net**" means a single finfish entrapment net device consisting of:

- (a) An enclosure formed by a series of hoops covered by mesh webbing of #12, or larger, twine, of not less than 1-1/2 inch stretched mesh size;
- (b) One or more internal funnel-shaped throats;
- (c) A single entrance funnel;
- (d) No wings or leader; and
- (e) In nets with a mesh size less than 2-1/2 inches, a cull panel at least 1 foot by 1 foot with unobstructed escape meshes having a minimum stretched mesh size of 2-1/2 inches.

(15) "J hook" means a hook having a point parallel to the hook shank.

(16) "Minnow seine" means an encircling type of net not exceeding 50 feet in length and 5 feet in width used to catch minnows in the tidal waters of the State.

(17) "Minnow trap" means a single, bait finfish entrapment device, without associated wings or leads, and consisting of:

- (a) An enclosure of various shapes covered with wire or nylon mesh webbing of not greater than 1/2 inch square mesh size;
- (b) One or more conical entrance funnels with an opening not more than 2 inches in diameter;
- (c) No dimension greater than 18 inches in any direction; and
- (d) Internal volume not greater than 1730 cubic inches.

(18) "Net" means a mesh webbing panel or multiple panels, whether continuous or discontinuous, which may be joined in various configurations for the capture of fish.

(19) "Number 12 twine" means tightly twisted or braided nylon fibers, which are between 0.043 and 0.048 inches in diameter when compressed.

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(20) "Offset hook" means a hook with the point and barb not in the same plane with the shank.

(21) "Pound net" means a fixed finfish entrapment net device consisting of:

(a) One or more pounds or cribs each measuring at least 16 feet long by 16 feet wide at the surface of the water with a netting floor and open top;

(b) Mesh webbing with a twine size of #12 or larger;

(c) At least one heart leading into the crib;

(d) A leader or hedging consisting of #12 twine or larger and with a minimum stretched mesh size of 3 inches; and

(e) No other type of fishing device, netting, or wire within the pound or crib.

(22) "Stake gill net" means a net hung from or supported by stakes which are set in a row and driven into the bottom.

(23) "Stinger hook" means any hook which trails another hook, either by direct physical attachment to the lead hook or by a connective device such as a swivel or chain, and is part of the same bait or lure.

(24) "Stretched mesh size" means, for a net, the inside distance between two knots on opposite sides of the same mesh when stretched, allowing a reasonable tolerance for shrinkage.

(25) "Trip" means the duration which begins with departure of the fishing vessel from its shore-based facility and which terminates with return to its shore-based facility.

(26) "Trolling" means the method of angling in which fish are attracted to a lure or bait being trailed from a boat which is being moved by mechanical power.

#### B. Prohibitions and Limitations on Fishing in General.

(1) Except as provided in §B(2) of this regulation, a person may not set or fish gill nets, including but not limited to anchor gill nets, staked gill nets, and drift gill nets, in the Chesapeake Bay and its tidal tributaries.

(2) A person may set and fish:

(a) During the period between March 16 through December 31, attended drift gill nets with a stretched mesh size of 2-1/2 to 3-1/2 inches;

(b) During the period between January 1 through March 15, attended drift gill nets with a stretched mesh of 3-1/8 to 3-1/2 inches;

(c) Gill nets as permitted in COMAR 08.02.15.

(3) Within 1,200 feet of any pier that supports either span of the William Preston Lane Jr. Memorial Bay Bridge, a person may not:

(a) Fish with a treble hook that is not an intrinsic part of a floating fish lure; or

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(b) Set or fish any type of gill net during the period May 1 through October 31.

(4) During the period June 1 through October 31, a person may not set or fish any type of gill net in the Chesapeake Bay, excluding tributaries, in the area south of a line drawn from Howell Point to Taylor Island Point in the Upper Bay and north of a line from Kent Point to Curtis Point in the mouth of West River.

(5) During the period March 1 through May 31, a person may not catch, harass, harm, pursue, hunt, shoot, wound, or attempt to catch striped bass or striped bass hybrids in the striped bass spawning rivers and areas listed in COMAR 08.02.15.03B. However, during the period March 1 through May 3, inclusive, a person authorized in accordance with Natural Resources Article, §4-745, Annotated Code of Maryland, to recreationally angle for finfish may hook striped bass and shall immediately release the striped bass unharmed to the water from which the striped bass was taken in the following areas:

(a) Susquehanna Flats, upstream of a line from a point at or near Sandy Point, defined by Lat. 39°26.96' N and Long. 76°03.63' W; then running in an easterly direction to a point at or near Turkey Point, defined by Lat. 39°27.13' N and Long. 76°00.70' W and the Susquehanna River downstream from a line connecting a point at or near the Susquehanna State Park boat ramp in Lapidum, defined by Lat. 39°35.86' N and Long. 76°07.67' W; then running in a northeasterly direction to a point at or near Twin Rocks, defined by Lat. 39°36.17' N and Long. 76°07.56' W; then running in a northeasterly direction to a point at or near Tomes Wharf in Port Deposit, defined by Lat. 39°36.23' N and Long. 76°06.99' W; and

(b) Northeast River.

(6) When using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Susquehanna Flats and Northeast River during the period set forth in §B(5) of this regulation shall use:

(a) Non-offset circle hooks; or

(b) "J" hooks with a gap of less than 1/2 inch between the point and the shank.

(7) An individual recreationally angling in waters of the Chesapeake Bay and its tidal tributaries that are not restricted in accordance with COMAR 08.02.15.03D(1), during the period from March 1 through the third Friday in April, shall abide by the restrictions listed in COMAR 08.02.15.03E.

(8) During the period March 1 through June 30, a person may not set or fish any type of gill net:

(a) In the striped bass spawning reaches listed in COMAR 08.02.15.03C;

(b) In the Susquehanna Flats upstream of a line from Sandy Point to Turkey Point;

(c) In the Susquehanna and Northeast Rivers; and

(d) From sunset Friday to 1 hour before sunrise Monday in the striped bass spawning rivers and areas set forth in COMAR 08.02.15.03B.

(9) A commercial tidal fish licensee may not set fishing gear or harvest fish in the waters of the Susquehanna River upstream of a line drawn direct from the northernmost point from the mouth of Deer Creek in Harford County, in a northeasterly direction to the intersection of U.S. Route 222 and Canal Road in Cecil County.

(10) A commercial tidal fish licensee may not catch or possess fish of the species listed in Natural Resources Article, §4-215, Annotated Code of Maryland, except crabs or shellfish, for commercial

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purposes during a trip for which fishing guide services are provided to a person for compensation from a vessel or shore in Maryland waters.

(11) Except as provided in §B(12) of this regulation, a commercial tidal fish licensee may not catch or possess fish of the species listed in Natural Resources Article, §4-215, Annotated Code of Maryland, except crabs or shellfish, for commercial purposes and have more than:

(a) Two crew members assist the licensee with commercial hook and line fishing; or

(b) Four individuals, including no more than two crew members, present on a vessel which is engaged in commercial hook and line fishing.

(12) Children 12 years old or younger may be on board a vessel engaged in commercial hook and line fishing in addition to any crew members and licensees as described in §B(11) of this regulation.

(13) A haul seine shall be sealed as provided in Natural Resources Article, §4-713, Annotated Code of Maryland, and the seal may not be tampered with or removed.

(14) From February 1 through March 31, inclusive, a person may not set a fyke net in any of the areas described in COMAR 08.02.21.03K.

(15) General Provisions.

(a) The Secretary may close designated areas to hook and release activity by publishing notice in a daily newspaper of general circulation, at least 48 hours in advance of the closure, stating the effective hour and date.

(b) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

(c) A person licensed to catch finfish for commercial purposes shall submit an accurate daily commercial fisheries catch log in accordance with COMAR 08.02.13.06.