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(unpublished)**

**NATURAL RESOURCES ) FISHING ) CRIMINAL PROHIBITION OF  
MONOFILAMENT GILL NETS DOES NOT APPLY TO MULTIFILAMENT  
NYLON NETS**

July 7, 1995

*The Honorable John Griffin  
Secretary of Natural Resources*

You have requested our opinion concerning the scope of §4-710(d)(1) of the Natural Resources Article, Maryland Code, which prohibits the use of "any monofilament gill net webbing of any description to catch fish." Specifically, your question is whether this prohibition extends to a relatively new type of gill net made from twisted or braided nylon filaments.

In a recent memorandum of advice (copy attached), Assistant Attorney General Thomas A. Deming, Counsel to the Department of Natural Resources, advised that §4-710(d)(1), a criminal prohibition on the use of "monofilament" gill nets, could not sustain a prosecution against someone using a *multifilament* gill net.

We have carefully reviewed the matter and agree with Mr. Deming's analysis and conclusion. Although the use of a multifilament nylon net may result in a harm comparable to that resulting in the enactment of §4-710(d)(1), this criminal statute is so specific that it simply

cannot be construed beyond its terms. The General Assembly may wish to consider amending the statute to extend its reach to the new type of net.

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