

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

**Symbol Key**

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

**Promulgation of Regulations**

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

**Title 08**  
**DEPARTMENT OF NATURAL**  
**RESOURCES**  
**Subtitle 02 FISHERIES SERVICE**  
**08.02.13 Fishing License—Point Assignment,**  
**License Revocation and Suspension Schedule**  
**and Criteria, and Hearing Procedure**

Authority: Natural Resources Article, §§4-220, 4-701, 4-745, 4-1201, and 4-1210, Annotated Code of Maryland

**Notice of Proposed Action**

[16-061]

The Secretary of Natural Resources proposes to amend Regulations **.03**, **.05**, and **.08** under **COMAR 08.02.13 Fishing License—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure**.

**Statement of Purpose**

The purpose of this action is to make annual changes to the commercial, recreational, and charter penalty schedules. These changes were made after consultation with the Sport Fisheries Advisory Commission (SFAC) and Tidal Fisheries Advisory Commission (TFAC) joint Penalty Workgroup and Department staff. The changes are intended to improve the current penalty system and provide adequate deterrence to prevent illegal activities.

For the commercial penalty schedule, this action increases the penalty for dynamiting from Tier V to Tier VI to align the violation with similar recreational and charter penalties, adds violations of striped bass public notices to match other striped bass violations, adds offenses related to the Lacey Act, and amends violations for exceeding the striped bass commercial catch limit to be more in line with current management practices.

For the recreational penalty schedule, this action adds a 30 day suspension for the possession of 20-49 undersized white perch. This action adds 90 day suspensions for violations of number of collapsible crab traps and possession of 50-99 undersized white perch. The action adds 180 day suspensions for the possession of 100 or more undersized white perch. Also in the 180 day suspension category, the action amends black bass violations in tidal waters to mirror black bass violations in nontidal waters. As a result, the penalty for a season or creel limit violation, or the possession of 3-4 undersized black bass, will result in a 180 day suspension. The action adds a 365 day suspension for possession of 5 or more undersized black bass. The action also adds possession of striped bass between midnight and 5 a.m. and violations of a striped bass public notice to match similar violations in the penalty schedule. This action increases the penalty for fishing on a suspended license from 365 days to 720 days. This action also both adds offenses related to the Lacey Act and increases the penalty for a violation of the Lacey Act. Both a Lacey Act violation and any related offense will result in a 2-year suspension. Finally, this action amends the enhanced penalties for repeat violators. A person who receives five or more 180-day or 365-day suspensions within an 8-year period will receive an additional 5-year suspension, and a person who receives three or more 30-day or 90-day suspensions within a 3 year period will receive an additional 1-year suspension.

For the charter penalty schedule, this action adds violations of a striped bass public notice to match similar striped bass violations. This action increases the penalty for exceeding the daily catch limit for crabs from Tier I to Tier IV to align the penalty with the recreational level and address concerns of illegal crabbing charters. This action adds tiers for size limit and creel violations. Previously, the maximum violation would have been a Tier III violation; this action adds levels of violations at Tier IV and Tier VI as additional deterrents. Lastly, this action adds offenses related to the Lacey Act in a separate tier, resulting in a 3-year suspension.

This action also makes corrections to citations from the Code of Maryland Regulations and the Annotated Code of Maryland.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

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**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action may have an economic impact, although the extent of that impact is indeterminable.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	

D. On regulated industries or trade groups:		
Licensees	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. The proposed action may have a negative impact on licensees who are suspended or have their licenses revoked based on committing one of the listed offenses. However, it is not possible to determine the number of individuals who may violate the listed laws, nor is it possible to determine to what extent the suspension or revocation would economically impact the individual or individuals.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The proposed regulation may have a meaningful economic impact on small businesses which violate the law and are therefore suspended or revoked from their commercial fishing activities. It is not possible to predict how many businesses will violate the law and therefore receive suspensions or revocations, or to what extent such suspension or revocation would economically impact those businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to 2016 Penalty Changes, Regulatory Staff, Department of Natural Resources, Fisheries Service B-2, 580 Taylor Avenue, Annapolis MD 21401, or call 410-260-8300, or email to [fisheriespubliccomment.dnr@maryland.gov](mailto:fisheriespubliccomment.dnr@maryland.gov), or fax to 410-260-8310. Comments will be accepted through March 7, 2015. A public hearing has not been scheduled.

**.03 Point Assignment Schedule.**

A.—C. (text unchanged)

D. Tier II. The following violations are Tier II violations. A person who receives a conviction for a Tier II violation receives 10 points.

	Statute or Regulation	Description
1—17	(text unchanged)	
18	COMAR 08.02.15	[50%—99% Over] <i>Exceeding Striped Bass [Quota] Catch Limits by the Lesser of 50%—99% Over Individual Quota or by between 500—999 pounds</i>
19	COMAR [08.02.15.07] 08.02.15	Violating Requirements Pertaining to Striped Bass Size Limits: 11 or more fish
20—26	(text unchanged)	

E. Tier III. The following violations are Tier III violations. A person who receives a conviction for a Tier III violation receives 15 points.

	Statute or Regulation	Description
1—20	(text unchanged)	
21	COMAR 08.02.15	[100% or More Over Striped Bass Quota] <i>Exceeding Striped Bass Catch Limits by the Lesser of 100%—149% Over Individual Quota or by Between 1,000—1,499 pounds</i>
22—29	(text unchanged)	

F. Tier IV. The following violations are Tier IV violations. A person who receives a conviction for a Tier IV violation receives 20 points.

	Statute or Regulation	Description
1—9	(text unchanged)	
10	COMAR 08.02.15	<i>Exceeding Striped Bass Catch Limits by the Lesser of 150%—199% Over Individual Quota or by Between 1,500—1,999 pounds</i>
[10] 11—[12] 13	(text unchanged)	

G. Tier V. The following violations are Tier V violations. A person who receives a conviction for a Tier V violation receives 25 points.

	Statute or Regulation	Description
1—2	(text unchanged)	
[3	4-503	Dynamiting]
[4] 3—[6] 5	(text unchanged)	
6	COMAR 08.02.15	<i>Exceeding Striped Bass Catch Limits by the Lesser of 200%—249% Over Individual Quota or by Between 2,000—2,499 Pounds</i>
7	(text unchanged)	

H. Tier VI. The following violations are Tier VI violations. A person who receives a conviction for a Tier VI violation receives 30 points.

	Statute or Regulation	Description
1	[4-708, 4-701(1)(2),] <i>Natural Resources Article, Title 4</i> , COMAR 08.02.13.02E	Operating When a License is Suspended or Revoked
2—3	(text unchanged)	
4	[COMAR 08.02.24A, COMAR 08.02.05.24B] 4-747, COMAR 08.02.05.24, 08.02.22.03, 08.02.22.04	Unlawfully Finning Sharks or Dogfish
5—6	(text unchanged)	
7	COMAR 08.02.15	<i>Exceeding Striped Bass Catch Limits by the Lesser of 250%—299% Over Individual Quota or by Between 2,500—2,999 Pounds</i>
[7] 8—[11] 12	(text unchanged)	
13	4-503	<i>Dynamiting</i>

I. Tier VII. The following violations are Tier VII violations. A person who receives a conviction for a Tier VII violation receives 35 points.

	Statute or Regulation	Description
1—2	(text unchanged)	
3	COMAR 08.02.15	<i>Exceeding Striped Bass Catch Limits by the Lesser of 300% or More Over Individual Quota or by 3,000 Pounds or More</i>

J. (text unchanged)

K. In addition to any other applicable penalty, a person may be suspended for a period of not more than 3 years for an offense related to a violation of the Lacey Act, 16 U.S.C. §3371-3378, including but not limited to conspiracy to commit a violation of the Lacey Act, 18 U.S.C. §371.

**.05 Recreational Fishing Suspension and Revocation.**

A. Any person who is convicted of an offence under §§D—[G] H of this regulation or similar offences under federal law in Maryland may:

- (1) (text unchanged)
- (2) Be prohibited from engaging in any recreational fishing for the period of time described in §§D—[G] H of this regulation; and
- (3) Be prohibited from applying for any recreational fishing licenses for the period of time described in §§D—[G] H of this regulation.

B.—C. (text unchanged)

D. A person who receives one of the following violations may be suspended for up to 30 days.

	Statute or Regulation	Description
(1)—(5)	(text unchanged)	
(6)	COMAR 08.02.05.04	<i>Size Limits — White Perch: 20—49 fish</i>

E. A person who receives one of the following violations may be suspended for up to 90 days.

	Statute or Regulation	Description
(1)	(text unchanged)	
(2)	COMAR 08.02.03.06	<i>Violation of Collapsible Crab Trap or Net Ring Restrictions</i>
[2] (3)	COMAR [08.02.03.10E] 08.02.03.10	Possession of Female Crabs : 6—10 per bushel
[3] (4)— [6] (7)	(text unchanged)	
(8)	COMAR 08.02.05.04	<i>Size Limits — White Perch: 50—99 fish</i>
[7] (9)— [25] (27)	(text unchanged)	
[26]	4-734, 4-735, COMAR 08.02.05.19A	<i>Size Limits — Black Bass (Largemouth and Smallmouth): 4—6 fish</i>
(27)	COMAR 08.02.05.19B	<i>Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 4—6 fish over daily catch limit]</i>
(28)—(46)	(text unchanged)	

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(47)	COMAR 08.02.15.12B	Possession of Striped Bass Between Midnight and 5 a.m.: 2 fish
(48)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice — 2 fish
[(48)] (49)— [(54)] (55)	(text unchanged)	

F. A person who receives one of the following violations may be suspended for up to 180 days.

	Statute or Regulation	Description
(1)—(3)	(text unchanged)	
(4)	COMAR [08.02.03.10E] 08.02.03.10	Possession of Female Crabs: 11—15 per bushel
(5)—(6)	(text unchanged)	
(7)	COMAR 08.02.05.04	Size Limits — White Perch: 100 or more fish
[(7)] (8)— [(22)] (23)	(text unchanged)	
[(23)] (24)	4-734, COMAR 08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth): [7—10] 3—4 fish
[(24)] (25)	COMAR 08.02.05.19B	Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 7—10 fish over daily catch limit]
[(25)] (26)— [(29)] (30)	(text unchanged)	
[(30)] (31)	COMAR 08.02.05.22A(1)	Size Limits — Scup [— Recreational]: 7—10 fish
[(31)] (32)— [(54)] (55)	(text unchanged)	
(56)	COMAR 08.02.15.12B	Possession of Striped Bass Between Midnight and 5 a.m.: 3 fish
(57)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 3 fish
[(55)] (58)— [(56)] (59)	(text unchanged)	

G. A person who receives one of the following violations may be suspended for up to 365 days.

	Statute or Regulation	Description
(1)—(3)	(text unchanged)	
(4)	Natural Resources Article, Title 4, COMAR 08.02.02.01, 08.02.02.09, 08.02.03.03, 08.02.04.05, 08.02.05.03, 08.02.05.08, 08.02.08.03, 08.02.15.05, 08.02.18.03, 08.02.18.04, 08.02.18.05, 08.02.18.06	Operating Without a Required Commercial Fishing License or Authorization
[(4)]	4-210	Unlicensed Commercial Fishing Guide (Tidal)
(5)	4-210.1	Unlicensed Commercial Fishing Guide (Non-Tidal)
(6)	4-220, COMAR 08.02.13.05A	Fishing or Crabbing While Suspended or Revoked]
[(7)] (5)	(text unchanged)	
[(8)] (6)	4-503	Dynamiting [Streams]
[(9)] (7)— [(10)] (8)	(text unchanged)	
[(11)]	4-701(b)(4)	Failure to Obtain a Tidal Fish License for Commercial Activity
(12)	4-731	Unlawfully Selling Striped Bass
(13)	4-1004(a)	Taking Oysters or Clams for Commercial Purposes Without a License]
[(14)] (9)— [(16)] (11)	(text unchanged)	
[(17)] (12)	[4-11A-15] 4-11A-16	Engaging in a Prohibited Act on an Aquaculture or Submerged Land Lease Area
[(18)] (13)	COMAR [08.02.03.10E] 08.02.03.10	Possession of Female Crabs: 16 or more per bushel
[(19)] (14)— [(27)] (22)	(text unchanged)	
[(28)] (23)	[COMAR 08.02.05.12A(1)] COMAR 08.02.05.12A	Size Limits — Summer Flounder: 11 or more fish
[(29)] (24)	[COMAR 08.02.05.12A(2)] COMAR 08.02.05.12A	Daily Catch Limits — Summer Flounder: 11 or more fish over daily catch limit
[(30)] (25)—	(text unchanged)	

[(40)] (35)		
[(41)] (36)	COMAR 08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth): [11] 5 or more fish
[(42)]	COMAR 08.02.05.19B	Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 11 or more fish over daily catch limit]
[(43)] (37)— [(47)] (41)	(text unchanged)	
[(48)] (42)	[COMAR 08.02.05.21A(1)] COMAR 08.02.05.21A	Size Limits — Black Sea Bass: 11 or more fish
[(49)] (43)	[COMAR 08.02.05.21A(2)] COMAR 08.02.05.21A	Catch Limit — Black Sea Bass: 11 or more fish over daily catch limit
[(50)] (44)— [(78)] (72)	(text unchanged)	
(73)	COMAR 08.02.11.04F	Commercial Harvest or Sale of Fish from Nontidal Waters
[(79)] (74)— [(94)] (89)	(text unchanged)	
(90)	COMAR 08.02.15.12B	Possession of Striped Bass Between Midnight and 5 a.m.: 4 or more fish
[(95)] (91)— [(96)] (92)	(text unchanged)	
(93)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 4 or more fish
[(97)] (94)— [(103)] (100)	(text unchanged)	
[(104)] (101)	COMAR 08.02.22.02G [08.02.22.02F(4)]	Failing to Land Shark with Head, Tail and Fins Attached
[(105)] (102)— [(108)] (105)	(text unchanged)	
[(109)]	16 U.S.C. §3371-3378	Any Lacey Act Violation]

H. A person who receives one of the following violations may be suspended for up to 730 days.

	Statute or Regulation	Description
(1)	16 U.S.C. §§3371—3378	Any Lacey Act Violation
(2)	18 U.S.C. §371	Any Conspiracy to Commit a Lacey Act Violation
(3)	4-220, COMAR 08.02.13.05	Fishing or Crabbing While Suspended or Revoked

[H.] I. Any person who in any [2-year] 8 year period receives [5] five suspensions for violations as described in §§F [and] , G, or H of this regulation may be prohibited from engaging in all recreational fishing activities for 5 years.

[I.] J. Any person who in any [2-year] 3 year period receives [3] three suspensions for violations as described in §§D [and] or E of this regulation may be prohibited from engaging in all recreational fishing activities for 1 year.

[J.] K.—[L.] M. (text unchanged)

**.08 Charter Boat/Fishing Guide Point Assignment Schedule.**

A.—C. (text unchanged)

D. Tier I. The following violations are Tier I violations. A fishing guide who receives a conviction for a Tier I violation receives 5 points.

	Statute Or Regulation	Description
(1)	COMAR [08.02.03.10E] 08.02.03.10, 08.02.03.15	Possession of Female Crabs: 5—10 per Bushel
[(2)]	COMAR 08.02.03.10	Crabs — Daily Catch Limit]
[(3)] (2)	COMAR 08.02.03.11B, 08.02.03.15	Time for Catching Crabs
[(4)] (3)	(text unchanged)	
[(5)] (4)	COMAR 08.02.03.12B(2), 08.02.03.15	Crabs — Daily Catch Limit — Worcester County
[(6)] (5)— [(14)] (13)	(text unchanged)	
[(15)] (14)	COMAR 08.02.05.14A(1)	Size Limits — Spanish Mackerel: 1—2 fish under minimum size limit

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[(16)] (15)	COMAR [08.02.05.14B] 08.02.05.14A(2)	Daily Catch Limits — Spanish Mackerel: 1—2 fish over daily catch limit
[(17)] (16)— [(25)] (24)	(text unchanged)	
[(26)] (25)	COMAR 08.02.05.20A(2)	Possessing Tautog in [December] <i>Closed Season</i> : 1 fish
[(27)] (26)— [(41)] (40)	(text unchanged)	
(41)	COMAR 08.02.15.12H	<i>Violation of Striped Bass Public Notice: 1 Fish</i>
(42)—(43)	(text unchanged)	

E. Tier II. The following violations are Tier II violations. A fishing guide who receives a conviction for a Tier II violation receives 10 points.

	Statute Or Regulation	Description
(1)	COMAR [08.02.03.10E] 08.02.03.10, 08.02.03.15	Possession of Female Crabs: 11—15 per Bushel
(2)—(19)	(text unchanged)	
(20)	COMAR 08.02.15.12H	<i>Violation of Striped Bass Public Notice: 2 fish</i>
[(20)] (21)— [(24)] (25)	(text unchanged)	
[(25)] (26)	[COMAR 08.02.05.12A(1)] COMAR 08.02.05.12A	Size Limits — Summer Flounder: 2 fish under minimum size limit
[(26)] (27)	[COMAR 08.02.05.12A(2)] COMAR 08.02.05.12A	Daily Catch Limits — Summer Flounder: 2 fish over daily catch limit
[(27)] (28)— [(28)] (29)	(text unchanged)	
[(29)] (30)	COMAR 08.02.05.14A(1)	Size Limits — Spanish Mackerel: 3 fish under minimum size limit
[(30)] (31)	COMAR [08.02.05.14B] 08.02.05.14A(2)	Daily Catch Limits — Spanish Mackerel: 3 fish over daily catch limit
[(27)] (28)— [(39)] (40)	(text unchanged)	
[(40)] (41)	COMAR 08.02.05.20A(2)	Possessing Tautog in [December] <i>Closed Season</i> : 2 fish
[(41)] (42)	(text unchanged)	
[(42)] (43)	[COMAR 08.02.05.21A(1)] COMAR 08.02.05.21A	Size Limits — Black Sea Bass: 4—6 fish under minimum size limit
[(43)] (44)	[COMAR 08.02.05.21A(2)] COMAR 08.02.05.21A	Catch Limits — Black Sea Bass: 4—6 fish over daily catch limit
[(44)] (45)— [(49)] (50)	(text unchanged)	

F. Tier III. The following violations are Tier III violations. A fishing guide who receives a conviction for a Tier III violation receives 15 points.

	Statute Or Regulation	Description
(1)	(text unchanged)	
(2)	4-505 [points assessed for all violations]	Removing Fish, Nets or Gear of Another
(3)—(6)	(text unchanged)	
(7)	COMAR 08.02.03.11C, 08.02.03.15	Crabbing During a Closed Season
(8)	COMAR [08.02.03.10E] 08.02.03.10, 08.02.03.15	Possession of Female Crabs: 16 [or more] —20 per Bushel
(9)—(12)	(text unchanged)	
(13)	COMAR 08.02.05.05	Possession or sale of American Shad: 3 [or more] fish
(14)	COMAR 08.02.05.06	Possession or sale of Hickory Shad: 3 [or more] fish

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(15)	COMAR 08.02.05.09	Possession or Sale of River Herring: 3 [or more] fish
(16)	COMAR 08.02.05.10A	Size Limits — Bluefish: 4 [or more] fish under minimum size limit
(17)	COMAR 08.02.05.10B	Daily Catch Limits — Bluefish: 4 [or more] fish over daily catch limit
(18)—(31)	(text unchanged)	
(32)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 3 fish
[(32)] (33)	[COMAR 08.02.05.12A(1)] COMAR 08.02.05.12A	Size Limits — Summer Flounder: 3 [or more] fish under minimum size limit
[(33)] (34)	[COMAR 08.02.05.12A(2)] COMAR 08.02.05.12A	Daily Catch Limits — Summer Flounder: 3 [or more] fish over daily catch limit
[(34)] (35)	COMAR 08.02.05.13A(1)	Size Limits — Spotted Sea Trout: 4 [or more] fish under minimum size limit
[(35)] (36)	COMAR 08.02.05.13A(2)	Size Limits — Weakfish: 4 [or more] fish under minimum size limit
[(36)] (37)	COMAR 08.02.05.13B	Daily Catch Limits — Weakfish or Spotted Sea Trout: 4 [or more] fish over daily catch limit
[(37)] (38)	COMAR 08.02.05.14A(1)	Size Limits — Spanish Mackerel: 4 [or more] fish under minimum size limit
[(38)] (39)	COMAR [08.02.05.14B] 08.02.05.14A(2)	Daily Catch Limits — Spanish Mackerel: 4 [or more] fish over daily catch limit
[(39)] (40)	COMAR 08.02.05.15A	Size Limits — Black Drum: 3 [or more] fish under minimum size limit
[(40)] (41)	COMAR 08.02.05.15B	Daily Catch Limit — Black Drum: 3 [or more] fish over daily catch limit
[(41)] (42)	COMAR 08.02.05.16A(1)	Size Limits — Red Drum: 3 [or more] fish under minimum size limit or over maximum size limit
[(42)] (43)	COMAR 08.02.05.16A(2)	Daily Catch Limit — Red Drum: 3 [or more] fish over daily catch limit
[(43)] (44)	COMAR 08.02.05.18A(1)	Size Limit — Croaker: 7—10 [or more] fish under minimum size limit
[(44)] (45)	COMAR 08.02.05.18B	Daily Catch Limit — Croaker: 7—10 [or more] fish over daily catch limit
[(45)] (46)	COMAR 08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth): 3 [or more] fish under minimum size limit
[(46)] (47)	COMAR 08.02.05.19B	Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 3 [or more] fish over daily catch limit
[(47)] (48)	(text unchanged)	
[(48)] (49)	COMAR 08.02.05.20A(1)	Size Limits — Tautog: 3 [or more] fish under minimum size limit
[(49)] (50)	COMAR 08.02.05.20A(2)	Possessing Tautog in [December] Closed Season: 3 [or more] fish
[(50)] (51)	COMAR 08.02.05.20C	Catch Limit — Tautog: 3 [or more] fish over daily catch limit
[(51)] (52)	[COMAR 08.02.05.21A(1)] COMAR 08.02.05.21A	Size Limits — Black Sea Bass: 7—10 [or more] fish under minimum size limit
[(52)] (53)	[COMAR 08.02.05.21A(2)] COMAR 08.02.05.21A	Catch Limit — Black Sea Bass: 7—10 [or more] fish over daily catch limit
[(53)] (54)— [(71)] (72)	(text unchanged)	
[(72)] (73)	COMAR 08.02.05.28A(1)	Size Limits — Walleye: 3 [or more] fish under minimum size limit
[(73)] (74)	COMAR 08.02.05.28C(2)	Catch Limits — Walleye: 3 [or more] fish over daily catch limit
[(74)] (75)— [(84)] (85)	(text unchanged)	
[(85)] (86)	COMAR 08.02.22.02A	Possessing Prohibited Shark Species [— Recreational]
[(86)] (87)	COMAR 08.02.22.02C	Size Limits for Designated Shark Species [— Recreational]: 1 fish under minimum fork length
[(87)] (88)— [(88)] (89)	(text unchanged)	

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G. Tier IV. The following violations are Tier IV violations. A fishing guide who receives a conviction for a Tier IV violation receives 20 points.

	Statute Or Regulation	Description
(1)	(text unchanged)	
(2)	<i>COMAR 08.02.03.10, 08.02.03.15</i>	<i>Crabs — Daily Catch Limit</i>
(3)	<i>COMAR 08.02.03.10, 08.02.03.15</i>	<i>Possession of Female Crabs: 21—25 per Bushel</i>
[(2)] (4)	(text unchanged)	
(5)	<i>COMAR 08.02.05.05</i>	<i>Possession or Sale of American Shad: 4 fish</i>
(6)	<i>COMAR 08.02.05.06</i>	<i>Possession or Sale of Hickory Shad: 4 fish</i>
(7)	<i>COMAR 08.02.05.09</i>	<i>Possession or Sale of River Herring: 4 fish</i>
(8)	<i>COMAR 08.02.05.10A</i>	<i>Size Limits — Bluefish: 5 fish under minimum size limit</i>
(9)	<i>COMAR 08.02.05.10B</i>	<i>Daily Catch Limits — Bluefish: 5 fish over daily catch limit</i>
(10)	<i>COMAR 08.02.05.12A</i>	<i>Size Limits — Summer Flounder: 4 fish under minimum size limit</i>
(11)	<i>COMAR 08.02.05.12A</i>	<i>Daily Catch Limits — Summer Flounder: 4 fish over daily catch limit</i>
(12)	<i>COMAR 08.02.05.13A(1)</i>	<i>Size Limits — Spotted Sea Trout: 5 fish under minimum size limit</i>
(13)	<i>COMAR 08.02.05.13A(2)</i>	<i>Size Limits — Weakfish: 5 fish under minimum size limit</i>
(14)	<i>COMAR 08.02.05.13B</i>	<i>Daily Catch Limits — Weakfish or Spotted Sea Trout: 5 fish over daily catch limit</i>
(15)	<i>COMAR 08.02.05.14A(1)</i>	<i>Size Limits — Spanish Mackerel: 5 fish under minimum size limit</i>
(16)	<i>COMAR 08.02.05.14A(2)</i>	<i>Daily Catch Limits — Spanish Mackerel: 5 fish over daily catch limit</i>
(17)	<i>COMAR 08.02.05.15A</i>	<i>Size Limits — Black Drum: 4 fish under minimum size limit</i>
(18)	<i>COMAR 08.02.05.15B</i>	<i>Daily Catch Limit — Black Drum: 4 fish over daily catch limit</i>
(19)	<i>COMAR 08.02.05.16A(1)</i>	<i>Size Limits — Red Drum: 4 fish under minimum size limit or over maximum size limit</i>
(20)	<i>COMAR 08.02.05.16A(2)</i>	<i>Daily Catch Limit — Red Drum: 4 fish over daily catch limit</i>
(21)	<i>COMAR 08.02.05.18A(1)</i>	<i>Size Limit — Croaker: 11 or more fish under minimum size limit</i>
(22)	<i>COMAR 08.02.05.18B</i>	<i>Daily Catch Limit — Croaker: 11 or more fish over daily catch limit</i>
(23)	<i>COMAR 08.02.05.19A</i>	<i>Size Limits — Black Bass (Largemouth and Smallmouth): 4 fish under minimum size limit</i>
(24)	<i>COMAR 08.02.05.19B</i>	<i>Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 4 fish over daily catch limit</i>
(25)	<i>COMAR 08.02.05.19C(1)</i>	<i>Black Bass — Gear Restrictions (Largemouth and Smallmouth)</i>
(26)	<i>COMAR 08.02.05.20A(1)</i>	<i>Size Limits — Tautog: 4 fish under minimum size limit</i>
(27)	<i>COMAR 08.02.05.20A(2)</i>	<i>Possessing Tautog in Closed Season: 4 fish</i>
(28)	<i>COMAR 08.02.05.20C</i>	<i>Catch Limit — Tautog: 4 fish over daily catch limit</i>
(29)	<i>COMAR 08.02.05.21A</i>	<i>Size Limits — Black Sea Bass: 11 or more fish under minimum size limit</i>
(30)	<i>COMAR 08.02.05.21A</i>	<i>Catch Limit — Black Sea Bass: 11 or more fish over daily catch limit</i>
[(3)] (31)— [(5)] (33)	(text unchanged)	

H. Tier V. The following violations are Tier V violations. A fishing guide who receives a conviction for a Tier V violation receives 25 points.

	Statute Or Regulation	Description
(1)	<i>COMAR 08.02.03.14, 08.02.03.15</i>	<i>Possession of Undersized Hard Crabs: 21—25 per bushel</i>
(2)	(text unchanged)	

I. Tier VI. The following violations are Tier VI violations. A fishing guide who receives a conviction for a Tier VI violation receives 30 points.

	Statute Or Regulation	Description
(1)—(2)	(text unchanged)	
(3)	[4-210] <i>Natural Resources Article, Title 4, Annotated Code of Maryland</i>	Unlicensed Commercial Fishing Guide [(Tidal)]
[(4)]	44-210.1 points assessed for all violations	Unlicensed Commercial Fishing Guide (Nontidal)]
[(5)] (4)	4-503 [points assessed for all violations]	Dynamiting [Streams]
[(6)]	4-701(b)(4)	Failure to Obtain a Tidal Fish License for Commercial Activity]
[(7)] (5)— [(8)] (6)	(text unchanged)	
(7)	COMAR 08.02.03.10, 08.02.03.15	Possession of Female Crabs: 26 or more per bushel
[(9)] (8)	COMAR 08.02.03.14, 08.02.03.15	Possession of Undersized Hard Crabs: 26 or more per bushel
[(10)] (9)	COMAR 08.02.03.14A(3) [points assessed for all violations], 08.02.03.15	Offering to Sell or Selling Recreationally Caught Crabs
[(11)] (10)	COMAR 08.02.03.14A(4) [points assessed for all violations] 08.02.03.15	Knowingly Buying or Attempting to Buy Recreationally Caught Crabs
[(12)] (11)	(text unchanged)	
(12)	COMAR 08.02.05.05	Possession or Sale of American Shad: 5 or more fish
(13)	COMAR 08.02.05.06	Possession or Sale of Hickory Shad: 5 or more fish
(14)	COMAR 08.02.05.09	Possession or Sale of River Herring: 5 or more fish
(15)	COMAR 08.02.05.10A	Size Limits — Bluefish: 6 or more fish under minimum size limit
(16)	COMAR 08.02.05.10B	Daily Catch Limits — Bluefish: 6 or more fish over daily catch limit
[(13)] (17)	COMAR 08.02.05.11	Taking/Possessing Atlantic Sturgeon
(18)	COMAR 08.02.05.12A	Size Limits — Summer Flounder: 5 or more fish under minimum size limit
(19)	COMAR 08.02.05.12A	Daily Catch Limits — Summer Flounder: 5 or more fish over daily catch limit
(20)	COMAR 08.02.05.13A(1)	Size Limits — Spotted Sea Trout: 6 or more fish under minimum size limit
(21)	COMAR 08.02.05.13A(2)	Size Limits — Weakfish: 6 or more fish under minimum size limit
(22)	COMAR 08.02.05.13B	Daily Catch Limits — Weakfish or Spotted Sea Trout: 6 or more fish over daily catch limit
(23)	COMAR 08.02.05.14A(1)	Size Limits — Spanish Mackerel: 6 or more fish under minimum size limit
(24)	COMAR 08.02.05.14A(2)	Daily Catch Limits — Spanish Mackerel: 6 or more fish over daily catch limit
(25)	COMAR 08.02.05.15A	Size Limits — Black Drum: 5 or more fish under minimum size limit
(26)	COMAR 08.02.05.15B	Daily Catch Limit — Black Drum: 5 or more fish over daily catch limit
(27)	COMAR 08.02.05.16A(1)	Size Limits — Red Drum: 5 or more fish under minimum size limit or over maximum size limit
(28)	COMAR 08.02.05.16A(2)	Daily Catch Limit — Red Drum: 5 or more fish over daily catch limit
(29)	COMAR 08.02.05.19A	Size Limits — Black Bass (Largemouth and Smallmouth): 5 or more fish under minimum size limit
(30)	COMAR 08.02.05.19B	Daily Catch Limit — Black Bass (Largemouth and Smallmouth): 5 or more fish over daily catch limit
[(14)] (31)	COMAR [08.02.05.19D(1)] 08.02.05.19D	Possessing Black Bass (Largemouth and Smallmouth) for Commercial Purposes
(32)	COMAR 08.02.05.20A(1)	Size Limits — Tautog: 5 or more fish under minimum size limit
(33)	COMAR 08.02.05.20A(2)	Possessing Tautog in Closed Season: 5 or more fish

(34)	COMAR 08.02.05.20C	Catch Limit — Tautog: 5 or more fish over daily catch limit
[(15)] (35)	(text unchanged)	
[(16)] (36)	COMAR [08.02.05.24A] 08.02.05.24	Taking Spiny Dogfish During a Closed Season
[(17)] (37)	COMAR [08.02.05.24B] 08.02.05.24	Spiny Dogfish Finning Violation
[(18)] (38)— [(36)] (56)	(text unchanged)	
(57)	COMAR 08.02.15.12B	Striped Bass Public Notice Violation: 4 or more fish
[(37)] (58)	(text unchanged)	
[(38)] (59)	COMAR [08.02.22.02F(4)] 08.02.22.02G	Failing to Land Shark with Head, Tail and Fins Attached
[(39)] (60)— [(52)] (73)	(text unchanged)	

J. (text unchanged)

K. In addition to any other applicable penalty, a person may be suspended for a period of not more than 3 years for an offense related to a violation of the Lacey Act, 16 U.S.C. §3371-3378, including but not limited to conspiracy to commit a violation of the Lacey Act, 18 U.S.C. §371.

MARK J. BELTON  
Secretary of Natural Resources

# Title 15 DEPARTMENT OF AGRICULTURE

## Subtitle 06 PLANT PEST CONTROL

### 15.06.04 Regulation of Invasive Plants

Authority: Agriculture Article, §9.5-301, Annotated Code of Maryland

#### Notice of Proposed Action [16-059-P]

The Secretary of Agriculture proposes to amend Regulation .02, repeal existing Regulation .04, and adopt new Regulations .04, .06, and .07 under **COMAR 15.06.04 Regulation of Invasive Plants**.

#### Statement of Purpose

The purpose of this action is to establish a list of tier 1 plants and tier 2 plants in accordance with the Department’s risk assessment protocol; establish a procedure for the classification or the declassification of an invasive plant as a tier 1 invasive plant or a tier 2 invasive plant; phase in the implementation of the requirements of this chapter; establish a procedure for the disposal of tier 1 plants; designate signage requirements; and provide for the distribution of a list of tier 2 invasive plants to licensed nurseries, plant dealers, and plant brokers on an annual basis.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The cost of signage and delivery of the tier 2 plant list required by this chapter could be meaningful depending on the number of tier 2 plants in the possession of regulated industries.

#### II. Types of Economic Impact.

- A. On issuing agency: NONE
- B. On other State agencies: NONE
- C. On local governments: NONE

- D. On regulated industries or trade groups: NONE
- E. On other industries or trade groups: NONE
- F. Direct and indirect effects on public: NONE

#### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. MDA will enforce with existing resources. Some outreach materials will need to be developed initially. We will count on Internet delivery, outreach with industry groups, and inclusions with annual re-registration and other routine mailings.

- D. Plant nurseries, dealers, and landscapers could be impacted:
  - Required signage for Tier 2 plants will have an associated cost. For example, a yellow corrugated sign is priced at approximately \$10 (quote 7/17/2015 from Signs by Tomorrow). If a retail location was to sell all five Tier 2 species and put them in different places, they would need ~\$50 worth of signs. They may be able to print them on site using their own printing equipment.
  - Yellow flag iris is the only proposed Tier 1 plant that we are aware of that is potentially in the trade and it could no longer be sold

Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
	(E-)	Unknown
	NONE	
	NONE	
	(+)	Unknown
	(-)	Unknown
	NONE	
	(+)	Unknown
	(-)	Unknown