

(6) Activities on portions of the property leased to other individuals or organizations.

*C. These restrictions do not apply to Lawyers' Mall in Annapolis, which is regulated under Section 04.05.02.02.*

**04.05.02 Legislative Branch Buildings and Grounds in Annapolis**

Authority: Criminal Law Article, §§4-208 and 6-409; State Finance and Procurement Article, §§4-604(6) and (7) and 4-607(a) and (c); State Government Article, §2-1702; Annotated Code of Maryland

**.02 Demonstrations and Rallies.**

A. [Demonstrations and rallies] *Subject to the conditions below, demonstrations, rallies, and solicitation, whether or not by permit, may be held during regular business hours, but may not be scheduled to start after 8 p.m., or finish after 9 p.m., except when sessions of the Senate or House of Delegates run beyond 9 p.m.*

B. Demonstrations and rallies may be conducted [in the walkways, streets, and other paved areas of the plaza known as Lawyer's] *at Lawyers' Mall in front of the State House between the Legislative Services Building and Government House. The areas [in there] posted as fire lanes may not be obstructed.*

C. In case of preemption or conflicting scheduling of [Lawyer's] *Lawyers' Mall, demonstrations may be conducted in other nearby outdoor areas if agreeable with the applicant for the demonstration permit and the Superintendent of Annapolis Public Buildings and Grounds.*

D. Demonstrations or rallies outside State property may require separate approval of the Mayor of Annapolis through the Annapolis Police Department.

E. [Individuals or groups] *Groups of 15 or more persons wishing to hold demonstrations or rallies or engage in solicitation should apply in writing at least 2 days in advance to the superintendent or manager for a permit, unless extraordinary circumstances prevent the applications. Groups of less than 15 persons may hold demonstrations or rallies or engage in solicitation without a permit, space permitting, subject to the same conditions in this regulation, but an individual or group holding a permit will have priority over an individual or group without a permit.*

F. Permits shall be issued at no cost to the applicant on a first-come, first-served basis. The superintendent or manager may not refuse to issue a permit based on the:

- (1) Subject matter of the demonstration;
- (2) Applicant; or
- (3) Lateness of the permit application.

*G. Subject to paragraph E, above, and except as provided elsewhere in this Title, the following activities are not prohibited at Lawyers' Mall:*

*(1) Distribution of literature, materials, and merchandise for the exposition of ideas and opinions in the exercise of freedom of speech, association, assembly, and religion, but excluding purely commercial materials; and*

*(2) Solicitation of funds for lawful, non-commercial purposes or the collection of petition signatures.*

*H. The applicant shall indicate whether solicitation for charitable contributions will occur and, if so, indicate whether the applicant is properly registered under the Maryland Solicitation Act, Business Regulation Article, Title 6, or exempt from registration.*

*I. The applicant or any participant engaging in solicitation of funds shall inform donors whether the contribution is tax deductible, a contribution under § 1-101(o) of the Election Law Article, or a gift.*

[G.] *J. The Superintendent of Annapolis Public Buildings and Grounds shall have discretion only as to matters of scheduling, safety, security, and traffic.*

[H.] *K. The applicant should designate, by name, at least one individual to be present at the demonstration who will wear an armband or other identifying insignia and be responsible for advising the demonstrators on compliance with applicable laws and regulations.*

[I.] *L. [Minimal] Battery operated sound [amplification]systems may be used, but the State may not provide extra electricity or lighting. Signs and placards are permitted, but signs and placards mounted on sticks and poles are not permitted. Applicants must comply with all local noise ordinances.*

[J.] *M. An individual may not [have] possess a firearm [in the individual's possession] within 1,000 feet of a demonstration on the property.*

*N. The following activities are prohibited at Lawyers' Mall:*

*(1) Erecting any structures including tents, canopies, or structures; and*

*(2) Climbing on, removing, or damaging any memorial, statue, architectural feature, tree, or landscaping.*

ELLINGTON E. CHURCHILL  
Secretary of General Services

**Title 08  
DEPARTMENT OF NATURAL  
RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.05 Fish**

Authority: Natural Resources Article, §4-215, Annotated Code of Maryland

**Notice of Proposed Action**

[18-343-P]

The Secretary of Natural Resources proposes to amend Regulation .15 under **COMAR 08.02.05 Fish**.

**Statement of Purpose**

The purpose of this action is to reopen the commercial black drum fishery within the Chesapeake Bay at levels commensurate with other south Atlantic states. Currently, the commercial harvest of black drum is prohibited in the Chesapeake Bay, which is the most conservative management among the south Atlantic states. The Atlantic States Marine Fisheries Commission approved Addendum I to the Black Drum Interstate Fishery Management Plan which allows Maryland to reopen its black drum commercial fishery in the Chesapeake Bay. Reopening the commercial fishery is justifiable now because the Atlantic States Marine Fisheries Commission has classified the black drum stock as healthy and the limited Maryland harvest would have negligible impact on coastwide harvest.

The proposed action reorganizes the regulation so that restrictions apply to the appropriate fishery. The action removes the regulation that deals with tagging black drum caught in pound nets. The department no longer has a tagging study so the regulation is not necessary. The proposed action establishes size and catch limits for the Chesapeake Bay commercial fishery. A commercial licensee may not catch or possess black drum that are less than 28 inches in total length. The minimum size ensures that harvested black drum will be sexually mature and will have had the opportunity to spawn. Commercial licensees may catch up to ten fish per vessel per day, regardless of the number of licensees on board the vessel. The vessel limit will equate to a maximum weight of approximately 500 pounds per vessel per day which is equivalent to other south Atlantic states.

PROPOSED ACTION ON REGULATIONS

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Finally, the proposed action updates the text for public notices to be consistent with other species managed in cooperation with the Atlantic States Marine Fisheries Commission.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** The proposed action will have a positive economic impact for commercial harvesters.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
Commercial harvesters	(+)	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. Since the fishery has been closed for so long and the number of pound netters has declined, making a good estimate of catch is difficult. The spring migration of black drum is variable, so the number of fishermen who catch black drum will vary by year. The fish are in Maryland waters for about 6 weeks. Most of the harvest will be from pound nets, so whether or not the fish swim into a given net will determine catch. Most vessels will not land the daily limit. Using the information available, it may be assumed that a vessel could benefit by approximately \$10,500 per year. That calculation assumes that the vessel harvests 500 pounds of black drum each day for a six week period, each fish weighs 50 pounds, and the fish are sold for 50 cents per pound (current price). The benefit for the vessel would be divided by the licensees on board according to their agreements. Therefore, the actual impact for a commercial harvester is indeterminable.

**Economic Impact on Small Businesses**

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

Please see the assumptions in the Types of Economic Impact.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Black Drum Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax

to 410-260-8310. Comments will be accepted through January 22, 2019. A public hearing has not been scheduled.

**.15 Black Drum.**

[A. Minimum Size. A person may not catch or possess black drum less than 16 inches in total length.]

[B.] A. Recreational [Catch Limit] *Fishery*.

(1)—(2) (text unchanged)

(3) *A person may not catch or possess black drum less than 16 inches in total length.*

[C.] B. Commercial *Fishery*.

(1) (text unchanged)

(2) *Coastal Bays of the Atlantic Ocean and Their Tributaries [and Chesapeake Bay and Its Tidal Tributaries].*

[(a)] Except for purposes of scientific investigation approved by the Department, a commercial licensee may not catch, possess, or sell black drum.

[(b)] If black drum is incidentally taken by a pound net, a commercial licensee may notify the Department.

(c) The Department may:

(i) Verify the number of black drum;

(ii) Record the length;

(iii) Affix a tag;

(iv) Release the black drum; and

(v) Prepare an invoice for payment of \$7.50 per black drum as consideration for assistance with the collection of biological data if the Department was timely notified of the incidental taking of black drum.]

(3) *Chesapeake Bay and Its Tidal Tributaries.*

(a) *A commercial licensee may not catch or possess black drum less than 28 inches in total length.*

(b) *The daily catch and possession limit is ten black drum per vessel per day, regardless of the number of commercial licensees on board the vessel.*

D. [General. The Secretary:] *Public Notice.*

[(1)] May modify catch limits or open or close a season in State waters by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date; and]

(1) *The Secretary may establish or modify catch limits, size limits, and seasons for black drum in order to implement the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Black Drum, by issuing a public notice on the Department's website.*

(2) *The public notice shall state its effective hour and date and shall be published on the Department's website at least 48 hours in advance of the effective hour and date.*

[(2)] (3) [Shall] *The Secretary shall make a reasonable effort to disseminate a public notice issued under this section through various other media so that an affected person has a reasonable opportunity to be informed.*

(4) *A violation of the restrictions set by the Secretary in accordance with this section is a violation of this regulation.*

MARK J. BELTON  
Secretary of Natural Resources