

POSSIBLE CHANGES TO REGULATIONS FOR PENALTIES

The department intends to make changes based on the recommendations of the joint penalty workgroup of the Sport Fisheries and Tidal Fisheries Advisory Commissions. The annual penalty workgroup meeting was held June 7, 2018.

Commercial Changes — Code of Maryland Regulations [08.02.13.03](#)

1. Add second offenses of buy station regulations pertaining to the sale of oysters and clams – Tier VI (30 point/1-year suspension)
2. Add failure to submit shellfish buy tickets for oyster taxes to penalty schedule
 - a. 10-25 bushels: Tier I (5 points/no immediate suspension)
 - b. 26-50 bushels: Tier II (10 points/30-day suspension)
 - c. 51 bushels or more: Tier VI (30 points/1-year suspension)
3. Untagged oyster bushels – change from specified number of bushels to percentage of catch
 - a. 25 – 49% of catch: Tier I (5 points/no immediate suspension)
 - b. 50 – 74% of catch: Tier III (15 points/60-day suspension)
 - c. 75 – 99% of catch: Tier IV (20 points/90-day suspension)
 - d. 100% or more of catch: Tier VI (30 points/1-year suspension)
4. Adjust tiers for harvesting oysters in a polluted area (health violation)
 - a. Less than 100 feet into polluted area: Tier I (5 points/no immediate suspension)
 - b. 100-149 feet into polluted area: Tier II (10 points/30-day suspension)
 - c. 150-199 feet into polluted area: Tier III (15 points/60-day suspension)
 - d. 200-249 feet into polluted area: Tier IV (20 points/90-day suspension)
 - e. 250-299 feet into polluted area: Tier V (25 points/180-day suspension)
 - f. 300 feet or more into polluted area: Tier VI (30 points/1-year suspension)
5. Add failure to allow inspection: Tier II (10 points/30-day suspension)

Recreational Changes — Code of Maryland Regulations [08.02.13.05](#)

Add violation of oyster daily catch limit at same level as exceeding daily catch limit of crabs

1. 90-day suspension for up to 1 bushel over limit
2. 180-day suspension for more than 1 bushel over limit

Dealer Changes — Code of Maryland Regulations [08.02.13.10](#)

Add failure to submit shellfish buy tickets for oyster taxes to penalty schedule

1. 10-25 bushels: Tier I (5 points/no immediate suspension)
2. 26-50 bushels: Tier II (10 points/30-day suspension)
3. 51 bushels or more: Tier VI (30 points/1-year suspension)