

POSSIBLE CHANGES TO REGULATIONS FOR PENALTIES UPDATES TO COMMERCIAL, RECREATIONAL AND DEALER PENALTIES

The department plans to make annual changes to the penalties based on the penalty workgroup meeting that was held June 15, 2017.

Commercial Changes

1. Add upper tier for soft-shell clam violations at 2 bushels or more with at least 25% undersized clams – Tier II (10 points/30 day suspension)
2. Add penalty for failure to refrigerate soft-shell clams – 5 points (no immediate suspension)
3. Add tier for setting crab pots in restricted areas – setting 50 or more pots in an area – Tier III (15 points/60 days)
4. Tier out egg-bearing female crab violations
 - a. 10 – 39 crabs/bushel = Tier II (10 points/30 days)
 - b. 40 or more crabs/bushel = Tier III (15 points/60 days)
5. Add black sea bass violations to penalty schedule (mirrors summer flounder penalties)
 - a. 20-49% over catch limit = Tier I (5 points/no immediate suspension)
 - b. 50-99% over catch limit = Tier II (10 points/30 day suspension)
 - c. 100% or more over catch limit = Tier III (15 points/60 day suspension)
6. Housekeeping: Add Natural Resources Article, §4-1009.1, Annotated Code of Maryland as an authority for oyster catch limit violations in Harvest Reserve Areas

Recreational Changes

1. Amend language in COMAR 08.02.13.05C to make it more clear that when suspended, an individual cannot fish
2. Add exceeding the recreational oyster daily catch limit = 90 days
3. Add exceeding 2 crab pots/property: More than 5 pots = 90 days
4. Add violations for egg-bearing female crabs at same penalty levels as other female crab violations
5. Add tiers for striped bass – currently maxes out at 1 year/violation (4 or more fish) – change to:
 - a. 4-9 fish: 1 year
 - b. 10-19 fish: 2 years
 - c. 20 or more fish: 5 years
6. Add snapper/grouper violations
 - a. 4-6 fish: 90 days
 - b. 7-10 fish: 180 days
 - c. 11 or more fish: 1 year
7. Add Youghiogeny Reservoir violations to penalty schedule at similar levels as other nontidal violations
8. Add penalties for using prohibited gear in a fly-only or artificial lure-only area at same level as using prohibited gear/bait in a delayed harvest area (1 year)
9. Housekeeping: Add Natural Resources Article, §§4-734 and 4-735, Annotated Code of Maryland as authority for black bass, chain pickerel, and bluefish violations

Dealer Change

Add buy ticket violations (i.e. failure to complete buy ticket, failure to pay taxes, providing false information) at similar level as harvester buy ticket violations (10 points/30 days)