

08.02.13.02 (December 2, 2008)

.02 Point Assignment Schedule.

A. – C. (text unchanged)

D. Point Assignment Schedule. The following number of points shall be assessed against a tidal fish licensee, except a fishing guide licensee, licensed under Natural Resources Article 4-701 (d) (ii) 2 for each conviction as follows:

<i>Statutory or Regulatory Provision</i>	<i>Description</i>	<i>Points</i>
(1) – (31)	(text unchanged)	
(32) 4-740, COMAR 08.02.11.04, 08.02.05.28	Unlawfully Taking or Possessing Walleyed Pike	2
(33) – (36)	(text unchanged)	
(37) COMAR[08.02.03.09] 08.02.03.14	Possessing Undersized Crabs:	
	(a) – (d) (text unchanged)	
(38)	(text unchanged)	
(39) 4-810,	Violating Regulations Pertaining to Female Crabs	1

COMAR [08.02.03.02] <u>08.02.03.08</u>		
(40) <u>4-902, 4-903, COMAR 08.02.06.02</u>	<u>Violating Regulations Pertaining to Terrapins</u>	<u>2</u>
(41) – (75)	(text unchanged)	
(76) <u>COMAR 08.02.21.04</u>	<u>Possession of yellow perch greater than 11 inches caught by means other than hook and line</u>	<u>2</u>
(77) <u>COMAR 08.02.21.04</u>	<u>Possession of yellow perch less than 9 inches caught by hook and line</u>	<u>2</u>
(78) <u>COMAR 08.02.21.04</u>	<u>Possession of yellow perch during closed season.</u>	<u>5</u>
(79) <u>COMAR 08.02.03.14 B</u>	<u>Possession of female crabs in hard male crab bushels</u>	
	<u>(a) 6-15 per bushel</u>	<u>1</u>
	<u>(b) 16-20 per bushel</u>	<u>2</u>
	<u>(c) 21-50 per bushel</u>	<u>5</u>
	<u>(d) Over 50 per bushel</u>	<u>10</u>
	<u>(e) 14-38 per barrel</u>	<u>1</u>
	<u>(f) 39-50 per barrel</u>	<u>2</u>
	<u>(g) 51-125 per barrel</u>	<u>5</u>
	<u>(h) Over 125 per barrel</u>	<u>10</u>
(80) <u>COMAR 08.02.03.14</u>	<u>Violating female crab daily bushel limit or female crab season closure</u>	
	<u>(a) 3-4 bushels</u>	<u>1</u>
	<u>(b) 5-6 bushels</u>	<u>2</u>
	<u>(c) 7-9 bushels</u>	<u>5</u>
	<u>(d) Over 10 bushels</u>	<u>10</u>
	<u>(d) 2 barrels</u>	<u>1</u>
	<u>(e) 3 barrels</u>	<u>2</u>
	<u>(f) 4 barrels</u>	<u>5</u>
	<u>(g) Over 5 barrels</u>	<u>10</u>
(81) <u>COMAR</u>	<u>Violating the time for taking crabs by 60 minutes or more before start time or after quitting</u>	<u>2</u>

08.02.03.11	<u>time</u>	
(82) 08.02.15	<u>Possession of more than one gear type of striped bass tags or permit on board a vessel</u>	<u>5</u>
(83) 08.02.05 and 08.02.15	<u>Selling or possessing untagged or unreported or untagged and unreported fish</u>	
	<u>(a) 4-10 fish</u>	<u>2</u>
	<u>(b) 11-20 fish</u>	<u>5</u>
	<u>(c) 21 or more fish</u>	<u>10</u>

08.02.13.03 (12/4/08)

.03 Commercial License Suspension and Revocation.

A. – B. (text unchanged)

C. License Suspension and Revocation.

(1) The license suspension schedule in [[§C(2)]] §C(3) of this regulation establishes the maximum number of days that a tidal fish license may be suspended through the accumulation of points. A lesser penalty may be imposed at the Department's discretion if the circumstances warrant it. The maximum period of suspension depends on the total number of points accumulated by a licensee in accordance with the schedule established in Regulation .02 of this chapter.

(2) Before the suspension or revocation of a tidal fish license, the Department shall provide a contested case hearing in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland and COMAR 08.01.04.

(3) Schedule for License Suspension.

For 3 Convictions[/] In 1 Subtitle or 5 Convictions Across Title

Accumulated Number of Points Maximum Period of Suspension

5—9 10 days

10—14 15 days

15—19 20 days

20—24 25 days

25—29	30 days
30—34	35 days
35—39	40 days
40—44	45 days
45—49	50 days
50+	minimum 365 days
51—75	2-year suspension
76—99	3-year suspension
100+	5-year suspension

[(3)] (4) In addition to any points assigned in accordance with the schedule established in Regulation .02 of this chapter, conviction of any of the following violations shall result in:

(a) A 30-day suspension for a first offense, suspension for one complete season for a second offense, and a 5-year revocation for a third offense, for:

(i) (text unchanged)

(ii) Selling or possessing untagged [fish] striped bass, unreported [fish] striped bass, or untagged and unreported [fish] striped bass, in an amount of more than 200 pounds above the permitted quota;

(iii) – (vi) (text unchanged)

(b) The suspension of a person's tidal fish license or authorization for a period of not less than 180 days and not exceeding 365 days during the oyster harvest season for:

(i) (text unchanged)

(ii) A violation of a time restriction for the harvest or possession of oysters by more than 2 hours;[and]

(c) A 90-day suspension for a first offense, 1-year suspension for a second offense, and a 5-year revocation for a third offense of harvesting clams between 2 hours after the legal time period or 2 hours before the legal start time[.]; and

(d) A 30-day suspension for a first offense, 90-day suspension for a second offense, and 365 day suspension for a third offense of tagging striped bass harvested by one gear with a tag indicating another gear type.

[(4)] (5) (text unchanged)

D. – E. (text unchanged)

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