

*D. Withdrawal for Purposes Other than Eligible Costs.*

(1) Except as authorized under §§D(2)(a) and (3) of this regulation, if the account holder withdraws any funds for which a subtraction has been claimed from the account for a purpose other than eligible costs for the purchase of a home:

(a) The funds shall be taxed as ordinary income of the account holder for the tax year in which they were withdrawn; and

(b) The account holder shall pay a penalty to the State equal to 10 percent of the amount withdrawn.

(2) Rollovers.

(a) An account holder may withdraw money from the account and deposit the money in a new first-time homebuyer savings account held by a different financial institution or the same financial institution.

(b) An account holder who withdraws funds from an account but does not deposit the funds in a new first-time homebuyer savings account within 60 days of withdrawal shall be subject to the tax and penalty described in §D(1) of this regulation.

(3) A disbursement of any assets of a first-time homebuyer savings account under a filing by an account holder for protection under the United States Bankruptcy Code, 11 U.S.C. §§101—1330, does not subject the account holder to the liabilities described in §D(1) of this regulation.

(4) A use of the account funds to pay a financial institution’s administrative costs is not be considered a withdrawal from the account subject to the provisions of §D(1) of this regulation if the administrative costs:

(a) Are disclosed by the financial institution, in writing, to the account holder at the time the account is opened; and

(b) Do not inure to the benefit of the account holder.

PETER FRANCHOT  
Comptroller

**Title 08**  
**DEPARTMENT OF NATURAL**  
**RESOURCES**

**Subtitle 02 FISHERIES SERVICE**

**08.02.03 Blue Crabs**

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

**Notice of Proposed Action**

[22-011-P]

The Secretary of Natural Resources proposes to amend Regulation .07 under **COMAR 08.02.03 Blue Crabs**.

**Statement of Purpose**

The purpose of this action is to clarify the crab pot line at the mouth of St. Jerome Creek in St. Mary’s County and to remove duplicative language that currently exists in the regulation.

Currently the regulatory line which governs crab pot use at the mouth of St. Jerome Creek is defined in COMAR 08.02.03.07E(3) as "thence along shores to Cedar Point to Point No Point and to Point Lookout." "Along the shore" in this instance, is intended to be from point of land to point of land, as the purpose of the crab pot lines is to restrict crab pots to the mainstem Chesapeake Bay. Due to differing definitions of "along the shore" within this regulation, the Department is proposing to directly reference the points of land at the mouth of St. Jerome Creek to make it explicit that the tributary is

closed to crab pots. The new language will reference St. Jerome Point and Deep Point (the two points on either side of the mouth of St. Jerome Creek) between Point No Point and Point Lookout.

Additionally, the action will remove the statement "A person who owns or is in charge of operating a vessel used to catch crabs for commercial purposes with crab pots shall be licensed by the department", as it is duplicative of commercial licensing requirements elsewhere.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small 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 Crab Pot Line Regulations, Regulatory Staff, Maryland Department of Natural Resources, Fishing and Boating Services, 580 Taylor Ave., E-4, Annapolis, MD 21401, or call 410-260-8300, or fill out the comment form at [https://dnr.state.md.us/fisheries/Pages/regulations/changes.aspx#bcra\\_bstjames](https://dnr.state.md.us/fisheries/Pages/regulations/changes.aspx#bcra_bstjames). Comments will be accepted through February 2, 2022. A public hearing will be held online only on January 13, 2022, at 1 p.m. Join with Google Meet, [meet.google.com/cue-azno-yds](https://meet.google.com/cue-azno-yds). Join by phone, (US) +1 415-656-8412 (PIN: 466858181).

**.07 Crab Pots.**

A.—C. (text unchanged)

D. General Requirements.

(1)—(3) (text unchanged)

[(4) A person who owns or is in charge of operating a vessel used to catch crabs for commercial purposes with crab pots shall be licensed by the Department.]

[(5)] (4)—[(8)] (7) (text unchanged)

E. Crab Pot Line for the Chesapeake Bay and Potomac River.

(1)—(2) (text unchanged)

(3) The following lines mark the headlands of the rivers, bay, creeks, sounds, coves, and inlets beginning on the western side of Chesapeake Bay at Locust Point on Spesutie Island; then southwesterly along the shore to Bear Point; thence to Black Point; thence southwesterly along shore to Abbey Point; thence to Lego Point; thence along the shore to Ford Point; thence along the shore to Robbins Point; thence along the shore to southwestern tip of Rickett Point; thence in a northwesterly direction to the point of Carroll Island at Lat. 39°18'52.29" N., Long. 76°19'42.11" W. to Weir Point to Lower Point; thence to the northeasterly point of Millers Island; thence southerly along southeasterly shores of Millers Island, Hart Island, and Patapsco River Neck to the southernmost tip of North Point; thence southwesterly along a line to Buoy R "6" to within 200 yards of the Brewerton channel; thence in a southeasterly direction to intersect a point along a line from North Point to Bodkin Point 200 yards north of the Brewerton channel; thence to Bodkin Point; thence southerly along shore to Mountain Point; thence to Persimmon Point; thence along shores to Sandy Point to Hackett Point; thence to Greenbury Point; thence to Tolly Point; thence along shore to Thomas Point; thence to Saunders Point; thence along shore to Dutchman Point; thence to Curtis Point; thence along shore to point on north side of entrance into Parkers Creek; thence to Holland Point; thence southerly along shore to Plum Point and to Cove Point and to Drum Point; thence to Hog Point; thence along shores to Cedar Point

to Point No Point to *St. Jerome Point to Deep Point* and to Point Lookout; thence southeasterly across the Potomac River to Smith Point; thence northeasterly along State line to intersection with westerly shore of Smith Island, crossing Big Thorofare at points marking its western entrance and continuing northward along shore to Fog Point; thence to southwesternmost point of land on Pry Island; thence to southernmost point of Holland Island; thence along western shores of Holland Island, Adam Island, Billys Island, and Bloodsworth Island to tip of shore on southwesterly side of entrance into Okahanikan Cove; thence to Navy-maintained tower; thence to nun Buoy N "2", thence to Honga River Light Fl. 4 § 16 ft. 4M; thence to Billy's Point at Lat. 38°14.52' N., Long. 76°07.58' W. on lower Hoopers Island; thence westerly along shore of Hoopers Island to Pons Point; thence to southernmost point of Barren Island; thence northerly along the western shore of Barren Island crossing Tar Bay at points marking its northwestern entrances, and continuing northerly along west shores of Meekins Neck, Taylors Island, and James Island to James Point; thence to Hills Point; thence to Black Walnut Bar Bell buoy; thence to Black Walnut Point; thence northerly along west shore of Tilghman Island to point on northerly side of Paw Cove; thence northerly along shore to a point on the eastern side of Harbor Cove defined by Lat. 38°46'43.98" N., Long. 76°19'23.38" W.; thence in a straight line in a northwesterly direction to Bloody Point; thence northerly along west shore to Kent Island to Love Point; thence to northwest point of Eastern Neck Island; thence northerly along west shore of Eastern Neck to Huntingfield Point; thence to Swan Point; thence northerly along shore to point on south side of Fairlee Creek marking its entrance; thence along shore to Worton Point; thence along shore to Plum Point; thence along shore to include the area known as Still Pond to Meeks Point; thence along shore to Howell Point; thence along the shore to a point defined by Lat. 39°22'16.68" N, Long. 76°6'22.04" W; thence 73° True to a point defined by Lat. 39°23'12.32" N, Long. 76°2'12.99" W; thence along shore to Grove Point; thence along the shore to a point near Pearce Creek defined by Lat. 39°26'20.04" N, Long. 75°58'46.50" W; thence 301° True to a point defined by Lat. 39°26'59.96" N, Long. 76°0'9.72" W; thence along shore to Turkey Point; thence northerly along the western shore of Elk Neck to Rocky Point; thence westerly across the Bay to Locust Point, the point of beginning.

F.—H. (text unchanged)

JEANNIE HADDAWAY-RICCIO  
Secretary 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**

[22-009-P]

The Secretary of Natural Resources proposes to amend Regulation .02 under **COMAR 08.02.05 Fish**.

**Statement of Purpose**

The purpose of this action is to adjust the commercial hook-and-line fishing line in the Susquehanna River. Currently, the line is at the mouth of Deer Creek. The action moves the line for this gear type to the tip of Rowland Island. The current line would remain for all other gear types.

The current commercial gear line in the Susquehanna River was put in place during the 1990s as part of the department's striped bass regulations. Over time, the area between Deer Creek and the Conowingo Dam was opened for recreational angling. However, hook and lining commercially was not allowed. Since the restrictions

were lifted for recreational anglers, the commercial striped bass fishery has moved to an individual transferable quota system (ITQ). This means that the licensee will harvest a set amount of fish in any locations open for commercial harvest. Because of this and other changes in the fishery over time, the department does not have any concerns about commercial hook-and-line use in this 3.5 mile stretch of the river. The change would remove the only area of tidal water where any commercial activity is currently prohibited. It will also make the rules for hook-and-line use the same between recreational and commercial users. Commercial licensees using hook-and-line gear will also be able to harvest other species such as invasive flathead catfish and snakeheads.

Additionally, the action updates references within the regulation and to other regulations that are no longer accurate.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** This action will allow commercial licensees who use hook-and-line gear additional area to commercially harvest fish. The impact is indeterminable, but positive.

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 Hook-and-Line 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. A small number of commercial harvesters will likely take advantage of the newly-opened area to commercially harvest fish with hook-and-line gear. However, due to the hydrology of the river, it is likely to remain a small number. That area requires specialized boats in order to safely navigate, so those individuals who already have that equipment may benefit, but the benefit will likely not be so great to incentivize other individuals to acquire that gear.

**Economic Impact on Small Businesses**

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

Commercial finfish harvesters who use hook-and-line gear will have an additional 3.5 miles of the Susquehanna River from which to harvest fish. It is indeterminable how much of a financial impact this