

## **PENALTIES – Updates to Penalty Schedules**

### **What is being considered?**

The Department would like to modify its commercial and recreational penalty schedules based on the recommendations of the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup. In addition to the fines that violators face in District Court, the Department maintains these administrative penalty schedules as a deterrent to breaking fisheries laws.

#### **1. Updates for the Recreational Schedule**

- Create a 1 year suspension for using illegal gear in catch-and-release trout fishing areas. This will standardize the penalty for using prohibited gear in special management trout areas.
- Create a 1 year suspension for possession of trout in a delayed harvest trout fishing area when harvest is prohibited. This will standardize the penalty for possession of trout in areas where harvest is not allowed.
- Create a 180 day suspension for individuals age 16 or older fishing on a designated youth trout fishing day in a put-and-take trout fishing area designated as Closure 1. This is the same penalty that currently exists for fishing in a closed area.
- Create a 180 day suspension for harvest of freshwater mussels in tidal waters. This will mirror the current penalty for harvesting freshwater mussels in nontidal waters.

#### **2. Updates for the Commercial Schedule**

- Create administrative penalties for violations of male crab limits that mirror the penalties for violations of mature female bushel limits. Those penalties are broken out both by license type and by amount over the catch limit.
  - 5 Points (no immediate suspension unless prior violations incurred points):
    - LCC/LCCM: 1 bushel over limit;
    - TFL/CB3: 2—3 bushels over limit;
    - CB6: 3—5 bushels over limit;
    - CB9: 4—7 bushels over limit
  - 10 points (30 day suspension):
    - LCC/LCCM: 2 bushels over limit;
    - TFL/CB3: 4-5 bushels over limit;
    - CB6: 6-9 bushels over limit;
    - CB9: 8-12 bushels over limit
  - 15 points (60 day suspension):
    - LCC/LCCM: 3 bushels over limit;
    - TFL/CB3: 6-9 bushels over limit;
    - CB6: 10-14 bushels over limit;
    - CB9: 13-19 bushels over limit
  - 20 points (90 day suspension):
    - LCC/LCCM: 4 or more bushels over limit;
    - TFL/CB3: 10 or more bushels over limit;
    - CB6: 15 or more bushels over limit;
    - CB9: 20 or more bushels over the limit

- Include area violations by sail dredges and sail dredges using an auxiliary yawl in the current penalty for dredging in a prohibited area. The current 15 point violation only applies to power dredges.

### **Why is this change necessary?**

The creation of a suspension for using illegal gear in catch-and-release trout areas is necessary to standardize the penalty for using prohibited gear in special management trout areas. There is already a 1 year suspension on the penalty schedule for using illegal gear in delayed harvest trout fishing areas, which are catch-and-release during part of the year and allow harvest during other parts of the year. The gear restrictions in delayed harvest trout fishing areas are only in place when the area is managed as catch-and-release. In contrast, catch-and-release trout fishing areas are managed year-round with more stringent gear requirements – either fly fishing-only or fly and artificial lure-only – due to the expectation that fish that are caught will be released, not retained. Standardizing the penalty for violating these more restrictive gear rules will ensure fairness in the way similar violations are treated.

In a similar vein, creating a suspension for possession of trout in a delayed harvest trout fishing area when possession is not allowed will mirror the current penalty for possession of trout in a catch-and-return trout fishing area. In both instances, harvest of trout is not allowed. These areas are managed as catch-and-release in order to provide additional angling opportunities in areas that support trout for a longer period of time than areas managed as put-and-take areas.

Youth Trout Day is held the Saturday before Closure 1 put-and-take trout fishing areas open in order to provide additional, lower-pressure opportunities for children to experience fishing. Closure 1 runs from 10 p.m. the first Sunday after March 4 to 6:30 the last Saturday in March. The penalty schedule currently has a 180 day suspension in place for anyone fishing in Closure 1 areas during the rest of the closure. However, with the creation of Youth Trout Day in 2024, there is now a possibility of an adult being cited for “Fishing on Youth Trout Day” rather than “Fishing in a Closed Area”. The Department often allows for a period of time between when regulations change and when it institutes administrative penalties for violations of those regulations. At this point both the Penalty Workgroup and the Department believe it is time to ensure that adults fishing on Youth Trout Day face the same penalty as if they fished in a closed area the day before or the day after Youth Trout Day.

The harvest of freshwater mussels in nontidal waters has been prohibited for many years and violators of that rule currently face a suspension of up to 180 days. Because the way the General Assembly has granted the Department authority to regulate species varies between tidal and nontidal waters, that prohibition did not exist in tidal waters until February 2025 when the Department declared freshwater mussels as a species in need of conservation and adopted regulations to prohibit the catching, possession, or sale of freshwater mussels caught in Maryland waters. Freshwater mussels do not commonly appear in most tidal systems in Maryland, however the Department is conducting restoration work in the tidal portion of the Susquehanna River below the Conowingo Dam. Due to these efforts, it is important to ensure that harvest of these species does not occur. The Penalty Workgroup and the Department believe that mirroring the penalty between tidal and nontidal waters is appropriate.

The creation of administrative penalties for violations of male crab limits is necessary because as the crab population continues to experience a period of lower levels, there must be adequate deterrence for violators to follow the rules. When the penalty schedule was created, the Department did not have commercial male crab limits. When male crab limits were initially created, the Department did not anticipate needing to continue to use that management tool very frequently. Because this management tool continues to be used, the Penalty Workgroup and the Department believe it is necessary to add these penalties as a deterrent. Mirroring the penalties for other crab catch limit violations was determined to be the fairest path forward.

The penalty schedule already includes a 15 point violation for individuals who power dredge 150 feet or more within an area where that gear is not allowed. It is necessary to include violations by sail dredges and sail dredges using auxiliary yawls in the penalty that applies to dredging in a prohibited area because regardless of whether a vessel is powered by its own engine, by sail, or by an auxiliary yawl, dredges are limited to designated areas and potential penalties should be similar between the gear types.

### **Who will this affect?**

These changes will affect individuals who violate Maryland fisheries laws.

### **Additional Info**

Information about penalties, including tables for commercial and recreational violations can be found in the Code of Maryland Regulations ([COMAR 08.02.13](#))

### **Has this change been discussed with advisory bodies or other interested or impacted individuals?**

1. Discussed with the Sport Fisheries Advisory Commission (SFAC)/Tidal Fisheries Advisory Commission (TFAC) Joint Penalty Workgroup at their June 2025 meeting
2. Discussed with SFAC and TFAC at their July 2025 meetings as part of the workgroup reports.
3. This idea was scoped with the Sport Fisheries Advisory Commission (SFAC) and the Tidal Fisheries Advisory Commission (TFAC) at their meetings in January 2026.

### **Regulatory Process**

Fishing rules in Maryland may be created by either the General Assembly or the Department. When the Department creates a fishing rule, it is called a regulation. When the General Assembly creates a rule, it is called a statute. The Department often has to create a regulation to implement a statute. The regulatory process begins with scoping and the Department follows normal [procedures](#) as concepts move forward.

During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy.

**When would this be effective?**

The Department projects that this change could be effective in the fall of 2026. However, the exact date cannot be determined at this time.