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 and Charter Schedules
   - Add penalty for using illegal gear to catch crabs — 180 days
   - Update references to failure to report/tag sharks, bluefin tuna, billfish, and swordfish. The Department changed the process for anglers who harvest these species to require anglers to check those fish in through an approved federal system and they are no longer required to fill out a Maryland catch card and obtain a tail tag for these species. There is no change to the penalties.

2. Updates for the Commercial Schedule
   - Add failure to deliver oysters to a dealer before 9 p.m. on the day of harvest — 10 points (30 day suspension)
   - Add use of auxiliary yawl boat while harvesting oysters with a dredge boat more than two days in a week — 15 points (60 day suspension)
   - Add tiers for exceeding male crab bushel limits when storing crabs in lugs to match equivalent violations for exceeding male crab bushel limits when storing crabs in bushels:
     - 5 Points (no immediate suspension unless prior violations incurred points):
       - LCC: 1 lug over limit
       - TFL/CB3: 1-2 lugs over limit
       - CB6: 2-3 lugs over limit
       - CB9: 3-4 lugs over limit
     - 10 points (30 day suspension):
       - TFL/CB3: 3 lugs over limit
       - CB6: 4-5 lugs over limit
       - CB9: 5-6 lugs over limit
     - 15 points (60 day suspension):
       - LCC: 2 lugs over limit
       - TFL/CB3: 4-5 lugs over limit
       - CB6: 6-9 lugs over limit
       - CB9: 7-12 lugs over limit
     - 20 points (90 day suspension):
       - LCC: 3 or more lugs over limit
       - TFL/CB3: 6 or more lugs over limit
       - CB6: 10 or more lugs over limit
       - CB9: 13 or more lugs over the limit

3. Updates for All Schedules

- Add additional striped bass filleting violations to all penalty schedules. The new penalties would apply to illegally filleting striped bass on board a vessel or failure of charter boat to retain carcass of filleted fish. The penalties would be the same as those for possessing a fish whose size/weight cannot be determined:
    - Commercial: 5 points (no immediate suspension)
    - Recreational: 1 year
    - Charter/Fishing Guide: 15 points (60 day suspension)
    - Dealer (if more than 50 pounds): 5 points (no immediate suspension)
- Add set time violations to crabbing time violations. Current administrative penalties only apply to harvest times, not set times. The new penalties would be the same as the current penalties for harvest time violations for the various sectors:
    - Commercial: 5 points (only if 60 minutes or more)
    - Recreational:
        - 90 days (first offense – by 30 minutes or more)
        - 90 days (second or subsequent offense – no time cushion)
    - Charter/Fishing Guide: 5 points (no time cushion)

Why are these changes necessary?

The change to add illegal crabbing gear to the administrative penalty schedule is necessary to standardize gear violations across fisheries. Currently, the use of illegal finfish gear results in a 180 day suspension if the violation is with gear other than projectile gears and a 1 year suspension if the violation is with projectile gears. There is no suspension for the use of illegal crabbing gear. Based on the language of the crabbing gear regulation, there is not an easy way to distinguish what type of illegal gear was being used. Therefore, the Department is considering adding an administrative penalty for illegal crabbing gear at the lower end of the gear violations rather than the upper.

Changing the language regarding the penalty for failing to report a catch or obtain or affix a tail tag to a shark, bluefin tuna, billfish, or swordfish is necessary because the Department has changed the reporting method for those species. Previously, when an angler kept a shark, bluefin tuna, billfish, or swordfish, they had to report the catch to the Department on a catch card, turn the catch card in to a reporting station where they would receive a tail tag, then attach the tail tag to the fish prior to removing the fish from the boat or the on-shore location where the fish was caught. This led to a number of significant logistical complexities. Now, anglers are required to report their catch through an approved federal reporting method. The change to the penalty schedule is purely to update the language regarding failing to check these fish in through the required method, it does not change the actual penalty for failure to check the fish in.

The addition of failure of a commercial oyster harvester to deliver oysters to a dealer by 9 p.m. on the day of harvest is necessary to ensure that harvesters are complying with rules that protect public health. If oysters are not delivered to a temperature-controlled facility that is licensed and certified by the Maryland Department of Health in a timely manner, those oysters have the potential to cause significant human health problems if they are ultimately sold and consumed. Adding an administrative penalty for failing to deliver oysters to a dealer by 9 p.m. on the day of

harvest will help ensure that oyster harvesters comply with these rules in place to protect human health, regardless of market price or inconvenience.

Oyster harvesters who use sail dredges (also known as dredge boats or skipjacks) to harvest oysters are allowed to use an auxiliary yawl to push the sail dredge two days per week. Sail dredges are allowed to harvest significantly more oysters than power dredges, due to a number of reasons such as the crew necessary to operate a sail dredge and the sail dredge's historic importance to the Maryland oyster fishery. They are much more efficient when using an auxiliary yawl rather than operating under sail power. Ensuring there is an adequate deterrent to using an auxiliary yawl more than the two allowable days will help ensure fairness in the oyster fishery.

The addition of tiers of violations for commercial crab harvesters who exceed their daily limit is necessary because the Department has allowed male crabs to be stored in both bushels and lugs. Creating penalties for individuals who store their crabs in lugs creates equal deterrents for those who use lugs and those who use bushels.

Adding all of the possible striped bass filleting prohibitions to the penalty schedule is necessary to cover all of the possible ways the Natural Resources Police might cite an individual for illegally filleting, mutilating, or otherwise obscuring the length of a striped bass in their possession. The additions would not change the current administrative penalties for that type of violation.

Adding administrative penalties for crabbing set times is necessary because the current penalty schedule only describes harvest violations. This means that an individual who has set their gear outside of the legal times but does not have crabs in their possession would not be suspended, but an individual who has both set and harvested crabs from their gear prior to the legal time would be. This essentially rewards a violator for being caught earlier in the process of violating the law, rather than later. The Department believes that adding suspensions for set time violations is necessary to deter individuals from setting their crabbing gear early.

Who will this affect?
These changes will apply to individuals who violate Maryland fisheries laws.

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 2026 meeting.
2. Discussed with SFAC and TFAC at their July 2026 meetings as part of the workgroup reports.
3. The changes suggested by the workgroup and the comments received during the July commission meetings were considered by the Department. All of the suggested changes have been included in this summary and were presented to the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in October 2026.

Additional Information
Information about penalties, including tables for commercial and recreational violations can be found in the Code of Maryland Regulations (COMAR).

- Commercial penalties - COMAR 08.02.13.03
- Recreational penalties - COMAR 08.02.13.05
- Charter penalties - COMAR 08.02.13.08
- Dealer penalties - COMAR 08.02.13.10

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 could this be effective?
The Department projects that this change could be effective in the spring of 2027. However, the exact date cannot be determined at this time.