

thresholds are put into place to decrease by catch of sub-legal fish. Only a small incidental catch of the target species is allowed to be retained before a required mesh size is regulated to be used. The threshold is that amount of fish that may be retained before the required mesh size of larger must be used. Maryland is required to comply with the provisions of the fishery management plan. The proposed action updates the thresholds that require a certain mesh size in a trawl.

The fishery management plan for black sea bass requires that black sea bass traps or pots must contain two escape vents and one ghost panel affixed to the trap or pot with degradable fasteners and hinges. The opening to be covered by the ghost panel must measure at least 3 inches by 6 inches. Maryland regulations currently do not require two escape vents nor do they have the size requirement for the opening. The proposed action adds a requirement for an additional escape vent and the size of the panel to ensure Maryland’s compliance with the fishery management plan.

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 Black Sea Bass Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 18, 2020. A public hearing has not been scheduled.

.21 Black Sea Bass.

A.—C. (text unchanged)

D. Gear Restrictions.

(1) Trawls.

[(a) Except for an individual possessing less than 50 pounds of black sea bass per trip, an individual may not use a trawl to catch black sea bass with mesh less than 4-1/2 inches stretched mesh size throughout the net or a minimum of 75 meshes in the codend.]

(a) Except for an individual landing less than a total of 500 pounds of black sea bass from January 1 through March 31 or 100 pounds of black sea bass from April 1 through December 31, a person may not use a trawl with mesh less than 4-1/2 inch diamond mesh applied throughout the:

(i) Codend for at least 75 continuous meshes forward of the end of the net; or

(ii) Entire net for codends with fewer than 75 meshes.

(b) (text unchanged)

(2) Pots and Traps. A pot or trap used to catch black sea bass shall have:

(a) [An] Two unobstructed escape [vent of] vents located in the parlor portion of the trap that are each at least a:

(i)—(iii) (text unchanged)

(b) [Hinges] One panel or door that is a minimum of 3 inches by 6 inches that has hinges and fasteners [on a panel or door] made of one of the following degradable materials:

(i)—(iii) (text unchanged)

E.—F. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Subtitle 02 FISHERIES SERVICE

08.02.13 Fishing Licenses—Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure

Authority: Natural Resources Article, §§4-206, 4-220, 4-701, 4-745, and 4-1201, Annotated Code of Maryland

Notice of Proposed Action

[20-026-P]

The Secretary of Natural Resources proposes to amend Regulations .03, .05, .08, and .10 under COMAR 08.02.13 Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure.

Statement of Purpose

The purpose of this action is to update the commercial, recreational, charter, and seafood dealer license suspension and revocation schedules. This update will better deter potential violators from committing illegal acts, protect the State’s fisheries resources, and update certain references to statute and regulation. Prior to considering changes or updates to the penalty regulations under COMAR 08.02.13, the Department consults with the Joint Penalty Workgroup of the Tidal and Sport Fisheries Advisory Commissions.

The commercial penalty system will be updated by adding violations of public notices to oyster violations, buy station violations, soft-shell clam refrigeration requirements, black sea bass catch limits, shellfish sanitation violations other than waste bucket violations, soft-shell clam size limits, refusal to allow inspection of catch by the Natural Resources Police, adjusting oyster tagging violations from number of bushels to percentage of catch, adding additional tiers for violations of shellfish harvest in Maryland Department of Environment polluted areas and egg-bearing crab violations, and adding additional authority for certain offenses.

The recreational penalty system will be updated by clarifying the activities prohibited during a period of suspension, adding suspensions for exceeding the number of allowable crab pots, egg-bearing female crab violations, exceeding the oyster daily catch limit, violations of oyster harvest times, failing to kill a snakehead upon retention, violating an oyster area that has been closed by public notice, adding a tier for yellow perch that was inadvertently omitted in previous versions of the recreational penalty system, adding tiers of suspension for certain egregious striped bass violations, and adding additional authority for certain offenses.

The charter penalty system will be updated by adding additional authority for certain offenses.

The seafood dealer penalty system will be updated by adding failing to be licensed as a buy station when buying oysters, as well as additional authority for certain offenses.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have an economic impact on suspended or revoked licensees, but the extent of the impact is indeterminable.

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:		
Licensees	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

nor is it possible to determine to what extent the suspension or revocation would economically impact the individual or individuals.

Economic Impact on Small Businesses

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

The proposed regulation may have a meaningful economic impact on small businesses which violate the law and are therefore suspended or revoked from their commercial fishing activities. It is not possible to predict how many businesses will violate the law and therefore receive suspensions or revocations, or to what extent such suspension or revocation would economically impact those businesses. The proposed action may have a meaningful positive economic impact on small businesses which do not violate the law as well, by allowing for more harvest by law-abiding licensees. It is not possible to predict how many businesses will violate the law and therefore receive suspensions or revocations, or to what extent such suspension or revocation would economically benefit the remaining law-abiding 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 Penalty System Regulations, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 18, 2020. A public hearing has not been scheduled.

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

D. The proposed action may have a negative impact on licensees who are suspended or have their licenses revoked based on committing one of the listed offenses. However, it is not possible to determine the number of individuals who may violate the listed laws,

.03 Point Assignment Schedule.

A.—B. (text unchanged)

C. Tier I. The following violations are Tier I violations. A person who receives a conviction for a Tier I violation receives 5 points.

	Statute or Regulation	Description
1	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.11, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: less than 50 feet within an area
2	4-215, COMAR 08.02.04.04	Untagged Oysters: [2 Containers] 25%—49% of Catch
3	4-1012, COMAR 08.02.04.11, COMAR 08.02.04.12	Dredging for Oysters in Prohibited Areas: less than 150 feet within an area
4	4-1013(e), COMAR 08.02.04.09	Dredging for Oysters on Areas Reserved for Tongers: less than 150 feet within an area
5—6	(text unchanged)	
7	4-1006(b)	Harvesting Oysters or Clams in a Polluted Area: [less than 150] 50—100 feet over the pollution line
8—20	(text unchanged)	
21	COMAR 08.02.02.07	Failure to Protect Soft-Shell Clam from Contamination
[21] 22— [49] 50	(text unchanged)	
51	COMAR 08.02.05.21	20%—49% over Black Sea Bass Quota
[50] 52	4-740, COMAR 08.02.11.04, COMAR 08.02.11.06, COMAR 08.02.05.28	Unlawfully Taking or Possessing Walleye or Walleyed Pike
[51] 53— [68] 70	(text unchanged)	

PROPOSED ACTION ON REGULATIONS

D. Tier II. The following violations are Tier II violations. A person who receives a conviction for a Tier II violation receives 10 points.

	Statute or Regulation	Description
1	(text unchanged)	
2	4-1006(b)	<i>Harvesting Oysters or Clams in a Polluted Area: 101—150 feet over the pollution line</i>
[2] 3	(text unchanged)	
[3] 4	COMAR 08.02.04.03B-C, 4-215, <i>COMAR 08.02.04.11</i>	Time for Taking Oysters: (a) more than 2 hours after sunset; (b) any time before sunrise; or (c) on a closed day
[4] 5	4-1009(a), <i>COMAR 08.02.04.11</i>	Unlawfully Taking Seed Oysters During a Closed Season
[5] 6	4-1009(b)—(d), 4-1015.1(b), COMAR 08.02.04.06, <i>COMAR 08.02.04.11</i>	Exceeding Oyster Daily Catch Limit: 10%—24% over catch limit
[6] 7	(text unchanged)	
8	08.02.04.03	<i>Violation of National Shellfish Sanitation Program — Other Than Waste Bucket Violation</i>
[7] 9	(text unchanged)	
10	COMAR 08.02.02.05	<i>Minimum Size Limit for Soft-Shell Clams: 2 bushels or more with 25% or more undersized clams</i>
[8] 11— [9] 12	(text unchanged)	
[10] 13	COMAR 08.02.03.08, 4-803, 4-215	Violating Regulations Pertaining to Egg-Bearing Female Crabs: <i>10—39 Egg-Bearing Female Crabs in a Bushel</i>
[11] 14— [23] 26	(text unchanged)	
27	COMAR 08.02.05.21	<i>50%—99% over Black Sea Bass Quota</i>
[24] 28— [26] 30	(text unchanged)	
31	4-701	<i>Failure to Allow Inspection</i>

E. Tier III. The following violations are Tier III violations. A person who receives a conviction for a Tier III violation receives 15 points.

	Statute or Regulation	Description
1—3	(text unchanged)	
4	4-1009(b)—(d), 4-1015.1(b), COMAR 08.02.04.06, <i>COMAR 08.02.04.11</i>	Exceeding Oyster Daily Catch Limit: 25% or more over catch limit
5	4-215, COMAR 08.02.04.04	Untagged Oysters: [3—5 Containers] <i>50%—74% of Catch</i>
6	4-1012, <i>COMAR 08.02.04.11</i> , COMAR 08.02.04.12	Power Dredging in Prohibited Areas: 150 feet or more within an area
7	(text unchanged)	
8	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, <i>COMAR 08.02.04.11</i> , COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 50—149 feet within an area
9	4-1006(b)	Harvesting Oysters or Clams in a Polluted Area: [150] <i>151—200 feet or more over the pollution line</i>
10—12	(text unchanged)	
13	COMAR 08.02.03.08, 4-803, 4-215	Violating Regulations Pertaining to Egg-Bearing Female Crabs: <i>40 or More Egg-Bearing Female Crabs in a Bushel</i>
[13] 14— [23] 24	(text unchanged)	
25	COMAR 08.02.05.21	<i>100% or More over Black Sea Bass Quota</i>
[24] 26— [29] 31	(text unchanged)	

F. Tier IV. The following violations are Tier IV violations. A person who receives a conviction for a Tier IV violation receives 20 points.

	Statute or Regulation	Description
1	(text unchanged)	
2	4-215, COMAR 08.02.04.04	Untagged Oysters: [6—9 Containers] <i>75%—99% of Catch</i>
3	4-1006(b)	<i>Harvesting Oysters or Clams in a Polluted Area: 201—250 feet over the pollution line</i>
[3] 4— [10] 11	(text unchanged)	
[11] 12	4-710, <i>COMAR 08.02.05.02</i>	Using a Single Strand Monofilament Gill Net <i>Other Than Allowed by the Department</i>

[12] 13— [13] 14	(text unchanged)	
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G. Tier V. The following violations are Tier V violations. A person who receives a conviction for a Tier V violation receives 25 points.

	Statute or Regulation	Description
1—2	(text unchanged)	
3	4-1006(b)	<i>Harvesting Oysters or Clams in a Polluted Area: 251—300 feet over the pollution line</i>
[3] 4—[7] 8	(text unchanged)	

H. Tier VI. The following violations are Tier VI violations. A person who receives a conviction for a Tier VI violation receives 30 points.

	Statute or Regulation	Description
1—2	(text unchanged)	
3	08.02.08.02	<i>Operating as Buy Station Without a Required License — Second or Subsequent Offense</i>
[3] 4— [4] 5	(text unchanged)	
[5] 6	4-215, COMAR 08.02.04.04	<i>Untagged Oysters: [10 or More Containers] 100% of Catch</i>
[6] 7	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.11, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	<i>Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 150—249 feet within an area</i>
8	4-1006(b)	<i>Harvesting Oysters or Clams in a Polluted Area: 301—350 feet over the pollution line</i>
[7] 9— [13] 15	(text unchanged)	

I. Tier VII. The following violations are Tier VII violations. A person who receives a conviction for a Tier VII violation receives 35 points.

	Statute or Regulation	Description
1	4-1105, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, COMAR 08.02.04.11, COMAR 08.02.04.13, COMAR 08.02.04.14, COMAR 08.02.04.15	<i>Harvesting Oysters on Closed Areas, Reserved Areas, or Sanctuaries: 250 feet or more within an area</i>
2	4-1006(b)	<i>Harvesting Oysters or Clams in a Polluted Area: 351 feet or more over the pollution line</i>
[2] 3—[3] 4	(text unchanged)	

J.—K. (text unchanged)

.05 Recreational Fishing Suspension and Revocation.

A. Any person who is convicted of an [offence] *offense* under §§D—[H] I of this regulation or similar [offences] *offenses* under federal law in Maryland may:

- (1) (text unchanged)
- (2) Be prohibited from engaging in any recreational fishing for the period of time described in §§D—[H] I of this regulation; [and]
- (3) Be prohibited from applying for any recreational fishing licenses for the period of time described in §§D—[H] I of this regulation[.];

and

- (4) *Not engage in any recreational fishing activities during a resulting period of suspension.*

B.—D. (text unchanged)

E. A person who receives one of the following violations may be suspended for up to 90 days.

	Statute or Regulation	Description
(1)	COMAR 08.02.04.02, COMAR 08.02.04.11	<i>Time for Catching Oysters — Recreational</i>
[(1)] (2)— [(2)] (3)	(text unchanged)	
(4)	COMAR 08.02.03.07	<i>Exceeding Allowable Number of Recreational Crab Pots: More Than 5 Pots</i>
(5)	COMAR 08.02.03.08	<i>Possession of Egg-Bearing Female Crabs: 6—10 per bushel</i>
[(3)] (6)— [(7)] (10)	(text unchanged)	
(11)	COMAR 08.02.04.02, COMAR 08.02.04.11	<i>Oysters — Exceeding Daily Catch Limit by Less Than 1 Bushel</i>
[(8)] (12)— [(55)] (59)	(text unchanged)	

PROPOSED ACTION ON REGULATIONS

F. A person who receives one of the following violations may be suspended for up to 180 days.

	Statute or Regulation	Description
(1)	(text unchanged)	
(2)	08.02.04.02, <i>COMAR 08.02.04.11</i>	Oystering During a Closed Season
(3)	(text unchanged)	
(4)	<i>COMAR 08.02.03.08</i>	<i>Possession of Egg-Bearing Female Crabs: 11—15 per bushel</i>
[(4)] (5)— [(6)] (7)	(text unchanged)	
(8)	<i>COMAR 08.02.04.02, COMAR 08.02.04.11</i>	<i>Oysters — Exceeding Daily Catch Limit by 1 Bushel or More</i>
[(7)] (9)— [(42)] (44)	(text unchanged)	
[(43)] (45)	<i>COMAR 08.02.11.04A(1), COMAR 08.02.11.06</i>	Season Violations — Nontidal Waters
[(44)] (46)	<i>COMAR 08.02.11.04A(2), COMAR 08.02.11.06</i>	Exceeding Daily Catch or Possession Limits — Nontidal
[(45)] (47)— [(59)] (61)	(text unchanged)	
(62)	<i>COMAR 08.02.19.06</i>	<i>Failure to Immediately Kill Snakehead upon Retention (First Offense)</i>
(63)	<i>COMAR 08.02.21.02B</i>	<i>Size Limits — Yellow Perch: 7—10 fish</i>
(64)	<i>COMAR 08.02.21.02C</i>	<i>Daily Catch Limit — Yellow Perch: 7—10 fish over daily catch limit</i>

G. A person who receives one of the following violations may be suspended for up to [365 days] 1 year.

	Statute or Regulation	Description
(1)—(8)	(text unchanged)	
(9)	4-743, 4-1009.1, 4-1014, 4-1014.1, 4-1014.2, 4-1014.3, 4-1105, [COMAR 08.02.04.13,] COMAR 08.02.04.14, COMAR 08.02.04.15	Harvesting Oysters on Closed Areas, <i>Polluted Areas</i> , Reserved Areas, or Sanctuaries
(10)	<i>COMAR 08.02.04.11</i>	<i>Harvesting Oysters on Area Closed by Public Notice — Second or Subsequent Offense</i>
[(10)] (11)— [(12)] (13)	(text unchanged)	
(14)	<i>COMAR 08.02.03.08</i>	<i>Possession of Egg-Bearing Female Crabs: 16 or more per bushel</i>
[(13)] (15)— [(54)] (56)	(text unchanged)	
[(55)] (57)	COMAR 08.02.05.26B	Catch or [Posses] <i>Possess</i> Billfish During a Closed Season
[(56)] (58)— [(75)] (77)	(text unchanged)	
[(76)] (78)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 4 [or more]—10 fish over daily catch limit
[(77)] (79)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 4 [or more]—10 fish over daily catch limit
[(78)] (80)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 4 [or more]—10 fish over daily catch limit
[(79)] (81)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season: 4 [or more]—10 fish
[(80)] (82)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 4 [or more]—10 fish
[(81)] (83)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 4 [or more]—10 fish
[(82)] (84)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 4 [or more]—10 fish over daily catch limit
[(83)] (85)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries : 4 [or more]—10 fish
[(84)] (86)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 4 [or more]—10 fish
[(85)] (87)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 4 [or more]—10 fish over daily catch limit
[(86)] (88)	COMAR 08.02.15.08B	Size Limits — Striped Bass — Spring Season: 4 [or more]—10 fish under minimum size
[(87)] (89)	COMAR 08.02.15.08C	Daily Catch Limit — Striped Bass — Spring Season: 4 [or more]—10 fish over daily catch limit

[(88)] (90)— [(89)] (91)	(text unchanged)	
[(90)] (92)	COMAR 08.02.15.12B	Possession of Striped Bass Between Midnight and 5 a.m.: 4 [or more]—10 fish
[(91)] (93)— [(92)] (94)	(text unchanged)	
[(93)] (95)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 4 [or more]—10 fish
(96)	COMAR 08.02.19.06	Failure to Immediately Kill Snakehead upon Retention (Second or Subsequent Offense)
[(94)] (97)— [(105)] (108)	(text unchanged)	

H. A person who receives one of the following violations may be suspended for up to [730 days] 2 years.

	Statute or Regulation	Description
(1)—(3)	(text unchanged)	
(4)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 11—20 fish over daily catch limit
(5)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 11—20 fish over daily catch limit
(6)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 11—20 fish over daily catch limit
(7)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season: 11—20 fish
(8)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 11—20 fish
(9)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 11—20 fish
(10)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 11—20 fish over daily catch limit
(11)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 11—20 fish
(12)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 11—20 fish
(13)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 11—20 fish over daily catch limit
(14)	COMAR 08.02.15.08B	Size Limits — Striped Bass — Spring Season: 11—20 fish under minimum size
(15)	COMAR 08.02.15.08C	Daily Catch Limit — Striped Bass — Spring Season: 11—20 fish over daily catch limit
(16)	COMAR 08.02.15.12B	Possession of Striped Bass Between Midnight and 5 a.m.: 11—20 fish
(17)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 11—20 fish

I. A person who receives one of the following violations may be suspended for up to 5 years.

	Statute or Regulation	Description
(1)	COMAR 08.02.15.09A	Daily Catch Limit — Striped Bass — Early Season — Chesapeake: 21 or more fish over daily catch limit
(2)	COMAR 08.02.15.09B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Chesapeake: 21 or more fish over daily catch limit
(3)	COMAR 08.02.15.09C	Daily Catch Limit — Striped Bass — General — Chesapeake: 21 or more fish over daily catch limit
(4)	COMAR 08.02.15.09A	Size Limits — Striped Bass — Early Season: 21 or more fish
(5)	COMAR 08.02.15.09B	Size Limits — Striped Bass — Summer and Fall Season — Chesapeake: 21 or more fish
(6)	COMAR 08.02.15.09C	Size Limits — Striped Bass — General — Chesapeake: 21 or more fish
(7)	COMAR 08.02.15.10B	Daily Catch Limit — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 21 or more fish over daily catch limit
(8)	COMAR 08.02.15.10C	Size Limits — Striped Bass — Summer and Fall Season — Potomac River Tributaries: 21 or more fish
(9)	COMAR 08.02.15.11A	Size Limits — Striped Bass — Atlantic Ocean and Coastal Bays: 21 or more fish

PROPOSED ACTION ON REGULATIONS

(10)	COMAR 08.02.15.11B	Daily Catch Limit — Striped Bass — Atlantic Ocean and Coastal Bays: 21 or more fish over daily catch limit
(11)	COMAR 08.02.15.08B	Size Limits — Striped Bass — Spring Season: 21 or more fish under minimum size
(12)	COMAR 08.02.15.08C	Daily Catch Limit — Striped Bass — Spring Season: 21 or more fish over daily catch limit
(13)	COMAR 08.02.15.12B	Possession of Striped Bass Between Midnight and 5 a.m.: 21 or more fish
(14)	COMAR 08.02.15.12H	Violation of Striped Bass Public Notice: 21 or more fish

[I.] J. Any person who in any 8 year period receives five suspensions for violations as described in §§F[, G, or H]—I of this regulation may be prohibited from engaging in all recreational fishing activities for 5 years.

[J.] K.—[M.] N. (text unchanged)

.08 Charter Boat/Fishing Guide Point Assignment Schedule.

A. For each conviction of a chargeable violation listed in §§D—[Jof] J of this regulation, the Department shall enter on the record of a fishing guide the number of points listed for that particular [offense] offense. Points accumulated under this regulation only apply to the entitlement to guide fishing parties or suspension or revocation of a tidal fish license or authorization to guide fishing parties.

B. The number of points specified in §§D—[Jof] J of this regulation shall be assessed against a fishing guide for each conviction.

C.—D. (text unchanged)

E. Tier II. The following violations are Tier II violations. A fishing guide who receives a conviction for a Tier II violation receives 10 points.

	Statute or Regulation	Description
(1)—(3)	(text unchanged)	
(4)	COMAR 08.02.11.04C(2)(a)(ii), COMAR 08.02.11.06	Exceeding Trout Creel or Possession Limits in Other Areas
(5)	COMAR 08.02.11.04C(2)(i), COMAR 08.02.11.06	Exceeding Creel or Possession Limits — Nontidal Waters
(6)—(50)	(text unchanged)	

F. Tier III. The following violations are Tier III violations. A fishing guide who receives a conviction for a Tier III violation receives 15 points.

	Statute or Regulation	Description
(1)—(9)	(text unchanged)	
(10)	COMAR [08.02.05.01A] 08.02.25.02, COMAR 08.02.25.03	Unlawfully Fishing with a Spear Gun
(11)	COMAR [08.02.05.01B] 08.02.25.02, COMAR 08.02.25.03	Unlawfully Fishing with a Bow and Arrow
(12)	COMAR [08.02.05.01C] 08.02.25.02, COMAR 08.02.25.03	Fish Snagging
(13)—(78)	(text unchanged)	
(79)	COMAR 08.02.11.04C(1)(d)—(e), COMAR 08.02.11.06	Taking/Possessing Bass During Closed Season
(80)	COMAR 08.02.11.04C(1)(a)—(n), COMAR 08.02.11.06	Season Violations — Nontidal Waters
(81)—(89)	(text unchanged)	

G.—K. (text unchanged)

.10 Seafood Dealer Penalties.

A.—E. (text unchanged)

F. Tier II. The following violations are Tier II violations. A person who receives a conviction for a Tier II violation receives 10 points and a 30-day suspension.

	Statute or Regulation	Description
(1)	4—1007, COMAR 08.02.04.16, COMAR 08.02.08.02, COMAR [08.02.23.04F] 08.02.23.04E	Failure to Be Properly Licensed as a Buy Station When Buying Oysters — First Offense
(2)—(4)	(text unchanged)	

G.—I. (text unchanged)

J. Tier VI. The following violations are Tier VI violations. A person who receives a conviction for a Tier VI violation receives 30 points and a 365-day suspension.

	Statute or Regulation	Description
(1)—(2)	(text unchanged)	
(3)	4—1007, COMAR 08.02.04.16, COMAR 08.02.08.02, COMAR 08.02.23.04E	Failure to Be Properly Licensed as a Buy Station When Buying Oysters — Second or Subsequent Offense
[(3)] (4)— [(6)] (7)	(text unchanged)	

K.—L. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources