

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08 DEPARTMENT 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, §4-220, Annotated Code of Maryland

Notice of Proposed Action

[24-057-P]

The Secretary of Natural Resources proposes to amend Regulation .05 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 recreational penalty schedule by adding a penalty for failing to immediately release diamondback terrapins, modifying the penalty for violating recreational crabbing catch times, adding penalties for using a prohibited species as bait, and updating references to COMAR. These actions were recommended by the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup.

The action adds a recreational license suspension for failing to release diamondback terrapins immediately. The action establishes a 90-day suspension for a second or subsequent offense. There is currently no recreational penalty for this violation. The action modifies the penalty for recreational crabbers who violate the catch times for crabs. Currently, there is no buffer for recreational crabbing catch time violations, so if someone is convicted of starting 5 minutes early, they are still eligible for a 90-day suspension. The Department is proposing adding a 30-minute buffer for first offenses, which means that a

recreational crabber would only be eligible for a suspension if they were convicted of exceeding the catch time by 30 minutes or more. Second or subsequent offenses will remain without a buffer since those individuals are already on notice of potential penalties for their violation.

The action adds penalties for using prohibited species (largemouth bass, smallmouth bass, striped bass, Northern pike, muskie, tiger muskie, brown trout, brook trout, and walleye) as bait. The tiered system that is proposed resembles the Department's current penalties for striped bass violations.

- 1 fish: no administrative penalty, just a fine in District Court
- 2 fish: 90-day suspension
- 3 fish: 180-day suspension
- 4-10 fish: 1-year suspension
- 11-20 fish: 2-year suspension
- 21 or more fish: 5-year suspension

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.

Impacted Entity	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:			
Recreational anglers and crabbers (-)			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. The proposed action may have a negative impact on recreational anglers and crabbers 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, 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 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 Penalties — Updates to Recreational Penalty System Regulations, Regulatory Staff, Department of Natural Resources, 580 Taylor Ave., E4, Annapolis, MD 21401, or call 410-260-8300, or submit comments at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#penaltysys>. Comments will be accepted through July 15, 2024. A public hearing has not been scheduled.

.05 Recreational Fishing Suspension and Revocation.

A.—C. (text unchanged)

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

	Statute or Regulation	Description
(1)—(13)	(text unchanged)	
(14)	COMAR 08.02.03.11B	Time for Catching Crabs — [Recreational] First Offense, 30 Minutes or More Outside Legal Hours
(15)	COMAR 08.02.03.11B	Time for Catching Crabs — Second or Subsequent Offense
[(15)] (16)—[(61)] (62)	(text unchanged)	
(63)	COMAR 08.02.20.03	Using Prohibited Species as Bait: 2 fish
[(62)] (64)—[(67)] (69)	(text unchanged)	
(70)	COMAR 08.03.11.04	Possession of Diamondback Terrapin — Second or Subsequent Offense

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

	Statute or Regulation	Description
(1)—(62)	(text unchanged)	
(63)	COMAR 08.02.20.03	Using Prohibited Species as Bait: 3 fish
[(63)] (64)—[(65)] (66)	(text unchanged)	

F. A person who receives one of the following violations may be suspended for up to 1 year.

	Statute or Regulation	Description
(1)—(100)	(text unchanged)	
(101)	COMAR 08.02.20.03	Using Prohibited Species as Bait: 4—10 fish
[(101)] (102)—[(112)] (113)	(text unchanged)	

G. A person who receives one of the following violations may be suspended for up to 2 years.

	Statute or Regulation	Description
(1)—(17)	(text unchanged)	
(18)	COMAR 08.02.20.03	Using Prohibited Species as Bait: 11—20 fish

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

	Statute or Regulation	Description
(1)—(14)	(text unchanged)	
(15)	COMAR 08.02.20.03	Using Prohibited Species as Bait: 21 or more fish

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

[K.] J. Any person who in any 3 year period receives three suspensions for violations as described in §§D or E) §D of this regulation may be prohibited from engaging in all recreational fishing activities for 1 year.

[L.] K.—[N.] M. (text unchanged)

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Secretary of Natural Resources

Title 11
DEPARTMENT OF
TRANSPORTATION
Subtitle 11 MOTOR VEHICLE
ADMINISTRATION—
ADMINISTRATIVE PROCEDURES

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland, and as cited in Regulations .02—.06 of this chapter

Notice of Proposed Action

[24-063-P]

The Motor Vehicle Administration proposes to amend Regulations .02—.06 under **COMAR 11.11.05 Motor Vehicle Fees**.

Statement of Purpose

The purpose of this action is to adjust the fees charged for certain transactions for vehicle titling, driver's license and identification cards, vehicle registration, regulatory business license, and miscellaneous services in order to reflect the cost of providing the services and products covered by these fees in compliance with Transportation Article, §12- 120, Annotated Code of Maryland and to remove an obsolete fee for the sale of law books.