

- (3) (text unchanged)
- B.—D. (text unchanged)
- E. Active Line Fishing Gear.
 - (1) Individuals catching or attempting to catch fish in tidal waters may only use the following active line fishing gear:
 - (a)—(c) (text unchanged)
 - (2)—(5) (text unchanged)
- F. Nonactive Line Fishing Gear.
 - (1) The only nonactive line fishing gear that an individual may use to catch or attempt to catch fish in tidal waters is a jug.
 - (2) (text unchanged)
 - (3) Jugs:
 - (a)—(e) (text unchanged)
 - (f) May be used to take or attempt to take any fish except for the following species:
 - (i)—(v) (text unchanged)
- G. Nets.
 - (1) Individuals catching or attempting to catch fish in tidal waters may only use the following nets:
 - (a)—(d) (text unchanged)
 - (2)—(5) (text unchanged)
- H. Projectile Gear.
 - (1) Individuals catching or attempting to catch fish in tidal waters may only use the following projectile gear:
 - (a)—(d) (text unchanged)
 - (2)—(3) (text unchanged)
 - (4) An individual may use projectile gear to take or attempt to take any fish except for the following species:
 - (a)—(l) (text unchanged)
 - (5) (text unchanged)
- I. Hand Gear. Individuals catching or attempting to catch fish in tidal waters may only use the following hand gear:
 - (1)—(2) (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

08.02.08 Shellfish—General

Authority: Natural Resources Article, §§4-206, 4-215, 4-1007, 4-1020, 4-1028, 4-1033, and 4-1035, Annotated Code of Maryland

Notice of Proposed Action

[26-070-P]

The Secretary of Natural Resources proposes to amend Regulation .09 under **COMAR 08.02.08 Shellfish—General**.

Statement of Purpose

The purpose of this action is to require harvesters who sell their own catch, who are also licensed by the Maryland Department of Health (MDH), to declare their intent to deal in shellfish intended for human consumption.

The Maryland Department of Natural Resources (MDNR) recently created a requirement for shellfish dealers to declare their intention to deal in shellfish if they plan to purchase soft-shell clams of the species *Mya arenaria*, hard-shell clams, and oysters. Part of that declaration process requires the dealer to provide the Department with the dealer’s certification number from MDH. The purpose of this requirement is to better align the ability of MDNR and MDH to coordinate and track the purchase and transport of shellfish intended for human consumption, thereby ensuring public health. However, some harvesters who are both licensed by MDNR and certified by MDH as dealers sell their own catch directly to the public.

The most important transaction regarding shellfish for MDNR to be aware of is the initial transaction. This may be between the

harvester and the dealer, or between the harvester and the public. Covering the initial transaction ensures that shellfish intended for human consumption comes from licensed harvesters, is tagged properly, and has complied with time and temperature requirements. Additionally, it ensures that buy tickets are properly filled out to ensure that the required taxes are paid for the replenishment of the State’s shellfish resources, and harvest information is recorded to track the origin of the shellfish. Including MDNR-licensed, MDH-certified harvesters who sell their own catch to the public will ensure the public health and resource management benefits necessary for the management of these fisheries.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed action may have a positive impact both on Department revenues and on the wild oyster fishery due to enhancing the Department’s ability to properly collect the taxes due. Those taxes are used exclusively for oyster replenishment activities, which benefit the wild oyster fishery by enhancing populations of wild oysters in areas that are available to harvest.

II. Types of Economic Impact.

Impacted Entity	Revenue	Magnitude
	(R+/R-) Expenditure (E+/E-)	
A. On issuing agency:		
Maryland Department of Natural Resources	(R+)	Indeterminable
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Cost (-)
D. On regulated industries or trade groups:		
(1) Shellfish Dealers	(-)	Indeterminable
(2) Shellfish 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.)

A. This action will potentially result in the Department realizing increased revenues from required oyster taxes. The Department is not currently able to ascertain which of the over 2,000 licensed dealers will be dealing in shellfish that they harvested during a license year. By requiring harvesters dealing in their own catch to declare prior to dealing in shellfish they harvested, the Department will know which harvesters dealing in their own catch owe severance and export taxes. It is believed that the number of harvesters dealing in their own catch actually dealing in shellfish they have harvested is less than 10% of the total number of dealers.

D(1). It is possible that some number of individuals who are both licensed as oyster or clam harvesters and as seafood dealers who have been dealing in oysters or clams they harvested themselves have not been reporting that activity or paying the required severance and export taxes. For those harvesters dealing in their own catch who have been out of compliance, this action will make it easier for the Department to ascertain when they are failing to pay those taxes. Ultimately, this may result in a negative economic impact to those harvesters dealing in their own catch who will now

be brought into full compliance with the tax requirement. It is not known how many harvesters dealing in their own catch this may affect or how many bushels of oysters or clams for which taxes were not being paid.

D(2). Assuming that the Department is able to collect additional taxes that have not been paid in years past due to the increased ability to know which harvesters dealing in their own catch owe taxes, shellfish harvesters will experience an indeterminable positive impact. Taxes collected from dealers are used exclusively for shellfish repletion activities. This means that more shellfish will exist for harvesters to be able to harvest and sell.

Economic Impact on Small Businesses

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

This action may have a negative impact on harvesters dealing in their own catch who have previously avoided paying taxes while having positive impacts on all small businesses that participate in the commercial harvest of oysters. See sections D and E for additional detail.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Shellfish Dealer Declaration Clarification Regulations, Regulatory Staff, Maryland Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, E-4, Annapolis MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov or complete the comment form at <https://dnr.maryland.gov/fisheries/pages/regulations/changes.aspx#shelldeal>. Comments will be accepted through July 27, 2026. A public hearing has not been scheduled.

.09 Seafood Dealers.

A.—C. (text unchanged)

D. Declaration.

(1) (text unchanged)

(2) *Prior to selling their own catch of soft-shell clams of the species *Mya arenaria*, hard-shell clams, or oysters, a harvester licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland and licensed and certified to sell shellfish by the Maryland Department of Health in accordance with COMAR 10.15.04 and 10.15.07, shall on a form provided by the Department:*

(a) *Declare their intent to deal in shellfish; and*

(b) *Provide their certification number issued by the Maryland Department of Health.*

[(2)](3) (text unchanged)

JOSH KURTZ
Secretary of Natural Resources

**Title 09
MARYLAND DEPARTMENT
OF LABOR**

**Subtitle 12 DIVISION OF LABOR
AND INDUSTRY**

Notice of Proposed Action

[26-074-P-I]

The Secretary of Labor proposes to:

(1) Amend Regulations .02, .02-1, and .03 under COMAR 09.12.50 Model Performance Code;

(2) Amend Regulations .03 and .04 under COMAR 09.12.51 Maryland Building Performance Standards; and

(3) Amend Regulations .02—.04 and .07—.12 and repeal existing Regulations .17 and .18 under COMAR 09.12.52 Industrialized Buildings and Manufactured Homes.

Statement of Purpose

The purpose of this action is to update various existing incorporated by reference standards in the Model Performance Code and the Maryland Building Performance Standards to the first edition of the:

(1) 2024 International Building Code;

(2) 2024 International Residential Code for One- and Two-Family Dwellings;

(3) 2024 International Energy Conservation Code;

(4) 2024 International Plumbing Code;

(5) 2024 International Mechanical Code; and

(6) National Electric Code, 2023 Edition (NFPA 70).

This action amends the Maryland Performance Code (MPC) requirements for the construction of modular (offsite) and State-owned facilities to align with the Maryland Building Performance Standards (MBPS). This action also updates the relevant plumbing codes in MPC to implement Ch. 547, Acts of 2025, Environment—Water Bottle Filling Stations—Requirement. Finally, this adoption eliminates the new International Mechanical Code requirement to install piping, including that used for flammable refrigerants, within shafts provided that the pipe penetration of any fire-rated assembly (floors, walls, etc.) is protected by approved firestop materials or assemblies.

Under the general Statewide Maryland Building Performance Standards (MBPS), this action reorganizes several code cycles' worth of amendments to align with adopted codes, removes the prescriptive energy path option adopted by Maryland during the last code cycle as this method was fully incorporated into this latest edition of the International Residential Code, removes duplicate definitions, and clarifies the authority of the Elevator Unit in relation to building codes. This action also removes the requirement for new renewable load management sections of the IECC and maintains the renewable load management framework as an option for additional energy features.

Finally, under Industrialized Buildings and Manufactured Homes, this action updates definitions; clarifies that relocatable buildings, such as school units, may be moved to new locations so long as their energy and design comply with the requirements for the new location at time of initial construction; removes irrelevant or obsolete requirements; and updates application requirements and fee schedules related to industrialized building and manufactured homes.