SCIENTIFIC COLLECTION PERMITS - Housekeeping

What is being considered?
The Department needs to remove the revocation provisions in the regulations for scientific collection permits.

Why is this change necessary?
Natural Resources Article, §4-212, Annotated Code of Maryland is very clear about when a permit becomes void. Therefore, the revocation provisions are not necessary. This is a housekeeping action to align the regulation with the statute, which will allow us to act in a timelier manner if a permittee violates the conditions of their permit.

The statute states that the permit may become void on proof that the permittee has:

1. Violated any provision of the permit;
2. Captured or killed any fish, fish eggs, shellfish, or aquatic invertebrates in violation of the terms and conditions of the permit;
3. Taken any nests or eggs for other than scientific or educational purposes; or
4. Taken or possessed any fish, fish eggs, shellfish, or aquatic invertebrates not authorized by the permit.

If the Department voids a scientific collection permit, the Department will continue to give the permittee notice of its intended action and an opportunity to appear at a contested case hearing in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 08.01.04. It is not necessary to repeat those provisions in the regulation because they are required by law.

Who will this affect?
Anyone who obtains a scientific collection permit.

Has this change been discussed with advisory bodies or other interested or impacted individuals?
This idea was discussed with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in October 2026.

Additional Information

1. Natural Resources Article, §4-212, Annotated Code of Maryland
2. State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland
3. Code of Maryland Regulations (COMAR 08.01.04) - Procedures for Contested Case Hearings
4. Code of Maryland Regulations (COMAR 08.02.01.15) - Scientific Collection Permits

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 winter of 2027. However, the exact date cannot be determined at this time.