



BAIT (NON-TIDAL) LAWS

COMAR

08.02.05.02

02 Definitions and General Fishing Prohibitions.

A. Definitions. In this subtitle, the following terms have the meanings indicated:

(8) "Finfish trotline" means a single line from which hang, at intervals, multiple short lines which terminate with single baited hooks, and which:

- (a) Do not exceed 300 feet;
- (b) Do not have more than 75 hooks;
- (c) Are not made of metal; or
- (d) Are not baited with scaled bait.

(17) "Minnow trap" means a single, bait finfish entrapment device, without associated wings or leads, and consisting of:

- (a) An enclosure of various shapes covered with wire or nylon mesh webbing of not greater than 1/2 inch square mesh size;
- (b) One or more conical entrance funnels with an opening not more than 2 inches in diameter;
- (c) No dimension greater than 18 inches in any direction; and
- (d) Internal volume not greater than 1730 cubic inches.

(26) "Trolling" means the method of angling in which fish are attracted to a lure or bait being trailed from a boat which is being moved by mechanical power.

08.02.09.01

.01 Monetary Value of Tidal Water and Non-tidal Water Aquatic Animals.

A. To assess a reasonable monetary value for aquatic resources in the event of man-caused mortality, the following tables of prices for various species and sizes are established.

D. Bait and Forage Fishes.

<i>Species</i>	<i>Price</i>
(1) Killifish - <i>Fundulus Sp.</i>	7.50 per gallon
(2) Forage fish - all fishes that are not listed elsewhere in this table and that are used as food by predatory fishes. This category includes: minnows, shiners, daces, chubs, silversides,	

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anchovies, blennies, sculpins, gobies.	
Under 4 inches	\$1 per thousand
Over 4 inches	\$2 per thousand

08.02.11.02

.02 Statewide Special Regulations Affecting All Trout Fishing Areas.

B. Bait Fish. A person may not take bait fish of any description from any Put-and-Take Trout Fishing Area or Special Fisheries Management Area for trout.

08.02.11.03

.03 Special Fisheries Management Areas.

A. Catch-and-Return Trout Fishing Areas.

(1) Catch-and-Return Trout Fishing Areas Limited to Artificial Fly Fishing Only.

(a) Special provisions in effect on these areas:

(i) A person may not have any trout in possession while fishing in these areas. All trout which are caught shall be released and returned to the water.

(ii) A person may fish only with artificial flies and streamers constructed in a normal fashion using natural or synthetic materials, or both, (which may include feathers, fur, hair, tinsel, thread, fiber, plastic, cork, wire, and rubber) on a single hook with the components wound on or about the hook. A person may not use molded replicas of insects, earthworms, fish eggs, fish, or any invertebrate or vertebrate, either singly or in combination with the other materials, or other lures commonly described as spinners, spoons, or plugs made of metal, plastic, wood, rubber, or similar substance or a combination of these.

(iii) A person may fish only with conventional fly fishing tackle (fly rods, fly reels, and fly line with a maximum of 18 feet of leader or monofilament line attached). Any method of angling when the fly is cast directly from the reel is prohibited. The use of spinning, spincast, and casting reels is prohibited.

(iv) In these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

(v) The open season is January 1 through December 31, inclusive.

(b) Areas subject to provisions of this section are:

(i) Big Hunting Creek, Frederick County. All waters of Big Hunting Creek and its tributaries within Cunningham Falls State Park and Catoctin Mountain Park except Owens Creek, Little Hunting Creek, Cunningham Falls Lake, and Frank Bentz Pond;

(ii) Beaver Creek, Washington County. From the confluence with Black Rock Creek downstream approximately 1 mile to a red post located 0.1 mile above Beaver Creek Road; and

(iii) Patuxent River, Montgomery and Howard Counties. From red bank posts located on both sides of the river approximately 400 yards below Brighton Dam downstream to Mink Hollow Road.

(2) Catch-and-Return Trout Fishing Areas Limited to Use of Artificial Lures Only.

(a) Special provisions in effect on these areas:

(i) A person may not have any trout in possession while fishing in these areas. All trout which are caught shall be released and returned to the water.

(ii) A person may fish only with artificial lures, including artificial flies.

(iii) In these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

(iv) The open season for artificial lure fishing is January 1 through December 31, inclusive.

(b) Areas subject to the provisions of this section are:

(i) Patuxent River, Howard and Montgomery counties. The mainstem of the Patuxent River from the crossing of Maryland Route 97 upstream to the crossing of Maryland Route 27 and Cabin Branch from its confluence with the Patuxent River upstream to Hipsley Mill Road.

(ii) Morgan Run, Carroll County. From bridge on London Bridges Road upstream to bridge on Maryland Route 97.

(iii) Paint Branch and Tributaries, Montgomery County upstream of Fairland Road.

(iv) Gunpowder Falls, Baltimore County. Mainstem, from Prettyboy Reservoir Dam downstream to Bluemount Road.

(v) North Branch Potomac River from an overhead cable and red bank post located approximately 510 yards below the Jennings Randolph Reservoir spillway downstream approximately 1 mile to a red post, located approximately 100 yards above the upstream concrete abutments at Barnum, West Virginia, and from a red post located below a pool

known as Blue Hole approximately 1/3 mile upstream of Bench Mark 1110 on the Westernport U.S.G.S. Quadrangle, downstream approximately 4 miles to the confluence of Piney Swamp Run.

(vi) Youghiogheny River, Garrett County. Mainstem beginning at a red post approximately 100 yards upstream of the Deep Creek Lake tailrace and extending downstream 4 miles to the Sang Run Bridge.

(vii) Little Hunting Creek, Frederick County. Mainstem from a red post located approximately 1/4 mile downstream of Maryland Route 806, upstream approximately 1 mile to the upper boundary of Cunningham Falls State Park Manor Area.

B. Trophy Trout Fishing Areas.

(1) Savage River mainstem from the downstream side of the Route 135 bridge upstream for a distance of approximately 2.7 miles to the lower suspension bridge (Allegheny Bridge) is a trophy trout fishing area. The following apply:

(a) Open season—no closed season

(b) Creel limit all trout species in aggregate—daily: 2, possession: 2

(c) Minimum size: brook trout—12 inches; brown trout—18 inches; all other species of trout—no minimum size

(d) A person may not have in possession any trout smaller than the minimum size limit in effect for this area.

(e) A person may fish only with artificial lures, including artificial flies. Treble hooks are prohibited. Each artificial lure is restricted to a single hook with a single hook point.

(f) In these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

(2) Savage River mainstem from the Savage River Reservoir Dam downstream to the lower suspension bridge (Allegheny Bridge) is a trophy trout fishing area. The following apply:

(a) Open season—no closed season

(b) Creel limit all trout species in aggregate - daily: 2, possession: 2.

(c) Minimum size: brook trout—12 inches; brown trout—18 inches; all other species of trout—no minimum size.

(d) A person may fish only with artificial flies.

(e) In these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish. Section A(1)(a)(ii)—(iv), of this regulation, which applies to special provisions for fly fishing only, shall apply to this special trout management area.

(f) A person may not have in possession any trout smaller than the minimum size limit in effect for this area.

F. Delayed Harvest Trout Fishing Areas and Requirements.

(1) Group I Delayed Harvest Trout Fishing Areas and Restrictions.

(a) Group I Fishing Areas.

(i) Catoctin and Little Catoctin Creek (Frederick County) from U.S. Route 40 near its intersection with Maryland Route 17 within Doubs Meadow Park downstream to the lower park boundary near Myersville.

(ii) Middle Patuxent River (Howard County) from U.S. Route 29 downstream to Murray Hill Road.

(iii) Town Creek mainstem (Allegany County) within Green Ridge State Forest, from a red post located approximately 3/4 mile downstream of the upper ford on lower Town Creek Road, just south of the Wagner Road intersection, downstream to a red post located just upstream of the lower ford on Lower Town Creek Road (Mallory Place), and from a post located approximately 1/2 mile downstream of Manifold Road to a red post located approximately 1-3/4 miles downstream (Bull Ring Ranch).

(b) Season, Creel, and Possession Limits for Group I Fishing Areas.

(i) From June 1 through September 30, inclusive, the daily creel limit and possession limit is five trout (all species of trout in aggregate); and

(ii) From October 1 through May 31, inclusive, a person may not have any trout in possession while fishing in these areas, and shall immediately release any trout caught to the water from which the trout was taken.

(c) Bait Restrictions for Group I Fishing Areas.

(i) From June 1 through September 30, no special bait, lure, or tackle restrictions are in effect.

(ii) From October 1 through May 31, in these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

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(2) Group II Delayed Harvest Trout Fishing Areas and Restrictions.

(a) Group II Fishing Areas.

(i) Casselman River mainstem (Garrett County) from a boundary marked by two red posts on both stream banks located on the south side of the Interstate 68 eastbound bridge downstream to the Pennsylvania state line.

(ii) North Branch Potomac River mainstem (Garrett County) from the lowermost boundary of the Potomac State Forest near Lostland Run to the uppermost boundary of the Potomac State Forest at Wallman.

(iii) Youghiogheny River mainstem (Garrett County) below Friendsville from a site located 50 yards downstream of Maple Street (at the confluence of Minnow Run) downstream 1.8 miles to the powerline crossing upstream of the Youghiogheny Reservoir.

(b) Season, Creel, and Possession Limits for Group II Fishing Areas.

(i) From June 16 through September 30, inclusive, the daily creel limit and possession limit is five trout (all species of trout in aggregate).

(ii) From October 1 through June 15, inclusive, a person may not have any trout in possession while fishing in these areas, and shall immediately release any trout caught to the water from which the trout was taken.

(c) Bait Restrictions for Group II Fishing Areas.

(i) From June 16 through September 30, inclusive, no special bait, lure, or tackle restrictions are in effect.

(ii) From October 1 through June 15, inclusive, in these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

J. Put-and-Take/Catch-and-Return Trout Fishing Areas.

(1) Special Requirements in Effect for These Areas.

(a) From March 1 through May 31, the daily creel limit and possession limit is five trout, all species in aggregate. During this period no special bait, lure, or tackle restrictions are in effect.

(b) From June 1 through the last day of February, a person may not keep or have any trout in possession while fishing in these areas. In these areas, a person may not

possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

(2) Owens Creek mainstem from Raven Rock Road downstream to Roddy Road is subject to the provisions of this section.

L. Zero Creel Limit Trout Fishing Areas.

(1) Zero Creel Limit Areas for All Trout Species.

(a) Special provisions in effect in this area are:

(i) Open season—no closed season;

(ii) Creel and possession limits, all trout species in aggregate: daily—0, possession—0; and

(iii) No tackle restrictions.

(b) The area subject to the provisions of §M(1) of this regulation is the North Branch Potomac River from the Upper Potomac River Commission Wastewater Treatment Plant discharge at Westernport downstream to the Maryland Route 956 bridge at Pinto.

(2) Zero Creel Limit Areas for Brook Trout.

(a) Special provisions in effect in these areas are:

(i) Open season—no closed season;

(ii) Creel limit. Brook trout: daily—0, possession—0; all other trout species in aggregate: daily—2, possession—2;

(iii) Tackle is restricted to artificial flies and lures; and

(iv) In these areas, a person may not possess or use any natural or live bait, or any device enhanced with a scent and capable of catching fish.

(b) The area subject to the provisions of §M(2) of this regulation is the Savage River mainstem and tributaries upstream of the Savage River Reservoir dam, excluding impoundments and Put-and-Take Trout Fishing Areas (Savage River Reservoir, Savage River from Savage River Reservoir upstream to Poplar Lick Run, and New Germany Lake).

08.02.11.04

.04 Statewide General Regulations.

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D. Trotlines—Potomac and Monocacy Rivers Only.

(1) Except during April, May, and June, a person may fish with a trotline for all fish species except walleye and largemouth and smallmouth bass in the nontidal waters of the Potomac and Monocacy Rivers, but not in the tributaries of these rivers.

(2) A person may not fish with a trotline in the waters permitted under §D(1) of this regulation, between 9 a.m. and 4 p.m., E.S.T. of the same day.

(3) A person may not use a trotline made of metallic material. Each trotline may not have more than 75 single hooks nor exceed 300 feet in length. **A person may not use a trotline which has been baited with scale bait.**

(4) Each trotline shall be identified with a metal tag securely attached to it showing the name and address of the person operating it.

(5) A person may not anchor a trotline from one shore to the other at any time.

K. Importation—Fish.

(1) For the purpose of this regulation, "indigenous" means any fish species that naturally occurs in, or has been artificially introduced into, the waters of the State, and has established self-sustaining populations for at least 10 years.

(2) So that the fish populations in the nontidal waters of the State may be protected from exotic species that might be harmful, a person may not introduce into the nontidal waters, or import or possess for introduction, any live fish not indigenous to the nontidal waters of the State.

(3) Insofar as indigenous fish species of the tidal waters have not been harmful to the nontidal waters, but exotic species pose a threat to nontidal fish populations, a person may not introduce into the tidal waters, or import or possess for introduction, any live fish not indigenous to the tidal waters of the State without first obtaining a permit to do so from the Inland Fisheries Division. This permit shall be granted only if satisfactory proof is presented to the Division that the specific fish intended to be imported will be free of any communicable disease at the time of importation and will not be harmful to the native flora and fauna in the nontidal waters. Application for the permit shall be filed with the Division not less than 60 days before the proposed date of importation.

(4) The provisions of this regulation with respect to importation and possession do not apply to fish for use in laboratories or exhibitions, or for use as pets. Any fish not indigenous to the waters of the State shall be held only in aquaria or other indoor facility from which escape into the waters of the State is impossible.

(5) The introduction of any indigenous fish species except bait fish on a hook for the purpose of angling into the nontidal waters of the State is prohibited without written approval of the Inland Fisheries Division.

O. Bait.

(1) A person may not take or possess more than 35 bait fish in any day from nontidal waters of the State. This section does not apply to bait fish commercially propagated or reared.

(2) Crayfish.

(a) In the waters of the Middle Potomac River, Upper Potomac River, and Susquehanna River basins, as described by Maryland Integrated Watershed Data and Information System 6-Digit Map, a person may not:

(i) Catch and possess any species of crayfish unless the head is immediately removed behind the eyes upon capture;

(ii) Use any species of crayfish as bait unless the head is removed behind the eyes;

(iii) Possess any species of crayfish while fishing unless the head is removed behind the eyes; or

(iv) Catch and possess an egg-bearing female with eggs attached to the underside of the abdomen.

(b) In addition to §O(2)(a) of this regulation, regulations relating to the importation, transport, purchase, possession, propagation, sale, or release of specific nuisance species of crayfish appear in COMAR 08.02.19.04.

R. Use of Dip Nets, Cast Nets, and Seines in Nontidal Waters.

(1) Cast nets may not be used in nontidal waters.

(2) A person may not use a dip net to fish for any trout species, walleye, striped bass, striped bass hybrid, northern pike, largemouth bass, smallmouth bass, muskellunge, or muskellunge hybrids including tiger musky.

(3) A person may use a net as a landing net.

(4) A person may not bait a net by attaching an attractant to the net material or frame.

(5) A person may not use a net, other than a landing net, on any Put-and-Take Trout Fishing Area or Special Fisheries Management Area for Trout.

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(6) A nonresident may not fish in the nontidal waters of the State with nets of any description, except a landing net.

(7) Subject to the provisions of §R of this regulation, a seine not more than 6 feet in length nor more than 4 feet in depth or a dip net may be used by residents to catch bait fish.

08.02.11.06

.06 Special Fishing Area, Youghiogheny Reservoir.

The portion of the Youghiogheny Reservoir lying within the State constitutes a special fishing area and is subject to the following seasons, minimum size limits, and creel limits as shown in Table 1.

L. Bait Fish, Fish Bait (except mud bugs).	Open year round	No minimum	50 (combined species)
N. American Eel (as baitfish).	Open year round	6 inches to 8 inches	50

08.02.11.08

.08 Special Regulations for Deer Creek and Swan Creek.

A. Manner of Fishing. Subject to the provisions of §C of this regulation, a person may catch or attempt to catch fish in Deer Creek and Swan Creek only by hook and line, with the line held in hand, attached to a pole or rod held in hand, or attended in a manner that the fish voluntarily takes bait or lure in its mouth.

B. Prohibited Bait. A person may not possess or use minnows for bait while fishing in Deer Creek and Swan Creek.

08.02.11.11

.11 Zebra Mussel-Free Certification.

A. The purpose of this regulation is to ensure that live aquatic bait grown in an aquaculture operation and purchased from certified dealers is free of zebra mussels so that it will not adversely impact wild stocks of fish.

B. Definitions. In this regulation, the following terms have the meanings indicated:

(1) "Live aquatic bait" means any organism grown in an aquaculture operation and which is kept alive in water for use as bait while fishing, and includes, but is not limited to:

(a) Tadpoles and other amphibians,

- (b) Minnows and other fish,
- (c) Clams and other mollusks,
- (d) Hellgrammites and other aquatic insects,
- (e) Crayfish and other crustaceans, and
- (f) Leeches and other annelids;

(2) "Zebra mussel-free certification" means a certification issued by the Department that signifies that the:

- (a) Volume of water containing certain live aquatic bait is free of any life stage of zebra mussels,
- (b) Live aquatic bait comes from a source that does not support zebra mussels, or
- (c) Water and bait have been treated in a manner that kills any life stage of zebra mussel.

C. Certification.

- (1) Certification is available to dealers of live aquatic bait.
- (2) Application shall be made on forms provided by the Department.
- (3) The Department shall make available a complete list of certified bait dealers to the public on request.

08.02.20.01

.01 Purpose (Bait)

The purpose of this chapter is to implement Natural Resources Article, §4-702, Annotated Code of Maryland, which requires licensure of persons dealing in finfish and provides an exception for those persons who catch and sell certain species of finfish as bait.

08.02.20.02

.02 Bait Finfish.

A. Bait. For the purpose of this subtitle, "bait" means an attractant to catch fish which includes:

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- (1) The living or dead, whole body or part of body of an animal; or
- (2) A processed product from an animal or vegetative source.

B. Species. The only species of finfish that may be caught and sold for use as fishing bait by an individual who is not licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, are:

- (1) Mummichog (*Fundulus heteroclitus*);
- (2) Striped killifish (*Fundulus majalis*);
- (3) Banded killifish (*Fundulus diaphanous*);
- (4) Spottail shiner (*Notropis hudsonius*);
- (5) Golden shiner (*Notemigonus crysoleucas*);
- (6) Rough silverside (*Membras martinica*);
- (7) Silverside (*Menidia species*);
- (8) Anchovy (*Anchoa species*); and
- (9) Silvery minnow (*Hybognathus nuchalis*).

C. Methods.

(1) An individual who is not licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, may use only the following gear and methods, defined in COMAR 08.02.05, to catch bait finfish from the tidal waters of the State:

- (a) Cast net;
 - (b) Dip net;
 - (c) Minnow seine;
 - (d) Hook and line; and
 - (e) Minnow trap.
- (2) A cast net shall be thrown by hand and have a radius not greater than 10 feet.
 - (3) A dip net shall be operated by hand.

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(4) A minnow seine may not be emptied on the shore or beach or in any water less than sufficient depth to enable the unwanted fish to return to the waters alive.

(5) A minnow trap shall:

(a) Be clearly labeled with the name, address, and telephone number of the registered user; and

(b) Be emptied at least once every 24-hour period.

D. Seasons and Limits.

(1) Season. There is no closed season.

(2) Daily Catch and Possession Limits. The daily catch and possession limit of bait finfish for an individual who is not licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, is as follows:

(a) Mummichog (*Fundulus heteroclitus*): 10 gallons;

(b) Striped killifish (*Fundulus majalis*): 10 gallons;

(c) Banded killifish (*Fundulus diaphanous*): 10 gallons;

(d) Spottail shiner (*Notropis hudsonius*): 600 individuals;

(e) Golden shiner (*Notemigonus crysoleucas*): 600 individuals;

(f) Rough silverside (*Membras martinica*): 600 individuals;

(g) Silverside (*Menidia* species): 600 individuals;

(h) Anchovy (*Anchoa* species): 600 individuals; and

(i) Silvery minnow (*Hybognathus nuchalis*): 600 individuals.

E. Registration.

(1) Unless otherwise permitted by law, an individual may not catch and sell bait finfish from the tidal waters of the State without first registering with the Department on a form provided by the Department.

(2) An individual may cancel a registration by notifying the Department in writing.

(3) The Department may revoke the registration if the registrant violates the regulations in this chapter.

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STATUTES

§ 4-205.1. Nuisance organisms, inspections, and abatement orders

(4) “Introduction into State waters” includes use of an organism as bait in the waters of the State.

§ 4-219. Regulations.

The Department shall adopt regulations defining which species may be harvested, imported, transported, sold, or used as bait in the State.

§ 4-509. Electronic devices used to detect finfish, depth finders

A person may not use or attempt to use any electronic device on any boat in the waters of the State or on any aircraft within the State, or use or attempt to use any aircraft, to detect the presence of finfish for any purpose. However, fishermen may use depth finders from boats to detect the presence of finfish. A person also may not use or attempt to use any device that may lure finfish by electrical impulses. This section does not prohibit the Department from using any electronic or electrical device for scientific research, law enforcement or other purpose, nor prohibit use of a fathometer or depth recorder for navigational purposes. Any person who violates this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court.

§ 4-601. Angling defined

“Angling” means catching or attempting to catch fish by hook and line, with the line held in hand, attached to a pole or rod held in hand, or attended in a manner that the fish voluntarily takes bait or lure in its mouth.

§4-617. Restriction on fishing in nontidal waters.

(d) *Restrictions on use of bush-bobs or bank poles.* -

(4) bush-bob or bank pole which has been baited with scale bait or live bait may not be used to catch suckers, catfish, carp, eels, gudgeons and every species of sunfish, including bluegills and rock bass, commonly known as redeye

(g) A person may catch large or small mouth black bass from nontidal waters of the State only by angling. An artificial lure is legal.

§4-620. Use of certain equipment – Exceptions.

(b) *Certain nets permitted for catching bait fish.* -

(1) Except as provided in paragraph (2) of this subsection, a dip net or seine not more than 6 feet in length nor more than 4 feet in depth may be used to catch bait fish.

(2) A dip net or seine may not be used within 50 yards of the mouth of any river or tributary or the base of any dam.