



BAIT (TIDAL) LAWS

COMAR

08.02.02.08

.08 Soft-Shell Clam Dealer's License.

B. Exemptions. The following are not required to obtain a license:

(3) A person who buys clams for his own use or consumption, or for use as bait by persons aboard a boat of which he is an owner.

08.02.02.09

.09 Razor Clams (Genus Tagelus).

C. The harvest of razor clams for use as bait may occur in an area restricted or conditionally approved for harvest by the Department of the Environment only under the following conditions:

(1) The Department may not issue more than 30 permits to harvest razor clams in any one area;

(2) At the time of harvest, the individual shall possess the appropriate tidal fish license and razor clam permit issued by the Department;

(3) Before leaving the harvest area, every razor clam harvested under this section shall be dyed with U.S. Food, Drug, and Cosmetic Act FD&C Blue No. 1 food dye as specified in 21 CFR §74.101, by completely immersing the razor clam in the dye to impart a visible color to the razor clam; and

(4) An individual may not harvest or possess any other clam or oyster on board the vessel while harvesting or possessing razor clams from a restricted or conditionally approved area.

08.02.03.07

.07 Crab Pots.

B. A crab pot shall meet the following structural requirements:

(5) A live male blue crab used for bait, in a crab pot used for catching peeler crabs, shall be contained only in the upper chamber of the crab pot and may not be less than the minimum size

08.02.03.09

.09 Recreational Crabbing Licenses—Chesapeake Bay and Its Tidal Tributaries.

A. Recreational Crabbing License.

(1) An individual who catches or attempts to catch crabs for recreational purposes in the waters of the Chesapeake Bay and its tidal tributaries shall pay the fee and obtain a recreational crabbing license in order to use the following gear to catch crabs:

(c) Up to ten eel pots for catching the individual's own bait, which are:

(i) Clearly labeled with the individual's name, and

(ii) Not placed in a buoy free channel as listed in Regulations .07H and .08E of this chapter.

C. Complimentary Recreational Crabbing License.

(2) If a recreational crabbing boat licensee or a Chesapeake Bay and coastal sport fishing boat licensee is in possession of the complimentary recreational crabbing license, the licensee may:

(b) Use up to ten eel pots for catching bait for use by the licensee.

08.02.03.10

.10 Recreational Crabbing Catch and Possession Limits — Chesapeake Bay and its Tidal Tributaries.

E. Female Hard Crabs and Female Peelers.

(1) Except as provided in §E(2) of this regulation, an individual may not catch or possess female hard crabs or female peelers.

(2) Exceptions.

(a) An individual licensed to harvest crabs for commercial purposes, except those with a frozen or male only crab harvester license as described in Regulation .14F of this chapter, may catch or possess female hard crabs and female peelers.

(b) An individual may possess female peeler crabs if:

(i) The individual is using the female peeler crabs as bait while finfishing; and

(ii) The female peeler crabs are accompanied by a bill of sale.

Last updated 5/18/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

08.02.05.01

.01 Methods of Fishing in Tidal Waters.

G. Bait. A person may not use eels as bait while fishing with hook and line in the tidal waters of the Chesapeake Bay and its tributaries, except for a recreational, charter, or commercial hook and line fisherman authorized to participate in, and fish during summer and fall striped bass seasons established in COMAR 08.02.15.

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.

B. Prohibitions and Limitations on Fishing in General.

(6) When using fish, crabs, or worms as bait, or processed bait, a person recreationally angling in the Susquehanna Flats and Northeast River during the period set forth in §B(5) of this regulation shall use:

- (a) Non-offset circle hooks; or
- (b) "J" hooks with a gap of less than 1/2 inch between the point and the shank.

08.02.05.19

.19 Black Bass — Largemouth Bass and Smallmouth Bass.

C. Gear Restrictions.

((1) An individual may not catch black bass in any manner in the tidal waters of the State except with rod or hook and line using natural or artificial baits.

Last updated 5/18/2011. For any recent regulatory changes, please visit <http://www.dnr.state.md.us/fisheries/regulations/regindex.html>

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

08.02.10.01

.01 Horseshoe Crabs.

F. General.

(4) A person who purchases horseshoe crabs for purposes of scientific research may:

- (a) Return the horseshoe crabs to the harvester for use or sale as bait;
- (b) Return or sell the horseshoe crabs to a bait dealer; or
- (c) Return the horseshoe crabs live to tidal waters.

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

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.01 Purpose.

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.

.02 Bait Finfish.

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

- (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.

(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.

08.02.15.03

.03 Spawning Rivers, Areas, and Reaches. (Striped Bass)

E. Fishing Restrictions for the Period March 1 Through the third Friday in April. The restrictions in this section apply to the waters of the Chesapeake Bay and its tidal tributaries that are not closed in accordance with §D(1) of this regulation. During the period from March 1 through the third Friday in April:

- (1) A person recreationally angling:
 - (a) When using fish, crabs, or worms as bait, or processed bait, shall use:
 - (i) Circle hooks; or
 - (ii) "J" hooks with a gap of less than 1/2 inch between the point and the shank;
 - (b) May not use stinger hooks; and
 - (c) Shall use barbless hooks while trolling;

08.02.15.08

.08 Recreational and Charter Boat Spring Fishery. (Striped Bass)

E. Bait Prohibited. A person may not use eels as bait while participating in the striped bass spring fishery.

08.02.15.09

.09 Recreational and Charter Boat Summer and Fall Fishery in the Chesapeake Bay and Its Tidal Tributaries. (Striped Bass)

(3) Susquehanna Flats and Northeast River.

(b) Catch Restrictions.

(i) A person may not catch or possess more than one striped bass per day.

(ii) A person may catch and possess one striped bass between 18 and 26 inches inclusive, total length.

(iii) A person may not use eels as bait.

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.

§ 4-702. Commercial activity involving finfish or shellfish.

(b) The following persons are not required to obtain a license under this section:

(4) A person who catches and sells as bait finfish or shellfish species defined as bait under subsection (c) of this section.

(c) The Department shall adopt regulations defining which species of finfish and shellfish may be caught and sold as bait under subsection (b)(4) of this section.

§ 4-735. Black bass and chain pickerel

Fishing with rod, or hook and line only

c) A person may not catch chain pickerel in any manner in the tidal waters of the State except with rod, or hook and line using natural or artificial baits.

§ 4-736. Fishing restrictions – Eels.

(b) (2) A licensee who is authorized to catch crabs under this section may use up to 50 pots to catch eels for personal use as crab trotline bait without obtaining an authorization to catch finfish.

(d) Each individual who catches eels for sale or for personal use as bait shall make catch reports, as prescribed by rule or regulation, on forms provided by the Department.

§ 4-1007. Designation of buying stations for oysters and clams; unlawful sales or purchases; exception; forms.

(b) (1) A person may not sell his catch in any place not designated a buying station.

(2) A person may not buy oysters or clams from the person who catches them in any place not designated a buying station.

(c) However, any person may buy soft-shell clams anywhere for his own consumption or use as bait, but not for resale from the person who catches them. However, the person who catches the soft-shell clams shall assume responsibility for paying the tax imposed by § 4-1035 of this subtitle.