

HOUSE BILL 1488

M2

7lr3247
CF 7lr3381

By: **Delegates Mautz, Adams, Anderton, Cassilly, Flanagan, Folden, Glass, Hornberger, Kittleman, Lisanti, McComas, Otto, and Sample-Hughes**
Introduced and read first time: February 10, 2017
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Tidal Fish Licenses – Oyster Authorizations – Revocation**

3 FOR the purpose of authorizing, rather than requiring, the Department of Natural
4 Resources to revoke the authorization to catch oysters of a person who the
5 Department finds or concludes has knowingly committed one of certain offenses;
6 authorizing a person whose authorization to catch oysters is revoked under certain
7 provisions of law to apply for reinstatement of the authorization after a certain
8 period of time; making certain technical corrections; and generally relating to
9 revocation of an authorization to catch oysters.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–1210
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Natural Resources**

18 4–1210.

19 (a) (1) In addition to any other penalty or fine provided in this title, a person
20 who holds [a license] **AN AUTHORIZATION** to catch oysters under § 4–701 of this title and
21 receives a citation for an offense listed under paragraph (2) of this subsection may have the
22 [license] **AUTHORIZATION** revoked in accordance with this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) The following offenses, committed in violation of this title or of any
2 regulation adopted under this title, are grounds for revocation of [a license] AN
3 **AUTHORIZATION** to catch oysters under this section:

4 (i) Taking oysters located more than 200 feet within a closed or
5 prohibited area;

6 (ii) Taking oysters with gear that is prohibited in that area;

7 (iii) Taking oysters outside of a time restriction for the harvest of
8 oysters by more than 1 hour;

9 (iv) Taking oysters during closed seasons; and

10 (v) Taking oysters from a leased area by a person other than the
11 leaseholder or the leaseholder's designee.

12 (b) (1) Within 60 days after a person who holds [a license] AN
13 **AUTHORIZATION** to catch oysters under § 4-701 of this title receives a citation for an
14 offense listed under subsection (a) of this section, the Department shall hold a hearing on
15 the matter in accordance with the Administrative Procedure Act under Title 10, Subtitle 2
16 of the State Government Article.

17 (2) After a hearing is conducted under paragraph (1) of this subsection, if
18 the presiding officer finds or concludes that the person knowingly has committed an offense
19 listed under subsection (a)(2) of this section, the Department [shall] **MAY** revoke the
20 person's [license] **AUTHORIZATION** to catch oysters.

21 (c) A person who is aggrieved by the final decision of the Department may obtain
22 judicial review of the decision in accordance with the Administrative Procedure Act under
23 Title 10, Subtitle 2 of the State Government Article.

24 (d) **(1)** A person whose [license] **AUTHORIZATION** has been revoked in
25 accordance with this section may not engage or work in the **OYSTER** fishery [for which the
26 license was revoked whether or not it requires the use of another license] **WHILE THE**
27 **AUTHORIZATION IS REVOKED.**

28 **(2) A PERSON WHOSE AUTHORIZATION TO CATCH OYSTERS IS**
29 **REVOKED UNDER THIS SECTION MAY APPLY FOR REINSTATEMENT OF THE**
30 **AUTHORIZATION AT ANY TIME AFTER 2 YEARS FROM THE DATE OF REVOCATION.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
32 1, 2017.