

# HOUSE BILL 1153

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HB 1488/17 – ENV

9lr2115

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By: **Delegates Mautz and Adams**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

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## 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 a person’s authorization to catch oysters if the Department finds  
5 or concludes that the person 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; and generally relating to revocation of an authorization to catch  
9 oysters.

10 BY repealing and reenacting, with amendments,

11 Article – Natural Resources

12 Section 4–1210

13 Annotated Code of Maryland

14 (2018 Replacement Volume)

15 (As enacted by Chapter 520 of the Acts of the General Assembly of 2018)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Natural Resources**

19 4–1210.

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

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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 an authorization to catch  
3 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) (i) Before the revocation of an authorization to catch oysters under  
13 this section, the Department shall hold a hearing on the matter in accordance with the  
14 Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

15           (ii) A hearing held under subparagraph (i) of this paragraph shall be  
16 held within 90 days after the cited individual commits the offense listed under subsection  
17 (a)(2) of this section.

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

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

25          (d) **(1)** A person whose authorization has been revoked in accordance with this  
26 section may not engage or work in the oyster fishery [whether or not it requires the use of  
27 another license] **WHILE THE 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 5 YEARS FROM THE DATE OF REVOCATION.**

31          (e) On or before December 31 each year, the Department shall report to the  
32 Senate Education, Health, and Environmental Affairs Committee and the House  
33 Environment and Transportation Committee, in accordance with § 2-1246 of the State  
34 Government Article, on:

1                   (1)    The number of citations issued during the previous year for offenses  
2 listed under subsection (a) of this section; and

3                   (2)    The action taken or penalty imposed by the Department for each  
4 offense.

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2019.