

HOUSE BILL 1154

M2

11r2936
CF SB 635

By: **Delegate Gilchrist**

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 28, 2011

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Authorization to Catch Striped Bass and Crabs –**
3 **Revocation**

4 FOR the purpose of providing that a certain person who ~~receives a citation for~~ commits
5 a certain offense related to unlawfully taking striped bass or crabs may have a
6 certain authorization revoked under certain circumstances; requiring the
7 Department of Natural Resources, in consultation with the Tidal Fisheries
8 Advisory Commission and the Sport Fisheries Advisory Commission, to adopt
9 regulations that establish certain grounds for the revocation of a certain
10 authorization, including certain categories of ~~offenses~~ violations; requiring the
11 Department to hold a certain hearing under certain circumstances in
12 accordance with the Administrative Procedure Act; requiring the Department to
13 revoke a person's authorization to catch striped bass or crabs under certain
14 circumstances; authorizing certain aggrieved persons to obtain judicial review of
15 a certain decision; prohibiting a certain person from engaging or working in a
16 certain fishery under certain circumstances; and generally relating to
17 unlawfully taking striped bass or crabs and authorization revocation.

18 BY adding to

19 Article – Natural Resources

20 Section 4-1210

21 Annotated Code of Maryland

22 (2005 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Natural Resources**

4 **4–1210.**

5 (A) (1) IN ADDITION TO ANY OTHER PENALTY OR FINE PROVIDED IN
6 THIS TITLE, A PERSON WHO IS AUTHORIZED TO CATCH STRIPED BASS OR CRABS
7 UNDER § 4–701 OF THIS TITLE AND WHO COMMITS AN OFFENSE ESTABLISHED
8 UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY HAVE THE AUTHORIZATION
9 TO CATCH STRIPED BASS OR CRABS REVOKED IN ACCORDANCE WITH THIS
10 SECTION.

11 (2) THE DEPARTMENT, IN CONSULTATION WITH THE TIDAL
12 FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY
13 COMMISSION, SHALL ADOPT REGULATIONS THAT ESTABLISH GROUNDS FOR
14 THE REVOCATION OF AN AUTHORIZATION TO CATCH STRIPED BASS OR CRABS
15 UNDER § 4–701 OF THIS TITLE, WHICH SHALL INCLUDE ~~OFFENSES~~ EGREGIOUS
16 OR REPEAT VIOLATIONS IN THE FOLLOWING CATEGORIES:

17 (I) USING ILLEGAL GEAR;

18 (II) HARVESTING DURING CLOSED SEASONS;

19 (III) HARVESTING FROM A CLOSED AREA;

20 (IV) ~~EXCEEDING~~ VIOLATING ESTABLISHED HARVEST,
21 CATCH, OR SIZE LIMITS; AND

22 (V) VIOLATING TAGGING AND REPORTING REQUIREMENTS.

23 (B) (1) BEFORE THE REVOCATION OF AN AUTHORIZATION TO CATCH
24 STRIPED BASS OR CRABS UNDER THIS SECTION, THE DEPARTMENT SHALL HOLD
25 A HEARING ON THE MATTER IN ACCORDANCE WITH THE ADMINISTRATIVE
26 PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
27 ARTICLE.

28 (2) AFTER A HEARING IS CONDUCTED UNDER PARAGRAPH (1) OF
29 THIS SUBSECTION, IF THE PRESIDING OFFICER FINDS OR CONCLUDES THAT THE
30 PERSON KNOWINGLY HAS COMMITTED AN OFFENSE LISTED UNDER SUBSECTION
31 (A)(2) OF THIS SECTION, THE DEPARTMENT SHALL REVOKE THE PERSON'S
32 AUTHORIZATION TO CATCH STRIPED BASS OR CRABS.

1 (C) A PERSON WHO IS AGGRIEVED BY THE FINAL DECISION OF THE
2 DEPARTMENT MAY OBTAIN JUDICIAL REVIEW OF THE DECISION IN
3 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT UNDER TITLE 10,
4 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

5 (D) A PERSON WHOSE AUTHORIZATION HAS BEEN REVOKED IN
6 ACCORDANCE WITH THIS SECTION MAY NOT ENGAGE OR WORK IN THE FISHERY
7 FOR WHICH THE AUTHORIZATION WAS REVOKED WHETHER OR NOT IT
8 REQUIRES THE USE OF ANOTHER AUTHORIZATION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,
10 2012, the Department of Natural Resources shall adopt regulations to:

11 (a) establish grounds for revocation of authorizations to catch striped bass
12 and crabs under § 4-701 of the Natural Resources Article; and

13 (b) implement the provisions of Section 1 of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.