

Chapter 505

(Senate Bill 635)

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

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

BY adding to

Article – Natural Resources

Section 4–1210

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Article – Natural Resources

4–1210.

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

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

- (I) USING ILLEGAL GEAR;
- (II) HARVESTING DURING CLOSED SEASONS;
- (III) HARVESTING FROM A CLOSED AREA;
- (IV) ~~EXCEEDING~~ VIOLATING ESTABLISHED HARVEST, CATCH, OR SIZE LIMITS; AND
- (V) VIOLATING TAGGING AND REPORTING REQUIREMENTS.

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

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

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

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

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

- (a) establish grounds for revocation of authorizations to catch striped bass and crabs under § 4-701 of the Natural Resources Article; and
- (b) implement the provisions of Section 1 of this Act.

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

Approved by the Governor, May 19, 2011.