M25lr1548

By: Delegates Mautz, Adams, Hornberger, Impallaria, Metzgar, Otto, Rey, Shoemaker, Vitale, and B. Wilson

Introduced and read first time: February 13, 2015 Assigned to: Environment and Transportation

A BILL ENTITLED

1	ATAT	AOM	•
1	AN	ACT	concerning

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Natural Resources - Commercial Fisheries Offenses - Stay of Revocation

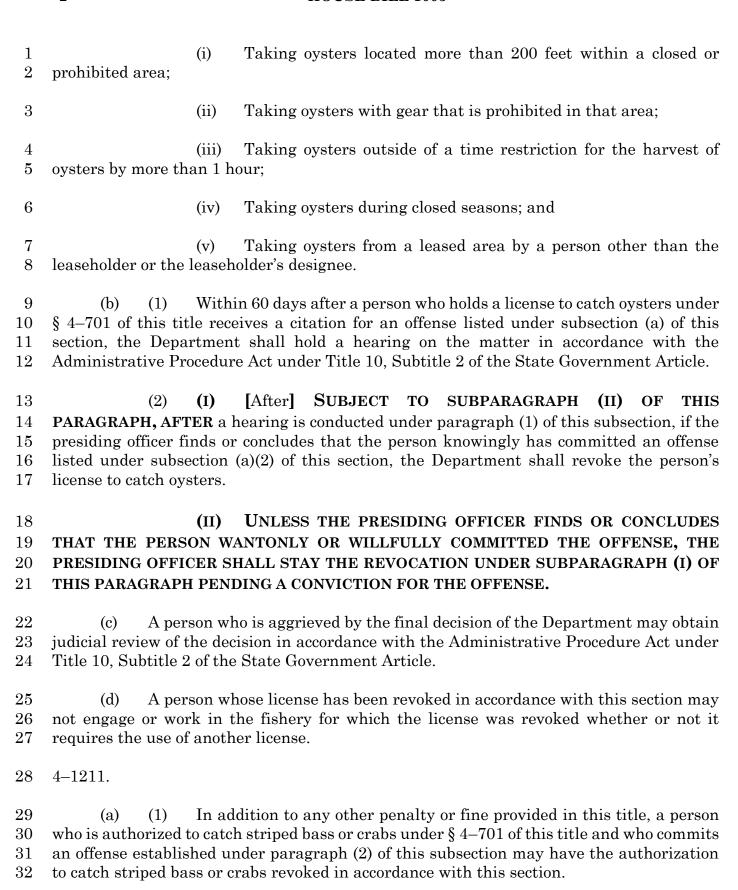
- 3 FOR the purpose of requiring a presiding officer after a certain administrative finding on 4 certain commercial fisheries offenses related to oysters, crabs, or striped bass to stay 5 a license revocation pending conviction for the offense, unless the presiding officer 6 finds or concludes that the licensee wantonly or willfully committed the offense; and 7 generally relating to administrative penalties for commercial fisheries offenses 8 related to oysters, crabs, or striped bass.
- 9 BY repealing and reenacting, with amendments,
- 10 Article – Natural Resources
- Section 4-1210 and 4-1211 11
- 12 Annotated Code of Maryland
- (2012 Replacement Volume and 2014 Supplement) 13
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 14
- 15 That the Laws of Maryland read as follows:

Article - Natural Resources 16

- 4-1210.17
- 18 In addition to any other penalty or fine provided in this title, a person 19 who holds a license to catch oysters under § 4–701 of this title and receives a citation for an 20 offense listed under paragraph (2) of this subsection may have the license revoked in 21 accordance with this section.
- - 22 The following offenses, committed in violation of this title or of any 23regulation adopted under this title, are grounds for revocation of a license to catch oysters

24under this section:





- 1 (2) The Department, in consultation with the Tidal Fisheries Advisory
 2 Commission and the Sport Fisheries Advisory Commission, shall adopt regulations that
 3 establish grounds for the revocation of an authorization to catch striped bass or crabs under
 4 § 4–701 of this title, which shall include egregious or repeat violations in the following
 5 categories:
 6 (i) Using illegal gear;
- 7 (ii) Harvesting during closed seasons;
- 8 (iii) Harvesting from a closed area;
- 9 (iv) Violating established harvest, catch, or size limits; and
- 10 (v) Violating tagging and reporting requirements.
- 11 (b) (1) Before the revocation of an authorization to catch striped bass or crabs 12 under this section, the Department shall hold a hearing on the matter in accordance with 13 the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government 14 Article.
- 15 (2)**(I)** [After] SUBJECT TO SUBPARAGRAPH (II) \mathbf{OF} THIS 16 **PARAGRAPH.** AFTER a hearing is conducted under paragraph (1) of this subsection, if the 17 presiding officer finds or concludes that the person knowingly has committed an offense 18 listed under subsection (a)(2) of this section, the Department shall revoke the person's 19 authorization to catch striped bass or crabs.
- 20 (II) UNLESS THE PRESIDING OFFICER FINDS OR CONCLUDES
 21 THAT THE PERSON WANTONLY OR WILLFULLY COMMITTED THE OFFENSE, THE
 22 PRESIDING OFFICER SHALL STAY THE REVOCATION UNDER SUBPARAGRAPH (I) OF
 23 THIS PARAGRAPH PENDING A CONVICTION FOR THE OFFENSE.
- 24 (c) A person who is aggrieved by the final decision of the Department may obtain 25 judicial review of the decision in accordance with the Administrative Procedure Act under 26 Title 10, Subtitle 2 of the State Government Article.
- 27 (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.
- 30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 31 October 1, 2015.