



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

March 6, 2020

The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

Re: Letter of Information – House Bill 1498 – Tidal Fish Licenses – Oyster Authorizations – Revocation

Dear Chair Barve, Vice Chair Stein and Committee Members:

House Bill 1498 makes various changes to Natural Resources Article, Sec. 4-1210. The new text in (d)(2) is unclear. Under the proposed text, it appears that the individual's authorization is not actually revoked but suspended for a period of at least five years during which the agency shall hold the license for potential reinstatement. This means that authorizations will be held indefinitely or until an individual asks for, and the department grants, the reinstatement of that authorization after five or more years. Individuals on the waitlist (under Natural Resources Article, Sec. 4-701) will not be able to obtain these authorizations and the fishery will not be efficiently maximized. Furthermore, it does not limit the number of times a person could apply for reinstatement. An individual could continually apply for reinstatement leading to continual hearings on the matter.

The bill would also require the department to hold a hearing within the initial ninety days following the violation. While the department does schedule all its hearings within that time period, the hearing dates are often delayed by motions made by the individual.

Natural Resources Article, Sec. 4-1210, was passed by the General Assembly in 2011 and amended in 2018. A similar version of this bill was introduced in 2017 as HB 1488. A similar bill was also introduced as HB 1353 in 2018.

The bill provides that the department may revoke a commercial oyster authorization rather than shall revoke the authorization and provides that the department may reinstate a revoked authorization after a five year period. The bill also requires the department to hold a hearing within the ninety day period following the violation.

The Maryland Department of Natural Resources respectfully submits to the Committee information on House Bill 1498.

Respectfully submitted,
James W. McKittrick
Director, Legislative and Constituent Services

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