

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

**Revised**

House Bill 94

(Chairman, Environmental Matters Committee)

(Departmental – Natural Resources)

Environmental Matters

Education, Health, and Environmental Affairs

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**Natural Resources - Fishing Licenses and Authorizations - Suspension or Revocation**

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This departmental bill amends the authority of the Department of Natural Resources (DNR) to suspend or revoke a person's fishing license or authorization.

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**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources of DNR and the Office of Administrative Hearings (OAH). Although the bill could result in additional hearings, the bill is not expected to have a significant impact on OAH.

**Local Effect:** None.

**Small Business Effect:** DNR has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Bill Summary:** The bill amends existing law relating to DNR's authority to suspend a tidal fish license by repealing the minimum number of days a license may be suspended and by providing that in addition to any other penalty provided, DNR may *revoke* a person's entitlement to engage in a particular activity or activities under a tidal fish license. During a period of suspension, a person penalized may not be authorized under any transferred tidal fish license to engage in the particular activity or activities for which

the suspension is imposed. The bill also modifies one of the existing grounds for suspension so that conviction for violations so often as to indicate an intent to disregard the fish and fisheries laws of the State is a ground for suspension, provided that proceedings for suspension on this ground are based on no fewer than three convictions occurring on separate days within any two-year period. Existing grounds for suspension would apply to both tidal fish licenses and authorizations.

The bill provides that the conviction of a person for a violation that involves fraudulent representation and conviction of a person for at least five violations occurring on separate days within any three-year period are grounds for revocation of a tidal fish license or authorization. Revocation shall be for a minimum of a six-month period. A person whose tidal fish license or authorization has been revoked may not be issued a tidal fish license or receive the transfer of a tidal fish license for a period of six months from the date of any revocation. The bill also provides that the person is entitled to a hearing prior to revocation by DNR. The bill states that the penalties in the subtitle of law relating to licensing, regulation, and supervision of fishing and fisheries in tidal waters are in addition to any other penalties authorized under a specified provision of law relating generally to penalties, fines, searches, seizures, and forfeitures regarding striped bass.

**Current Law:** DNR may suspend for a period of not less than ten days nor more than 365 days a person's entitlement to engage in a particular activity or activities under a tidal fish license. During a period of suspension, the person penalized is not and shall not be authorized under any existing, renewed, or new tidal fish license to engage in the particular activity or activities for which the suspension is imposed.

One of the grounds for suspension includes conviction for violations so often as to indicate an intent to disregard the fish and fisheries laws of the State, provided that proceedings for revocation on this ground are based on no fewer than three convictions occurring on separate days within any 365-day period or five convictions for violations occurring on separate days within any 365-day period. Other grounds for suspension include making a false statement in an application for a tidal fish license, failure to submit required reports, and failure for a nonresident to appear in court pursuant to a citation issued.

The grounds for revocation of a tidal fish license include submitting a false report or suspension of the person's tidal fish license more than once in any 24-month period.

**Background:** According to DNR, under existing authority, DNR is not able to remove a flagrant violator of fisheries conservation laws and regulations from the fisheries. Recently, departmental and federal conservation enforcement officers have made cases

that demonstrated a flagrant disregard for the fisheries laws and regulations and a willful intent to repeatedly exceed conservation limits over a period of time.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Office of Administrative Hearings, Department of Legislative Services

**Fiscal Note History:** First Reader - January 10, 2002  
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