

SENATE BILL 50

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2004 Regular Session  
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(PRE-FILED)

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By: **Chairman, Education, Health, and Environmental Affairs Committee**  
**(By Request - Departmental - Natural Resources)**

Requested: November 3, 2003  
Introduced and read first time: January 14, 2004  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 24, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources - Fishing Licenses and Authorizations - Suspension and**  
3 **Revocation**

4 FOR the purpose of altering the criteria for suspension and revocation of certain  
5 fishing licenses and authorizations under certain circumstances; authorizing  
6 the Department of Natural Resources to suspend or revoke certain fishing  
7 licenses for certain convictions; establishing certain hearing procedures;  
8 requiring the Department to adopt certain regulations in accordance with  
9 certain recommendations; making certain technical corrections and stylistic  
10 changes; and generally relating to the suspension and revocation of fishing  
11 licenses and authorizations.

12 BY repealing and reenacting, with amendments,  
13 Article - Natural Resources  
14 Section 4-701 and 4-745  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2003 Supplement)

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

1 **Article - Natural Resources**

2 4-701.

3 (a) This section applies to any person who is required under Subtitle 2, 7, 8, 9,  
4 or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy, process,  
5 transport, export, or otherwise deal in fish caught in tidal waters.

6 (b) (1) The Department shall utilize a single, commercial license, to be  
7 known and designated as a tidal fish license.

8 (2) A tidal fish license authorizes a licensee:

9 (i) To engage in each activity indicated on the license; and

10 (ii) For catching crabs, to utilize the number of crew members  
11 indicated on the license.

12 (3) Except for a person receiving a license under subsection (i)(2)(ii) of  
13 this section, the Department may not issue a tidal fish license to an individual who is  
14 younger than 14 years of age.

15 (4) A person may not guide fishing parties or catch, sell, buy, process,  
16 transport, export, or otherwise deal in fish caught in tidal waters unless licensed  
17 under this section.

18 (c) (1) The license year for every tidal fish license shall be 12 months from  
19 September 1 through August 31 of the following year.

20 (2) A licensee and crew members may engage only in those activities for  
21 which the annual fees for that license year have been paid.

22 (d) (1) The Department may issue no more than one authorization to a  
23 person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection  
24 during a license year.

25 (2) (i) On a tidal fish license, the Department may issue an  
26 authorization for any of the following activities for which the indicated fee has been  
27 paid.

28 (ii) The following annual fees for an authorization shall apply  
29 regardless of when the license is issued or an activity is authorized:

30 1. To provide services as:

31 A. A fishing guide in the tidal waters of Maryland - \$50 for a  
32 resident and \$100 for a nonresident; and

33 B. A master fishing guide, in addition to the fee under item A  
34 of this item - \$50 per vessel

1  
2 this title:

2. To catch for sale fish with equipment which is legal under

3

A. Finfish:

4

I. Hook and line only, anywhere: \$37.50

5

II. All other equipment: \$100

6

B. Crabs:

7  
8 scrapes: \$50

I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and

9  
10 sub-sub-subparagraph: \$150

II. Over 50 pots, plus any other gear listed in item I of this

11

C. Clams - \$100

12  
13 dredge boat

D. Oysters - \$250 for a dredge boat and \$50 for other than a

14

E. Conch, turtles, and lobster - \$50

15  
16 items A through E of this item, unlimited tidal fish - \$300

F. For all activities in item 1A of this subparagraph and in

17  
18 this title to enable a licensee to catch crabs under subparagraph (ii)2BII and F of this  
19 paragraph with more than 300 pots, the licensee shall pay \$20 for each crew member.

3. For one or two crew members employed under § 4-814 of

20  
21 to buy, process, pack, resell, market or otherwise deal in fish caught in the tidal  
22 waters of Maryland, seafood dealer - \$150

4. Except for a licensee dealing in his own catch, for a person

23 (e) (1) To catch striped bass for sale:

24 (i) A licensee authorized under subsection (d)(2)(ii)2A of this  
25 section shall pay an annual surcharge of \$200; or

(i) A licensee authorized under subsection (d)(2)(ii)2A of this

26 (ii) A licensee authorized under subsection (d)(2)(ii)2F of this  
27 section shall pay with the license fee an annual surcharge of \$100.

(ii) A licensee authorized under subsection (d)(2)(ii)2F of this

28 (2) A person may not catch oysters for sale without possessing a valid  
29 license under this section and paying an annual surcharge of \$300 which shall be  
30 used by the Department only for oyster repletion activities.

(2) A person may not catch oysters for sale without possessing a valid

31 (3) In addition to the normal license fees imposed under subsection  
32 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual  
33 surcharge of \$10 to be credited to the Seafood Marketing Office of the Department of

(3) In addition to the normal license fees imposed under subsection

1 Agriculture to fund seafood marketing programs which have been approved by the  
2 Department.

3 (4) (i) 1. In this paragraph, "fishing activities" means those  
4 activities that are directly related to catching fish.

5 2. "Fishing activities" does not include the activities of  
6 buying, selling, processing, transporting, exporting, or similarly dealing in fish.

7 (ii) The Department shall assess annually on every nonresident  
8 license applicant for the applicant's fishing activities under Subtitles 7, 8, and 9 of  
9 this title, in addition to the normal license fees imposed by this subsection, a  
10 surcharge which cumulatively for the license year, shall be the greater of:

11 1. An amount equal to the difference between the total fees  
12 charged to a Maryland resident engaged in like fishing activities in the state of  
13 residence of the nonresident applicant and the total of normal license fees for fishing  
14 activities in Maryland; or

15 2. \$350.

16 (f) An applicant for a new license to provide services as a commercial fishing  
17 guide in tidal waters of the State shall supply as part of the initial application  
18 verifiable references to any federal license that is issued by the U.S. Coast Guard to  
19 operate a vessel carrying passengers for hire in the applicant's name, as a condition  
20 precedent to engaging as a commercial fishing guide in tidal waters.

21 (g) (1) Notwithstanding any other provision of this section, the Department  
22 may issue an apprenticeship permit for any activity under subsection (d)(2)(ii)1 or 2 of  
23 this section to a person who currently resides and has resided for at least 5 years on  
24 an island in the State that is at least 3 miles from the mainland.

25 (2) The Department shall set by regulation targets for the number of  
26 tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the  
27 number issued between September 1, 1998 and March 31, 1999. The Department may  
28 modify by regulation the target number of authorizations based on:

29 (i) Recommendations of the Tidal Fisheries Advisory Commission;

30 (ii) Recommendations of fishery management plans adopted by the  
31 Department, the Chesapeake Bay Program, the Atlantic States Marine Fisheries  
32 Commission, the Mid-Atlantic Fisheries Management Council, or any other  
33 appropriate management body;

34 (iii) The number of people historically participating;

35 (iv) Target species, size, number, weight, incidental catch, total  
36 biomass, annual harvest, mortality rates, and other factors which are necessary and  
37 appropriate; and

1 (v) The number of authorizations relinquished to the Department  
2 under subsection (j-1) of this section.

3 (3) (i) The Department shall by regulation limit the total number of  
4 authorizations to fish for striped bass to 1,231 participants in the commercial fishery  
5 and 499 participants in the charter boat fishery.

6 (ii) The Department shall provide in its regulations for reallocation  
7 of any authorizations that may be revoked or voluntarily relinquished to the  
8 Department.

9 (iii) The Department shall provide in its regulations for the  
10 allocation of any available quota on a monthly basis to assure that all areas of the  
11 State have ample opportunity to attain an equitable portion of the available quota.

12 (h) The Department shall issue a license authorizing participation in a  
13 particular fishing activity to a person who has completed the requirements of an  
14 apprenticeship under § 4-701.1 of this subtitle.

15 (i) (1) A license or authorization may be transferred only under the  
16 provisions of this subsection.

17 (2) The Department shall review and may approve the permanent  
18 transfer of a license or an authorization to a person who is the licensee's spouse,  
19 daughter, son, stepchild, grandchild, step grandchild, parent, sister, brother,  
20 grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law,  
21 sister-in-law, or brother-in-law, and only:

22 (i) If the licensee makes application to the Department requesting  
23 transfer and the transferee has paid the fee for the license or authorization; or

24 (ii) Upon death of the licensee, if the licensee or an authorized  
25 representative of the licensee indicates or had indicated that person's name to the  
26 Department.

27 (3) (i) The Department may approve a temporary transfer for not less  
28 than 30 days and not more than 90 days.

29 (ii) A person may not transfer a license in exchange for any type of  
30 remuneration.

31 (4) (i) The Department shall establish by regulation a procedure for a  
32 licensee, except a fishing guide licensee or a master fishing guide licensee, to  
33 voluntarily register the licensee's commercial fishing vessel number on the face of the  
34 license.

35 (ii) If a licensee has voluntarily registered the vessel number on the  
36 license under subparagraph (i) of this paragraph, the licensee may allow another  
37 person to use the vessel for the commercial activities authorized on the license.

1 (iii) If a licensee allows another person to utilize a vessel under  
2 subparagraph (ii) of this paragraph, for purposes of the license suspension criteria in  
3 subsection (k) of this section, the licensee shall be held responsible for any violations  
4 committed by the person using the vessel.

5 (5) (i) This paragraph applies only to:

6 1. A licensee who has held a valid tidal fish license in each of  
7 the three immediately preceding seasons; or

8 2. An authorized representative of a deceased licensee  
9 regardless of the number of seasons the deceased licensee held a valid tidal fish  
10 license.

11 (ii) The Department shall review and may approve a permanent  
12 transfer of a license or authorization under this paragraph to a person who has:

13 1. A. Purchased a vessel used for commercial fishing from  
14 the license holder; or

15 B. Purchased equipment and assets with a minimum value of  
16 \$2,000 and the commercial fishing business from the license holder;

17 2. Been a crew member for at least 2 years in any commercial  
18 fishery as certified by three tidal fish licensees;

19 3. Paid the fee for the license or authorization; and

20 4. Provided a notarized bill of sale.

21 (j) (1) Notwithstanding the qualification criteria for a license and  
22 authorization to engage in an activity under this section, licensees may renew any  
23 valid existing authorizations on their licenses annually.

24 (2) (i) Application to renew a tidal fish license shall be made not later  
25 than August 31, or the next business day in the instance that the Department is not  
26 open, for the following license year.

27 (ii) The Department may not accept application for renewal after  
28 that date, as stated in subparagraph (i) of this paragraph unless:

29 1. Application is made by March 31, or the next business day  
30 in the instance that the Department is not open, of the following license year;

31 2. The applicant shows good cause why application was not  
32 made by August 31 of the previous license year; and

33 3. A late fee of \$50 is paid by the applicant in addition to the  
34 license fee.

1 (j-1) (1) At the time of license renewal, a licensee who possesses three or more  
2 authorizations under subsections (d)(2)(ii)1 and [(d)(2)(ii)2A] 2A through E of this  
3 section, one of which is a crabbing authorization, may relinquish each authorization  
4 and receive an authorization under subsection (d)(2)(ii)2F of this section.

5 (2) The Department shall adjust the number of authorizations under  
6 subsection (d)(2)(ii) of this section to reflect the number of license conversions under  
7 paragraph (1) of this subsection.

8 (k) (1) In addition to any other penalty provided in this title, the  
9 Department may suspend [for a period of not less than 10 days nor more than 365  
10 days] OR REVOKE a person's entitlement to engage in a particular activity or  
11 activities under a tidal fish license.

12 (2) During a period of suspension OR REVOCATION imposed by the  
13 Department, the person penalized is not and shall not be authorized under any  
14 existing, renewed, TRANSFERRED, or new tidal fish license to engage in the particular  
15 activity or activities for which the suspension is imposed.

16 (3) The following are grounds for suspension OF A TIDAL FISH LICENSE  
17 OR AN AUTHORIZATION under this section:

18 (i) Making any false statement in an application for a tidal fish  
19 license;

20 (ii) Conviction of a person for violations under this title so often as  
21 to indicate an intent to disregard the fish and fisheries laws of the State, provided  
22 that proceedings for [revocation] SUSPENSION on this ground are based on no fewer  
23 than:

24 1. 3 convictions for violations occurring on separate days  
25 within any [365-day] 2-YEAR period, of provisions under any one subtitle of this  
26 title; or

27 2. 5 convictions for violations occurring on separate days  
28 within any [365-day] 2-YEAR period, of any provisions under this title;

29 (iii) Failure to submit reports required by the provisions of this title  
30 or by the Department pursuant to provisions of this title; or

31 (iv) Failure for a nonresident of the State to appear in court  
32 pursuant to a citation issued by a Natural Resources police officer, or to any other  
33 process issued by any court of Maryland, for violation of this title.

34 (4) The following are grounds for revocation of a tidal fish license OR AN  
35 AUTHORIZATION:

36 (i) Submitting a false report required by the provisions of this title  
37 or by the Department pursuant to the provisions of this title; [or]

1 (ii) Suspension FOR A MINIMUM OF 6 MONTHS of the person's tidal  
2 fish license OR AUTHORIZATION under paragraph [(1)] (3) of this subsection ~~more~~  
3 ~~than~~ [once] ~~TWICE~~ AT LEAST 3 TIMES in any [24-month] 6-YEAR period.

4 (5) A PENALTY IMPOSED IN ACCORDANCE WITH THIS SUBTITLE SHALL  
5 BE IN ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER § 4-1201 OF THIS  
6 TITLE REGARDING STRIPED BASS.

7 [(5)] (6) [For purposes of suspensions under subparagraph (ii) of  
8 paragraph (3) of this subsection, the] THE Department shall adopt [as part of its  
9 procedural] regulations RELATING TO THE SUSPENSION AND REVOCATION OF  
10 LICENSES AND AUTHORIZATIONS ISSUED UNDER THIS TITLE, INCLUDING:

11 (i) A schedule of points assigned to various offenses under this  
12 title; [and]

13 (ii) A schedule of the maximum number of days that a license may  
14 be suspended according to the number of points accumulated; AND

15 (III) SUSPENSION OR REVOCATION OF A LICENSE OR  
16 AUTHORIZATION OR CONVICTION OF AN OFFENSE UNDER THIS TITLE.

17 [(6)] (7) The Department shall initiate any proceeding to suspend a tidal  
18 fish license under this section not later than 6 months after the time for filing an  
19 appeal of the 3rd conviction under paragraph (3)(i)1 of this subsection has passed or  
20 the time for filing an appeal of the 5th conviction under paragraph (3)(i)2 of this  
21 subsection has passed.

22 [(7)] (8) Before the suspension OR REVOCATION of a tidal fish license  
23 under this section, the Department shall hold a hearing upon not less than 10 days'  
24 notice to the licensee, except that upon the failure of a nonresident of the State to  
25 appear in a court of this State as required by any charging document accusing the  
26 person of committing any offense under this title, in addition to any other appropriate  
27 action taken by the court or the Department, the Department may suspend  
28 immediately and without hearing any license issued to the person under this title.

29 (l) A licensee or any person to whom a licensee has transferred a license under  
30 subsection (i) of this section shall have in possession the tidal fish license and any  
31 valid application to transfer the commercial tidal fish license approved by the  
32 Department for a temporary transfer whenever engaged in any licensed activity. The  
33 licensee or any person to whom a licensee has transferred a license under subsection  
34 (i) of this section shall allow any police officer to inspect the license and any  
35 applicable application to transfer the commercial tidal fish license approved by the  
36 Department for a temporary transfer, to conduct searches as authorized in Subtitle 12  
37 of this title, and to inspect books, statements, and accounts as authorized in §  
38 4-206(b) of this title.

39 (m) The Department shall assign a permanent identification number to each  
40 licensee. A licensee shall display the identification number on every vessel, vehicle,  
41 gear, or place of business, as the Department may require by regulation.



1 (n) The Department shall:

2 (1) Deposit to the credit of the Fisheries Research and Development  
3 Fund all fees received for tidal fish licenses and apprenticeship permits; and

4 (2) Use the funds received from the sale of licenses to catch striped bass  
5 for enforcement purposes during the open season for catching striped bass.

6 (o) (1) This subsection applies only to a person who, on April 1, 1997:

7 (i) Held a valid fishing guide license; and

8 (ii) Either:

9 1. Owned two or more vessels used to carry passengers for  
10 fishing;

11 2. Owned or operated a federally licensed vessel of 50 tons or  
12 more that was used to carry passengers for fishing; or

13 3. Owned or operated a marina from which 10 or more  
14 vessels operate to carry passengers for fishing.

15 (2) A person who meets the requirements of paragraph (1) of this  
16 subsection may obtain an annual master fishing guide license by:

17 (i) Filing an application on a form provided by the Department;

18 (ii) Supplying with the application proofs of ownership of the  
19 required vessels; and

20 (iii) Paying the master fishing guide license fee set forth in [§  
21 4-701(d)(2)(ii)1] SUBSECTION(D)(2)(II)1 of this [title] SECTION.

22 (3) A person holding a master fishing guide license may:

23 (i) Employ other persons to guide fishing parties on vessels owned  
24 by the master fishing guide; and

25 (ii) Allow a person who holds a valid Coast Guard license to operate  
26 a vessel to carry passengers for fishing from the marina owned or operated by the  
27 master guide license holder authorized under paragraph (1)(ii)3 of this subsection as  
28 follows:

29 1. One person for 10 vessels;

30 2. Two persons for 11 to 20 vessels;

31 3. Three persons for 21 to 30 vessels;

32 4. Four persons for 31 to 40 vessels;

1 5. Five persons for 41 to 50 vessels; and

2 6. Six persons for 51 or more vessels.

3 (4) (i) The Department shall issue a number of copies of the master  
4 fishing guide license corresponding to the number of vessels owned or operated by the  
5 master fishing guide, with each copy bearing the registration number of one of the  
6 vessels.

7 (ii) The master fishing guide shall ensure that when a vessel is  
8 operated, the appropriate copy of the license is on board.

9 (5) If a master fishing guide employs another person to operate a vessel  
10 to carry passengers for fishing, for purposes of the license suspension criteria in  
11 subsection (k) of this section, the master fishing guide shall be held responsible for  
12 any violations committed by the person employed to operate the vessel.

13 (p) A commercial crabbing license shall identify either Sunday or Monday as  
14 the day on which the person who holds the license may not crab for commercial  
15 purposes.

16 4-745.

17 (a) (1) Except as provided in subsections (c) and (d) of this section, a person  
18 may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal  
19 boundaries without first obtaining a Chesapeake Bay sport fishing license.

20 (2) The license may be obtained from the Department or from any  
21 authorized agent of the Department. The following annual license fees shall apply:

22 (i) Resident..... \$9

23 (ii) [Short term] SHORT-TERM license valid for 5 consecutive days  
24 from date of issue ..... \$6

25 (iii) Nonresident ..... \$14

26 (iv) Resident and nonresident blind persons ..... No fee

27 (3) Except for a license issued under subsection (d) of this section, every  
28 Chesapeake Bay sport fishing license shall be valid for not more than 1 year and shall  
29 expire on December 31.

30 (b) (1) The Department may designate a person engaged in a commercial  
31 enterprise to sell the Chesapeake Bay sport fishing license as an agent under the  
32 Department's control and supervision.

33 (2) As compensation, the agent shall retain \$1 for each license issued.

34 (3) The Chesapeake Bay sport fishing license shall be furnished to an  
35 agent upon satisfactory payment or upon consignment and only if the Department is

1 given adequate security to insure ultimate payment by an agent to the Department  
2 for the licenses.

3 (4) (i) Except as provided in subparagraph (ii) of this paragraph, all  
4 fees collected on behalf of the Department pursuant to this section shall be remitted  
5 to the Department in accordance with its rules and regulations for deposit with the  
6 State Treasurer to the credit of the Fisheries Research and Development Fund to be  
7 used for the replenishment, protection, and conservation of fish stocks caught by  
8 recreational fishermen, for enhancement of recreational fishing opportunities, and for  
9 research concerning tidal fishery resources. The Department shall publicly report  
10 annually the amounts collected and the expenditures.

11 (ii) In fiscal year 1999 and in each subsequent fiscal year, the  
12 Department, for the purposes set forth in subparagraph (iii) of this paragraph, shall  
13 use:

14 1. \$2 from the sale of each license under subsection (a) of this  
15 section;

16 2. \$20 from the sale of each license under subsection (d)(2) of  
17 this section; and

18 3. \$225 of the special charter boat license under subsection  
19 (d)(1) of this section.

20 (iii) The Department shall use the moneys specified in  
21 subparagraph (ii) of this paragraph for:

22 1. Achieving the maximum federal fund apportionments;

23 2. Management assessment and sportfishing surveys; and

24 3. Angler outreach and public fishing information.

25 (5) In the preparation of plans for the expenditure of license receipts, the  
26 Secretary annually shall solicit the advice and opinions of the Department's Sport  
27 Fisheries Advisory Commission, representative fishing and boating associations, and  
28 other interested parties.

29 (c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries  
30 without a Chesapeake Bay sport fishing license if the person:

31 (1) Is under the age of 16;

32 (2) Possesses a valid commercial license;

33 (3) Is fishing from private real property as an owner, family member of  
34 an owner, or nonpaying guest of an owner;

35 (4) Is fishing with a hook and line from a public bridge or public pier  
36 which has been designated by the Department as a free fishing area;

1 (5) Holds a valid tidal water sport fishing license issued by the State of  
2 Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that  
3 this exemption shall not take effect until the Secretary has published notice in the  
4 Maryland Register of the Secretary's determination that the Virginia, Potomac River  
5 Fisheries Commission, or District of Columbia requirements for a tidal water sport  
6 fishing license are substantially similar to and reciprocal with the Chesapeake Bay  
7 sport fishing license requirements of this section;

8 (6) Is fishing pursuant to any special license issued under subsection (d)  
9 of this section;

10 (7) (i) Is on active duty with the armed forces of the United States;

11 (ii) Is a resident of this State;

12 (iii) Is on leave from the armed forces; and

13 (iv) Has, while fishing, a copy of the person's official leave orders;

14 (8) Fishes on a free fishing day designated by the Secretary; or

15 (9) Holds a current resident consolidated senior sport fishing license  
16 issued under § 4-216 of this title.

17 (d) (1) The Department may provide by regulation for issuance of a special  
18 charter boat license that would be valid for all individuals on a charter boat operated  
19 by a licensed fishing guide. The fee shall be:

20 (i) For 6 fishermen or less ..... \$240.

21 (ii) For 7 or more fishermen ..... \$290.

22 (2) (i) The Department may provide by regulation for issuance of an  
23 annual special Chesapeake Bay sport fishing license, which when permanently  
24 affixed to a boat registered in any state shall authorize any person on the boat to fish  
25 for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries, except  
26 that such a license may not be used on a boat which has been hired to take such  
27 persons fishing.

28 (ii) The annual fee for this special license shall be \$40.

29 (iii) If a boat owner purchases the special license under this  
30 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the  
31 boat owner is fishing in the owner's boat, in another person's boat, on land, or  
32 elsewhere. The Department shall issue a complimentary Chesapeake Bay sport  
33 fishing license to the boat owner who purchases a special license under this  
34 paragraph. If a boat to which the special license is affixed has more than one owner,  
35 then only the individual applicant who signs the application for the special license  
36 shall be entitled to a complimentary Chesapeake Bay sport fishing license under this  
37 paragraph.

1 (E) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED ~~IN THIS SUBTITLE~~  
2 UNDER THIS TITLE, THE DEPARTMENT MAY SUSPEND A PERSON'S ENTITLEMENT TO  
3 ENGAGE IN A PARTICULAR ACTIVITY OR ACTIVITIES LICENSED OR PERMITTED  
4 UNDER THIS SECTION.

5 (2) DURING A PERIOD OF SUSPENSION IMPOSED BY THE DEPARTMENT,  
6 THE PERSON WHOSE LICENSE HAS BEEN SUSPENDED MAY NOT ENGAGE IN AN  
7 ACTIVITY FOR WHICH THE LICENSE SUSPENSION IS IMPOSED.

8 (3) THE FOLLOWING ARE GROUNDS FOR SUSPENSION OF A LICENSE  
9 ISSUED UNDER THIS SECTION:

10 (I) MAKING A FALSE STATEMENT IN AN APPLICATION;

11 (II) THREE CONVICTIONS FOR VIOLATIONS OCCURRING ON  
12 SEPARATE DAYS WITHIN ANY 3-YEAR PERIOD OF PROVISIONS UNDER THIS TITLE;

13 (III) FAILURE TO SUBMIT A REPORT REQUIRED UNDER THIS TITLE  
14 OR BY REGULATION; OR

15 (IV) FAILURE OF A NONRESIDENT OF THE STATE TO APPEAR IN  
16 COURT PURSUANT TO A CITATION ISSUED BY A NATURAL RESOURCES POLICE  
17 OFFICER, OR TO ANY OTHER PROCESS ISSUED BY ANY COURT OF MARYLAND, FOR  
18 VIOLATION OF THIS TITLE.

19 (4) A PENALTY IMPOSED IN ACCORDANCE WITH THIS SECTION IS IN  
20 ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER § 4-1201 OF THIS TITLE  
21 REGARDING STRIPED BASS.

22 (5) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE:

23 (I) A SCHEDULE OF POINTS ASSIGNED TO VARIOUS OFFENSES  
24 UNDER THIS TITLE;

25 (II) A SCHEDULE OF THE MAXIMUM NUMBER OF DAYS THAT A  
26 LICENSE MAY BE SUSPENDED ACCORDING TO THE NUMBER OF POINTS  
27 ACCUMULATED; AND

28 (III) FOR SUSPENSION OF A LICENSE FOR CONVICTION OF AN  
29 OFFENSE UNDER THIS TITLE.

30 (6) THE DEPARTMENT SHALL INITIATE ANY PROCEEDING TO SUSPEND A  
31 LICENSE UNDER THIS SECTION NOT LATER THAN 6 MONTHS AFTER THE TIME FOR  
32 FILING AN APPEAL OF THE THIRD CONVICTION UNDER PARAGRAPH (3)(II) OF THIS  
33 SUBSECTION HAS PASSED.

34 (7) BEFORE THE SUSPENSION OF A LICENSE UNDER THIS SECTION, THE  
35 DEPARTMENT SHALL HOLD A HEARING ON NOT LESS THAN 10 DAYS' NOTICE TO THE  
36 LICENSEE, EXCEPT THAT ON THE FAILURE OF A NONRESIDENT OF THE STATE TO  
37 APPEAR IN A COURT OF THIS STATE AS REQUIRED BY ANY CHARGING DOCUMENT

1 ACCUSING THE PERSON OF COMMITTING ANY OFFENSE UNDER THIS SUBTITLE, IN  
2 ADDITION TO ANY OTHER APPROPRIATE ACTION TAKEN BY THE COURT OR THE  
3 DEPARTMENT, THE DEPARTMENT MAY SUSPEND IMMEDIATELY AND WITHOUT  
4 HEARING ANY LICENSE ISSUED TO THE PERSON UNDER THIS TITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with the  
6 recommendations made on July 22, 2003, by the joint workgroup created by the Tidal  
7 Fish Advisory Commission and the Sport Fish Advisory Commission, the Department  
8 shall adopt regulations relating to the suspension and revocation of licenses and the  
9 assignment of points for specific fishery offenses ~~in accordance with the~~  
10 ~~recommendations made by the workgroup created by the Tidal Fish Advisory~~  
11 ~~Commission and the Sport Fish Advisory Commission.~~

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
13 effect October 1, 2004.