

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 50 (Chairman, Education, Health, and Environmental Affairs Committee)
(By Request – Departmental – Natural Resources)

Education, Health, and Environmental Affairs

Environmental Matters

Natural Resources - Fishing Licenses and Authorizations - Suspension and Revocation

This departmental bill modifies the authority of the Department of Natural Resources (DNR) to suspend or revoke a person's fishing license or authorization. Specifically, the bill repeals the minimum and maximum time periods for suspension of a commercial tidal fish license (TFL); modifies the criteria for suspension and revocation of a TFL or authorization; requires DNR to adopt regulations providing for suspension or revocation of a TFL or authorization for conviction of an offense under the Fish and Fisheries Title; and establishes provisions authorizing DNR to suspend recreational fishing licenses. DNR must adopt regulations relating to the suspension and revocation of licenses and the assignment of points for specific fishery offenses in accordance with specified recommendations made by the workgroup created by the Tidal Fish Advisory Commission and the Sport Fish Advisory Commission.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: The bill is not expected to materially affect local operations or finances.

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

Analysis

Bill Summary: The bill's changes to current law regarding the suspension and revocation of TFLs are shown in **Exhibit 1**.

Exhibit 1

Changes Regarding Suspension and Revocation of Tidal Fish Licenses Under SB 50

<u>Provision</u>	<u>Current Law</u>	<u>SB 50</u>
Minimum/maximum period of suspension of a TFL or authorization	Minimum: 10 days Maximum: 365 days	No defined period specified (to be specified in regulation)
Grounds for suspension of a TFL or authorization	Making any false statement in an application for a TFL Conviction for violations so often as to indicate an intent to disregard the laws, provided that proceedings are based on no fewer than 3 convictions for violations occurring on separate days within any 365-day period , of provisions under any one subtitle of the Fish and Fisheries Title; or 5 convictions for violations occurring on separate days within any 365-day period , of any provisions under the Fish and Fisheries Title	Same Conviction for violations so often as to indicate an intent to disregard the laws, provided that proceedings are based on no fewer than 3 convictions for violations occurring on separate days within any 2-year period , of provisions under any one subtitle of the Fish and Fisheries Title; or 5 convictions for violations occurring on separate days within any 2-year period , of any provisions under the Fish and Fisheries Title
	Failure to submit required reports	Same
	Failure for a nonresident to appear in court pursuant to a citation issued	Same
Grounds for revocation of a TFL or authorization	Submitting a false report	Same

<u>Provision</u>	<u>Current Law</u>	<u>SB 50</u>
	Suspension of a TFL more than once in any 24-month period	Suspension for a minimum of 6 months of a TFL or authorization at least 3 times in any 6-year period
DNR’s regulations must include	A schedule of points assigned to various offenses	Same
	A schedule of the maximum number of days that a license may be suspended according to the number of points accumulated	Same
		Suspension or revocation of a license or authorization for conviction of an offense under the Fish and Fisheries Title
		Regulations adopted relating to the suspension of licenses for specific offenses must be in accordance with the recommendations made by the workgroup created by the Tidal Fish Advisory Commission and the Sport Fish Advisory Commission (uncodified language)
Requirement to hold hearings, in general	Prior to suspension	Prior to suspension or revocation

With respect to recreational fishing licenses, the bill provides that, in addition to any other penalty provided, DNR may suspend a person’s entitlement to engage in a particular activity or activities licensed or permitted under the provisions of law governing Chesapeake Bay sport fishing licenses. The bill establishes grounds for suspension and requires DNR to adopt regulations that provide: (1) a schedule of points assigned to various offenses; (2) a schedule of the maximum number of days that a license may be suspended according to the number of points accumulated; and (3) for suspension of a license for conviction of an offense under the Fish and Fisheries Title.

The bill establishes a deadline by which DNR must initiate a proceeding to suspend a Chesapeake Bay sport fishing license and requires DNR to hold a hearing prior to suspension, except under specified conditions.

The bill also provides that the penalties imposed under provisions of law governing TFLs and Chesapeake Bay sport fishing licenses shall be in addition to other specified penalties regarding striped bass.

Current Law: Current law regarding suspension and revocation of TFLs is shown above in Exhibit 1. DNR is not authorized to suspend a person's entitlement to engage in a particular activity or activities licensed or permitted under the provisions of law governing Chesapeake Bay sport fishing licenses. The general penalties applicable to violations of the Fish and Fisheries Title include misdemeanor penalties, search and seizure, and suspension and revocation of licenses by the court.

Background: According to DNR, the current criteria for suspension and revocation of commercial fishing licenses do not reflect the current conservation and management priorities of the recreational and commercial fishing communities or DNR. A workgroup created by two of DNR's advisory commissions (the Tidal Fish Advisory Commission and the Sport Fish Advisory Commission) identified a new range of conservation violations that deserve more significant deterrent penalties upon conviction. This bill is a direct result of the workgroup's recommendations.

Additional Information

Prior Introductions: Departmental legislation that would have amended DNR's authority to suspend or revoke a person's fishing license or authorization was introduced as HB 94 of 2002. The bill passed the House with amendments and passed the Senate on second reading with amendments but was recommitted to the Senate Education, Health, and Environmental Affairs Committee.

Cross File: None.

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

Fiscal Note History: First Reader - January 22, 2004
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Analysis by: Lesley Cook

Direct Inquiries to:
(410) 946-5510
(301) 970-5510