

# HOUSE BILL 1355

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By: **Delegates Lafferty and Morhaim**

Introduced and read first time: February 19, 2009

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Tidal Fish Licenses and Authorizations – Enforcement**

3 FOR the purpose of altering the grounds for suspension or revocation of a certain tidal  
4 fish license or authorization; requiring the Department of Natural Resources to  
5 adopt certain regulations on or before a certain date that include enhanced  
6 penalties for certain violations; and generally relating to tidal fish licenses and  
7 authorizations.

8 BY repealing and reenacting, without amendments,  
9 Article – Natural Resources  
10 Section 4–701(a) and (b)(1)  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Natural Resources  
15 Section 4–701(l)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article – Natural Resources**

21 4–701.

22 (a) This section applies to any person who is required under Subtitle  
23 2, 7, 8, 9, or 10 of this title to be licensed to guide fishing parties or to catch, sell, buy,  
24 process, transport, export, or otherwise deal in fish caught in tidal waters.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (1) (1) In addition to any other penalty provided in this title, the  
4 Department may suspend or revoke a person's entitlement to engage in a particular  
5 activity or activities under a tidal fish license.

6 (2) During a period of suspension or revocation imposed by the  
7 Department, the person penalized is not and shall not be authorized under any  
8 existing, renewed, transferred, or new tidal fish license to engage in the particular  
9 activity or activities for which the suspension is imposed.

10 (3) The following are grounds for suspension **OR REVOCATION** of a  
11 tidal fish license or an authorization under this section:

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

14 (ii) Conviction of a person for [violations] **A VIOLATION** under  
15 this title [so often as to indicate an intent to disregard the fish and fisheries laws of  
16 the State, provided that proceedings for suspension on this ground are based on no  
17 fewer than:

18 1. 3 convictions for violations occurring on separate days  
19 within any 2-year period, of provisions under any one subtitle of this title; or

20 2. 5 convictions for violations occurring on separate days  
21 within any 2-year period, of any provisions under this title];

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

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

27 [(4) The following are grounds for revocation of a tidal fish license or an  
28 authorization:

29 (i) Submitting a false report required by the provisions of this  
30 title or by the Department pursuant to the provisions of this title;

31 (ii) Suspension for a minimum of 6 months of the person's tidal  
32 fish license or authorization under paragraph (3) of this subsection at least 3 times in  
33 any 6-year period.]

1            [(5)] (4)     A penalty imposed in accordance with this subtitle shall be  
2 in addition to any other penalty authorized under § 4-1201 of this title regarding  
3 striped bass.

4            [(6)] (5)     The Department shall adopt regulations relating to the  
5 suspension and revocation of licenses and authorizations issued under this title,  
6 including **ENHANCED PENALTIES FOR:**

7                        [(i)    A schedule of points assigned to various offenses under this  
8 title;

9                        [(ii)   A schedule of the maximum number of days that a license  
10 may be suspended according to the number of points accumulated; and

11                       [(iii)   Suspension or revocation of a license or authorization or  
12 conviction of an offense under this title.]

13                        **(I)    REPEATED VIOLATIONS OF THIS TITLE; AND**

14                        **(II)   VIOLATIONS OF PROVISIONS OF THIS TITLE THAT**  
15 **REGULATE SPECIES DEEMED BY THE DEPARTMENT TO BE IN NEED OF SPECIAL**  
16 **PROTECTION, INCLUDING STRIPED BASS, CRABS, OYSTERS, AND MENHADEN.**

17            [(7)] (6)     The Department shall initiate any proceeding to suspend a  
18 tidal 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)(ii)1 of this subsection has passed or  
20 the time for filing an appeal of the 5th conviction under paragraph (3)(ii)2 of this  
21 subsection has passed.

22            [(8)] (7)     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            SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,  
30 2010, the Department of Natural Resources shall adopt regulations relating to the  
31 suspension and revocation of licenses and authorizations issued under Title 4, Subtitle  
32 7 of the Natural Resources Article.

33            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2009.