

## CHAPTER 453

(House Bill 1355)

AN ACT concerning

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

FOR the purpose of altering the grounds for suspension or revocation of a certain tidal fish license or authorization; requiring the Department of Natural Resources to adopt certain regulations on or before a certain date that include enhanced penalties for certain violations; requiring the Department to adopt certain regulations in consultation with certain entities; repealing a requirement that the Department initiate certain proceedings to suspend a tidal fish license not later than a certain time; and generally relating to tidal fish licenses and authorizations.

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

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

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

#### **Article – Natural Resources**

4–701.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(6)]~~ **(5)** The Department, IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION, shall adopt regulations relating to the suspension and revocation of licenses and authorizations issued under this title, including ~~ENHANCED PENALTIES FOR~~:

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

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

(iii) Suspension or revocation of a license or authorization or conviction of an offense under this ~~title.~~ TITLE;~~]~~

~~[(IV)]~~ **(IV)** REPEATED ENHANCED PENALTIES FOR REPEATED VIOLATIONS OF THIS TITLE; AND

~~[(V)]~~ **(V)** VIOLATIONS ENHANCED PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS TITLE THAT REGULATE SPECIES DEEMED BY THE DEPARTMENT TO BE IN NEED OF SPECIAL PROTECTION, INCLUDING STRIPED BASS, CRABS, OYSTERS, AND MENHADEN.

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

~~[(8)]~~ ~~(7)~~ **(6)** Before the suspension or revocation of a tidal fish license under this section, the Department shall hold a hearing upon not less than 10 days' notice to the licensee, except that upon the failure of a nonresident of the State to appear in a court of this State as required by any charging document accusing the person of committing any offense under this title, in addition to any other appropriate action taken by the court or the Department, the Department may suspend immediately and without hearing any license issued to the person under this title.

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

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

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MARTIN O'MALLEY, Governor

**Approved by the Governor, May 7, 2009.**