

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

Senate Bill 164

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Natural  
Resources)

Education, Health, and Environmental Affairs

Environmental Matters

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**Natural Resources - Recreational Fishing Licenses - Penalties**

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This departmental bill alters the authority of the Secretary of Natural Resources to revoke or suspend recreational fishing licenses, making the Secretary's authority consistent with respect to both tidal and nontidal recreational fishing licenses.

The bill takes effect July 1, 2009.

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**Fiscal Summary**

**State Effect:** The bill does not substantively change State activities or operations.

**Local Effect:** None.

**Small Business Effect:** The Department of Natural Resources (DNR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Bill Summary:** In addition to any other applicable penalty, the Secretary of Natural Resources may revoke or suspend any recreational fishing license and may adopt regulations listing criteria for a suspension of a person's entitlement to engage in an activity or activities licensed or permitted under State fish and fisheries law. The bill also lists specified grounds for immediate suspension of a license.

The bill specifies when a proceeding to suspend a license must be initiated, and DNR generally must hold a hearing prior to the suspension of a license – on not less than 10 days’ notice to the licensee. The department, however, may immediately suspend a nonresident’s license without a hearing if a nonresident fails to appear in court regarding specified offenses.

The bill repeals related existing suspension provisions specifically applicable to tidal and nontidal licenses.

**Current Law:** A person’s angler’s (fishing by hook and line) license is subject to suspension if the person is convicted a second or subsequent time within a 12-month period for a violation of DNR rules and regulations relating to catching, possessing, purchasing, transporting, or exporting fish from nontidal waters.

DNR may suspend a Chesapeake Bay sport fishing license (authorizing fishing in tidal waters) and other related entitlements allowing fishing in tidal waters. Additional provisions relating to such suspensions are similar to those included in the bill with respect to suspension of a recreational fishing license (*e.g.*, specifying grounds for suspension, when a proceeding to suspend a license must be initiated, and regulations that must be adopted; requiring a hearing prior to suspension, on not less than 10 days’ notice to the licensee; and allowing for immediate suspension without a hearing of a license of a nonresident who fails to appear in court).

**Background:** The bill implements a recommendation of the Task Force on Fishery Management, which was created under Chapter 217 of 2007. The task force is charged with overseeing a full review of current fishery management processes and developing legislative and other recommendations for methods to improve, modernize, and streamline fishery management.

As part of its review, the task force reviewed the State’s fisheries laws and regulations, focusing on areas in which the laws and regulations could be clarified, modernized, and streamlined. One of the task force’s findings was that guidelines in the law for recreational license suspensions differed for nontidal and tidal recreational licenses. The task force’s Legal Work Group indicated that, under its current authority, DNR is unable to streamline and clarify a process for suspending recreational fishing licenses and as a result, has very rarely suspended recreational licenses.

The task force recommended in its December 1, 2008 report that DNR propose legislation that would give the department uniform authority to revoke a person’s recreational fishing entitlement for violating laws in tidal and nontidal waters and to establish criteria for license suspension by regulation.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 13, 2009  
ncs/ljm

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Natural Resources – Recreational Fishing Licenses – Penalties

BILL NUMBER: SB 164

PREPARED BY: Department of Natural Resources

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

☒ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESS

OR

☐ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND  
SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.