

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1355

(Delegates Lafferty and Morhaim)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Tidal Fish Licenses and Authorizations - Enforcement

This bill repeals existing specified grounds for revocation of a tidal fish license or authorization and makes existing specified grounds for suspension of a tidal fish license or authorization also grounds for revocation. The bill also amends those grounds to include a conviction for a single violation of State fish and fisheries laws. The Department of Natural Resources (DNR) must adopt regulations relating to enhanced penalties for repeated violations of State fish and fisheries laws and violations of provisions regulating species deemed by DNR to be in need of special protection, including striped bass, crabs, oysters, and menhaden. DNR must consult with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission in adopting those and other regulations relating to the suspension and revocation of licenses and authorizations issued under State fish and fisheries laws. The bill also specifically requires DNR to adopt regulations relating to the suspension and revocation of licenses and authorizations issued in relation to fishing and fisheries in tidal waters, on or before January 1, 2010.

Fiscal Summary

State Effect: General/special fund revenues may increase beginning in FY 2010 due to any enhanced monetary penalties established in regulation by DNR for repeated or other violations specified in the bill.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: In addition to any other penalty under State fish and fisheries laws, DNR may suspend or revoke a person's entitlement to engage in a particular activity or activities under a tidal fish license. Grounds for suspension of a tidal fish license or authorization are:

- making any false statement in an application for a license;
- conviction of a person for violations so often as to indicate an intent to disregard State fish and fisheries laws, based on no fewer than (1) three convictions for violations occurring on separate days within any two-year period, of provisions under any one subtitle of the State fish and fisheries laws; or (2) five convictions for violations occurring on separate days within any two-year period, of any provisions of State fish and fisheries laws;
- failure to submit required reports; or
- failure of a nonresident of the State to appear in court for a violation of State fish and fisheries laws.

Grounds for revocation of a tidal fish license are:

- submitting a false report; or
- suspension for a minimum of six months of a person's tidal fish license or authorization at least three times in any six-year period.

DNR must adopt regulations relating to the suspension and revocation of licenses and authorizations issued, including:

- a schedule of points assigned to various offenses; and
- a schedule of the maximum number of days that a license may be suspended according to the number of points accumulated.

Background: A tidal fishing license is the single, commercial license issued by DNR with respect to fishing and fisheries in tidal waters. A person must obtain authorizations on the license, for which various fees apply, to engage in different types of fishing or commercial activity. The annual fee for an unlimited authorization is \$300. The fee for

catching finfish for sale by hook and line only, as an example of a more specific authorization, is \$37.50. The license year for each tidal fish license is from September 1 through August 31 of the following year.

Maryland operates under a limited entry program for commercial fishing licenses in which a limited number of authorizations are available. A person must complete an apprenticeship program prior to obtaining a license and when authorizations become available, they may be reallocated to persons who have completed the apprenticeship program.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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