

SENATE BILL 635

M2

11r2679

By: **Senator Frosh**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Striped Bass and Crabs – Revocation**

3 FOR the purpose of providing that a certain person who receives a citation for a
4 certain offense related to unlawfully taking striped bass or crabs may have a
5 certain authorization revoked under certain circumstances; requiring the
6 Department of Natural Resources, in consultation with the Tidal Fisheries
7 Advisory Commission and the Sport Fisheries Advisory Commission, to adopt
8 regulations that establish certain grounds for the revocation of a certain
9 authorization, including certain categories of offenses; requiring the
10 Department to hold a certain hearing under certain circumstances in
11 accordance with the Administrative Procedure Act; requiring the Department to
12 revoke a person's authorization to catch striped bass or crabs under certain
13 circumstances; authorizing certain aggrieved persons to obtain judicial review of
14 a certain decision; prohibiting a certain person from engaging or working in a
15 certain fishery under certain circumstances; and generally relating to
16 unlawfully taking striped bass or crabs and authorization revocation.

17 BY adding to

18 Article – Natural Resources

19 Section 4–1210

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2010 Supplement)

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

24 **Article – Natural Resources**

25 **4–1210.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN ADDITION TO ANY OTHER PENALTY OR FINE PROVIDED IN**
2 **THIS TITLE, A PERSON WHO IS AUTHORIZED TO CATCH STRIPED BASS OR CRABS**
3 **UNDER § 4-701 OF THIS TITLE AND WHO COMMITS AN OFFENSE ESTABLISHED**
4 **UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY HAVE THE AUTHORIZATION**
5 **TO CATCH STRIPED BASS OR CRABS REVOKED IN ACCORDANCE WITH THIS**
6 **SECTION.**

7 **(2) THE DEPARTMENT, IN CONSULTATION WITH THE TIDAL**
8 **FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY**
9 **COMMISSION, SHALL ADOPT REGULATIONS THAT ESTABLISH GROUNDS FOR**
10 **THE REVOCATION OF AN AUTHORIZATION TO CATCH STRIPED BASS OR CRABS**
11 **UNDER § 4-701 OF THIS TITLE, WHICH SHALL INCLUDE OFFENSES IN THE**
12 **FOLLOWING CATEGORIES:**

- 13 **(I) USING ILLEGAL GEAR;**
- 14 **(II) HARVESTING DURING CLOSED SEASONS;**
- 15 **(III) HARVESTING FROM A CLOSED AREA:**
- 16 **(IV) EXCEEDING ESTABLISHED HARVEST, CATCH, OR SIZE**
17 **LIMITS; AND**
- 18 **(V) VIOLATING TAGGING AND REPORTING REQUIREMENTS.**

19 **(B) (1) BEFORE THE REVOCATION OF AN AUTHORIZATION TO CATCH**
20 **STRIPED BASS OR CRABS UNDER THIS SECTION, THE DEPARTMENT SHALL HOLD**
21 **A HEARING ON THE MATTER IN ACCORDANCE WITH THE ADMINISTRATIVE**
22 **PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
23 **ARTICLE.**

24 **(2) AFTER A HEARING IS CONDUCTED UNDER PARAGRAPH (1) OF**
25 **THIS SUBSECTION, IF THE PRESIDING OFFICER FINDS OR CONCLUDES THAT THE**
26 **PERSON HAS COMMITTED AN OFFENSE LISTED UNDER SUBSECTION (A)(2) OF**
27 **THIS SECTION, THE DEPARTMENT SHALL REVOKE THE PERSON'S**
28 **AUTHORIZATION TO CATCH STRIPED BASS OR CRABS.**

29 **(C) A PERSON WHO IS AGGRIEVED BY THE FINAL DECISION OF THE**
30 **DEPARTMENT MAY OBTAIN JUDICIAL REVIEW OF THE DECISION IN**
31 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT UNDER TITLE 10,**
32 **SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

33 **(D) A PERSON WHOSE AUTHORIZATION HAS BEEN REVOKED IN**
34 **ACCORDANCE WITH THIS SECTION MAY NOT ENGAGE OR WORK IN THE FISHERY**

1 FOR WHICH THE AUTHORIZATION WAS REVOKED WHETHER OR NOT IT
2 REQUIRES THE USE OF ANOTHER AUTHORIZATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1,
4 2012, the Department of Natural Resources shall adopt regulations to:

5 (a) establish grounds for revocation of authorizations to catch striped bass
6 and crabs under § 4-701 of the Natural Resources Article; and

7 (b) implement the provisions of Section 1 of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2011.