HOUSE BILL 1488


Introduced and read first time: February 10, 2017
Assigned to: Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Tidal Fish Licenses – Oyster Authorizations – Revocation

FOR the purpose of authorizing, rather than requiring, the Department of Natural Resources to revoke the authorization to catch oysters of a person who the Department finds or concludes has knowingly committed one of certain offenses; authorizing a person whose authorization to catch oysters is revoked under certain provisions of law to apply for reinstatement of the authorization after a certain period of time; making certain technical corrections; and generally relating to revocation of an authorization to catch oysters.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–1210
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

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

Article – Natural Resources

4–1210.

(a) (1) In addition to any other penalty or fine provided in this title, a person who holds [a license] AN AUTHORIZATION to catch oysters under § 4–701 of this title and receives a citation for an offense listed under paragraph (2) of this subsection may have the [license] AUTHORIZATION revoked in accordance with this section.
The following offenses, committed in violation of this title or of any regulation adopted under this title, are grounds for revocation of an authorization to catch oysters under this section:

(i) Taking oysters located more than 200 feet within a closed or prohibited area;

(ii) Taking oysters with gear that is prohibited in that area;

(iii) Taking oysters outside of a time restriction for the harvest of oysters by more than 1 hour;

(iv) Taking oysters during closed seasons; and

(v) Taking oysters from a leased area by a person other than the leaseholder or the leaseholder’s designee.

(b) (1) Within 60 days after a person who holds an authorization to catch oysters under § 4–701 of this title receives a citation for an offense listed under subsection (a) of this section, the Department shall hold a hearing on the matter in accordance with the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(2) After a hearing is conducted under paragraph (1) of this subsection, if the presiding officer finds or concludes that the person knowingly has committed an offense listed under subsection (a)(2) of this section, the Department shall revoke the person’s authorization to catch oysters.

(c) A person who is aggrieved by the final decision of the Department may obtain judicial review of the decision in accordance with the Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

(d) (1) A person whose authorization has been revoked in accordance with this section may not engage or work in the oyster fishery for which the license was revoked whether or not it requires the use of another license while the authorization is revoked.

(2) A person whose authorization to catch oysters is revoked under this section may apply for reinstatement of the authorization at any time after 2 years from the date of revocation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.