

# HOUSE BILL 1498

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By: **Delegates Mautz, Anderton, Arikan, Buckel, Cox, Hornberger, Mangione, McComas, and Otto**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Tidal Fish Licenses – Oyster Authorizations – Revocation**

3 FOR the purpose of prohibiting the Department of Natural Resources from revoking an  
4 authorization to catch oysters unless the Department first holds a certain hearing;  
5 prohibiting the holding of a certain hearing more than a certain number of days after  
6 a certain offense; authorizing, rather than requiring, the Department to revoke a  
7 person's authorization to catch oysters if the Department finds or concludes that the  
8 person has knowingly committed one of certain offenses; authorizing a person whose  
9 authorization to catch oysters is revoked under certain provisions of law to apply for  
10 reinstatement of the authorization after a certain period of time; and generally  
11 relating to revocation of an authorization to catch oysters.

12 BY repealing and reenacting, with amendments,  
13 Article – Natural Resources  
14 Section 4–1210  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Natural Resources**

20 4–1210.

21 (a) (1) In addition to any other penalty or fine provided in this title, a person  
22 who holds an authorization to catch oysters under § 4–701 of this title and receives a  
23 citation for an offense listed under paragraph (2) of this subsection may have the  
24 authorization revoked in accordance with this section.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)    The following offenses, committed in violation of this title or of any  
2 regulation adopted under this title, are grounds for revocation of an authorization to catch  
3 oysters under this section:

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

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

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

9                   (iv)   Taking oysters during closed seasons; and

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

12           (b)    (1)    (i)    [Before the revocation of an authorization to catch oysters under  
13 this section, the Department shall hold] **THE DEPARTMENT MAY NOT REVOKE AN**  
14 **AUTHORIZATION TO CATCH OYSTERS UNDER THIS SECTION UNLESS THE**  
15 **DEPARTMENT FIRST HOLDS** a hearing on the matter in accordance with the  
16 Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

17                   (ii)   A hearing held under subparagraph (i) of this paragraph [shall  
18 be held within] **MAY NOT BE HELD MORE THAN** 90 days after the cited individual commits  
19 the offense listed under subsection (a)(2) of this section.

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

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

27           (d)    **(1)**    A person whose authorization has been revoked in accordance with this  
28 section may not engage or work in the oyster fishery [whether or not it requires the use of  
29 another license] **WHILE THE AUTHORIZATION IS REVOKED.**

30                   **(2)**    **A PERSON WHOSE AUTHORIZATION TO CATCH OYSTERS IS**  
31 **REVOKED UNDER THIS SECTION MAY APPLY FOR REINSTATEMENT OF THE**  
32 **AUTHORIZATION AT ANY TIME AFTER 5 YEARS FROM THE DATE OF REVOCATION.**

33           (e)    On or before December 31 each year, the Department shall report to the  
34 Senate Education, Health, and Environmental Affairs Committee and the House

1 Environment and Transportation Committee, in accordance with § 2–1257 of the State  
2 Government Article, on:

3 (1) The number of citations issued during the previous year for offenses  
4 listed under subsection (a) of this section; and

5 (2) The action taken or penalty imposed by the Department for each  
6 offense.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2020.