

HOUSE BILL 1310

M2
HB 1153/19 – ENT

2lr2675

By: **Delegates Mautz, Adams, Arentz, Buckel, Hornberger, Jacobs, and McComas**
Introduced and read first time: February 11, 2022
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing, rather than requiring, the Department of Natural
4 Resources to revoke a person’s authorization to catch oysters if the Department finds
5 or concludes that the person has knowingly committed one of certain offenses;
6 authorizing a person whose authorization to catch oysters is revoked under certain
7 provisions of law to apply for reinstatement of the authorization after a certain
8 period of time; and generally relating to revocation of an authorization to catch
9 oysters.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–1210
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2021 Supplement)

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

17 **Article – Natural Resources**

18 4–1210.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

6 (iv) Taking oysters during closed seasons; and

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

9 (b) (1) (i) Before the revocation of an authorization to catch oysters under
10 this section, the Department shall hold a hearing on the matter in accordance with the
11 Administrative Procedure Act under Title 10, Subtitle 2 of the State Government Article.

12 (ii) A hearing held under subparagraph (i) of this paragraph shall be
13 held within 90 days after the cited individual commits the offense listed under subsection
14 (a)(2) of this section.

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2022.