

HOUSE BILL 945

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CF SB 637

By: **Delegates Jacobs, Adams, Arentz, Hornberger, Howard, Hutchinson,
McComas, T. Morgan, Otto, and Schmidt**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of authorizing a person whose authorization to catch oysters is revoked
4 under certain provisions of law to apply for reinstatement of the authorization after
5 a certain period of time; requiring the Department of Natural Resources to establish
6 an Oyster Harvester Education Program; requiring an applicant for reinstatement
7 of an oyster authorization to successfully complete the Program; and generally
8 relating to the reinstatement of authorizations to catch oysters.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 4–1210
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2022 Supplement)

14 BY adding to
15 Article – Natural Resources
16 Section 4–1210.1
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2022 Supplement)

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

21 **Article – Natural Resources**

22 4–1210.

23 (a) (1) In addition to any other penalty or fine provided in this title, a person
24 who holds an authorization to catch oysters under § 4–701 of this title and receives a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 citation for an offense listed under paragraph (2) of this subsection may have the
2 authorization revoked in accordance with this section.

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

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

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

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

11 (iv) Taking oysters during closed seasons; and

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

14 (b) (1) (i) Before the revocation of an authorization to catch oysters under
15 this section, the Department shall hold 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 be
18 held within 90 days after the cited individual commits the offense listed under subsection
19 (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 revoke the person's
23 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) 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 **(E) (1) 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.**

1 **(2) THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR**
2 **REINSTATEMENT TO SUCCESSFULLY COMPLETE THE OYSTER HARVESTER**
3 **EDUCATION PROGRAM ESTABLISHED UNDER § 4-1210.1 OF THIS SUBTITLE.**

4 **4-1210.1.**

5 **(A) IN THIS SECTION, “PROGRAM” MEANS THE OYSTER HARVESTER**
6 **EDUCATION PROGRAM.**

7 **(B) THE DEPARTMENT SHALL ESTABLISH AN OYSTER HARVESTER**
8 **EDUCATION PROGRAM TO PROVIDE REHABILITATION TO INDIVIDUALS WHOSE**
9 **AUTHORIZATIONS TO CATCH OYSTERS HAVE BEEN REVOKED UNDER § 4-1210 OF**
10 **THIS SUBTITLE.**

11 **(C) THE DEPARTMENT SHALL DETERMINE THE CONTENTS OF THE**
12 **PROGRAM.**

13 **(D) THE DEPARTMENT MAY CHARGE A REASONABLE FEE, BASED ON THE**
14 **COST OF OPERATING THE PROGRAM, TO INDIVIDUALS WHO PARTICIPATE IN THE**
15 **PROGRAM.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2023.